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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. RIBBLE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 7, 2013.

I hereby appoint the Honorable REID J. RIBBLE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

WHAT WOULD REAGAN DO ABOUT ILLEGAL IMMIGRANTS?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS of Alabama. Mr. Speaker, what would President Ronald Reagan do about illegal immigration?

Mr. Speaker, let me share verbatim with you parts of a 2006 editorial by Ronald Reagan's Attorney General, Edwin Meese, that is instructive:

What would Ronald Reagan do? I can't tell you how many times I have been asked that question, on virtually every issue imaginable.

Immigration is one area where Reagan's principles can guide us, and the lessons are instructive.

President Reagan set out to correct the loss of control at our borders. Border security and enforcement of immigration laws would be greatly strengthened, in particular through sanctions against employers who hired illegal immigrants. If jobs were the attraction for illegal immigrants, then cutting off that option was crucial.

He also agreed with the legislation in adjusting the status of immigrants, even if they had entered illegally, who were law-abiding long-term residents, many of whom had children in the United States.

Illegal immigrants who could establish that they had resided in America continuously for 5 years would be granted temporary resident status, which could be upgraded to permanent residency after another 18 months and, after another 5 years, to citizenship. It wasn't automatic. They had to pay application fees, learn to speak English, understand American civics, pass a medical exam and register for military Selective Service. Those with convictions for a felony or three misdemeanors were ineligible.

The lesson from the 1986 experience is that such an amnesty did not solve the problem. There was extensive document fraud, and the number of people applying for amnesty far exceeded projections. And there was a failure of political will to enforce new laws against employers. After a brief slowdown, illegal immigration returned to high levels and continued unabated, forming the nucleus of today's large population of illegal aliens.

So here we are, having much the same debate and being offered much the same deal.

What would President Reagan do? For one thing, he would not repeat the mistakes of the past, including those of his own administration. He knew that secure borders are vital and would now insist on meeting that priority first. He would seek to strengthen the enforcement of existing immigration laws. He would employ new tools like biometric technology for identification and cameras, sensors and satellites to monitor the border that make enforcement and verification less onerous and more effective.

One idea President Reagan had at the time that we might also try improving on is to create a pilot program that would allow genuinely temporary workers to come to the United States, a reasonable program consistent with security and open to the needs and dynamics of our market economy.

And what about those already here? Today it seems to me that the fair policy, one that will not encourage further illegal immigration, is to give those here illegally the opportunity to correct their status by returning to their country of origin and getting in line with everyone else. This, along with serious enforcement and control of the illegal inflow at the border, a combination of incentives and disincentives, will significantly reduce over time our population of illegal immigrants.

Lastly, we should remember Reagan's commitment to the idea that America must remain open and welcoming to those yearning for freedom. As a Nation based on ideas, Ronald Reagan believed that there was something unique about America and that anyone, from anywhere, could become an American. That means that while we seek to meet the challenge of illegal immigration, we must keep open the door of opportunity by preserving and enhancing our heritage of legal immigration, assuring that those who choose to come here permanently become Americans. In the end, it was his principled policy—and it should be ours—to ''humanely regain control of our borders and thereby preserve the value of one of the most sacred possessions of our people: American citizenship.''

According to Reagan Attorney General Ed Meese, President Ronald Reagan would learn from history and not repeat the 1986 amnesty mistake that created today's illegal alien problem, the very same amnesty that today's President and so many Senators and Congressmen demand.

President Reagan would insist that those who are here illegally must repent and atone for their illegal conduct by returning to their country of origin and getting in line with everyone else.

Mr. Speaker, America's most cherished right is American citizenship. Foreigners whose first action on American soil is illegal conduct are not deserving of that cherished right.

SEQUESTRATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

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Mr. HOYER. Mr. Speaker, I rise once again to call on Congress to replace the dangerous and irrational sequester with a big and balanced deficit solution.

Ten weeks after the dysfunction of this Congress led to the sequester taking effect, our economy and the most vulnerable in our society are continuing to experience its effects. On a macro level, the sequester has added to the uncertainty businesses and markets were already facing, making it even more difficult to plan for the future and discouraging private sector investment and development that creates jobs.

Just this past Wednesday, the Federal Reserve issued a statement that ''fiscal policy is restraining economic growth.''

But the ill-effects of the Republican sequester policy have been most devastating to those who are in the greatest need and rely on Federal assistance. 70,000 children who will be 3 once and 4 once will be kicked out of Head Start. $115 million in subsidies that help low-income parents access child care while they work will be eliminated. Over half a billion dollars is being taken away from children and family service programs. Because of the sequester, our most vulnerable children are at risk of losing their shot at the American Dream.

It's not only our youngest citizens who are being hurt by sequestration. Low-income seniors will see 4 million fewer Meals on Wheels deliveries this year, putting at risk seniors who are sick and homebound.

The National Institutes of Health will have to reduce life-saving medical research, and 600,000 women, infants, and children could be dropped from the U.S. Department of Agriculture's nutrition program. What an extraordinarily perverse version of ''women and children first''—an admonition to save first, not abandon first.

Congress, Mr. Speaker, must act to replace this stupid sequester. I tell people that sequester starts with ''s,'' which stands for stupid. Congress needs to replace it with a big, balanced agreement that every bipartisan commission that has looked at our fiscal challenge has recommended. Restoring financial discipline sets America on a fiscally sustainable path and enables us to invest in education, innovation, and infrastructure that will grow our economy, create jobs and keep millions out of poverty and lift millions of others from poverty.

□ 1010

In order for that to happen, of course, Mr. Speaker, I think you should appoint budget conferees so that negotiations on such a rational solution can begin in earnest.

Sadly, it's becoming increasingly clear that Republicans are in no hurry to complete the work on a budget as a result of the draconian, unrealistic, and damaging spending levels they set forth under the sequester. Simply put, they cannot implement the budget they adopted, neither through the appropriations process nor through the Ways and Means Committee.

Sequestration, of course, was meant to be so unacceptable that we surely would not allow it to come into effect. But it has. It has because it reflects the spending levels Republicans have long sought.

Now, when I say that, some Republicans say, oh, well, the sequester was the President's idea. Not only is the President opposed to sequester, Democrats in the Senate and Democrats in the House are opposed. Most Republicans—that is to say, 229 Republicans—voted for H.R. 2560, Cut, Cap, and Balance. And what this bill that 229 Republicans voted for—and, by the way, 181 Democrats voted against—was to say that we set numbers. If we don't meet them, what do we have? A sequester.

Sequester was their policy; the across-the-board, irrational cutting of the highest priority and the lowest priority the same was their policy that they voted for, an unfortunate policy because it is so irrational and so harmful. Now they won't say how we can get there, of course, because it just isn't possible without gutting some of the most important programs that have a positive impact on our communities. The Republican Appropriations chairman, my friend, Mr. ROGERS from Kentucky, said, on April 25:

> There will be some who are shocked. I don't think people yet understand how severe the numbers will be.

That's the Republican chairman, my friend, with whom I served for many years on that committee, HAL ROGERS from Kentucky. ''How severe the numbers will be.'' They're the numbers that were in the Ryan budget; they're the numbers that will be affected by sequester.

Republicans are setting up, in my view, a dangerous game of hide-and-seek in which they will hide what sequester levels actually mean and try to mitigate the ones they believe will have political backlash, very frankly, as we did just about 12 days ago regarding the FAA.

They know they can't achieve cuts their caucus can agree on and that the American people would support. And they seek, in my view, to blame the President and Democrats for what has been a wrong-standing Republican policy which I referenced in their Cut, Cap, and Balance legislation for which 229 of them voted for on July 19, 2011.

To do so, Republicans proposed shifting the defense portion of the sequester—''to do so,'' meaning to get to the numbers that they proposed—by shifting the defense portion of the sequester on to domestic programs. In other words, the cuts that would normally be across the board, their solution is to simply shift them to some of the programs that I mentioned earlier in terms of Head Start, Meals on Wheels, and other programs that are so necessary to make sure that some of the least of ours are taken care of.

Of course, this is a breaking of the agreement reached in the Budget Control Act of 2011. We all know the likely outcome of these partisan games, Mr. Speaker. House Republicans will once again be divided, as they were a week before we left, and prevent the adoption of a budget that includes a balanced approach.

Now, balanced approach, I won't like all of it. My friend, Mr. JONES, won't like all of it. None of us will like all of it because it will be balanced and we'll have to take the good with the bad. But what it will be is an effort and a reality of getting America on a fiscally sustainable, credible path. Democrats are ready to make tough choices necessary to reach a compromise, and both sides have a responsibility—my side, their side. Very frankly, we ought to be one side, the American side. Both sides have a responsibility to work together to meet our challenges in a sensible way, not a senseless, irrational way, which is what the sequester does, but in a smart way, worthy of our role as the American people's representatives.

OUT OF AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, like most Members of Congress, I was home last week and did two or three different civic clubs. Everywhere I went, when I said it's time to get our troops out of Afghanistan, save lives of our American soldiers, and save money, I would get applause.

Also, in the last couple of weeks, my office has sent out a survey, and 17,000 people of the Third District responded, and 70 percent of the 17,000 said the same thing: Why are we still in Afghanistan spending money we do not have and having our young men and women to give their life for a failed policy known as Afghanistan?

Mr. Speaker, a week ago, I was watching NBC News and Brian Williams broke the story that the CIA admitted that for the last 10 years, each month for the last 10 years they've been carrying cash money to Karzai—cash money. And they said that the best they could do was to estimate that this would be tens of millions of dollars. Poor Uncle Sam. I don't know how he can afford to continue to spend money of the taxpayers that we can't even account for so we can borrow more money from China to uphold Karzai, who's a corrupt leader to begin with.

I wonder where the outrage is in Congress? I have friends on both sides of the aisles that I think the world of and respect very greatly, but why isn't there more outrage by Congress on the money being spent and, more importantly, the lives of those lost?

Last Saturday, Mr. Speaker, an AP article said seven Americans were killed in Afghanistan. Seven Americans were killed. God help the families. Yet we in Congress just sit here and continue to think that Afghanistan is not our problem, it's just somewhere out there, and we'll find the millions and billions of dollars to send over there with no accountability.

Mr. Speaker, I'm on the Armed Services Committee, and I have written a letter to the chairman of the Oversight Subcommittee and asked her to hold hearings and bring in the inspectors general who've been looking into how the waste, fraud, and abuse abounds in Afghanistan. They can't even account for half the money we've spent over in Afghanistan. We've already spent over $700 billion in Afghanistan, and half of it we can't even account for.

I don't blame the American people for being frustrated. I really do not. I'm frustrated, too. And I would hope we can find more members of the Republican Party and the Democratic Party to join together in these budget bills coming up this summer and start bringing our troops out of Afghanistan.

I bring this photograph, Mr. Speaker, that has our marines carrying a flag-draped coffin. I try to do this down in the district, and I do it here on the floor because I'm afraid too many times the American people, unless they've got a family member in Afghanistan, probably, with all of the problems that the American people are faced with, and certainly we are here in Congress, don't think a whole lot about the war. But when you hear about the CIA sending cash money for 10 years, millions and millions and millions of dollars to Karzai so that he can take care of the warlords over in Afghanistan and give a little bit of money to the Taliban so they can buy weapons to kill Americans, then I don't know and I sometimes just am frustrated. Where is the outrage in Congress?

Just a couple more points, Mr. Speaker, before I relinquish my time. I hope that the leadership of the House, led by Speaker BOEHNER and Minority Leader PELOSI, I hope they will join us, Democrat and Republican, in trying to bring an end to this failed policy in Afghanistan. It is a failed policy. We're not going to change one thing. They've already acknowledged, Mr. Speaker, that we are fighting the Taliban, and most of the Taliban are Pashtuns, the largest tribe in Afghanistan. They will eventually be the leaders, and Mr. Karzai will not even be in Afghanistan. He'll probably be in Switzerland counting his money that Uncle Sam has sent to him. Taxpayer, taxpayer, it is wrong that you're having to pay that bill in Afghanistan.

Families who've lost loved ones and families who have kids losing their legs and their lives, it's not fair to you, either.

So, Mr. Speaker, I ask God to continue to bless our men and women in uniform. I ask God to continue to bless the families who've given a child dying for freedom in Afghanistan and Iraq. I'll ask God to please bless the House and Senate, that we will do what is right in the eyes of God for his people. I'll ask God to bless President Obama, that he will do what is right in the eyes of God for his people. And as I yield back, God, please, God, please, God, please, continue to bless America.

□ 1020

THE TIME HAS COME TO DO SOMETHING ABOUT SEXUAL ASSAULT IN OUR MILITARY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, next to me is a mug shot. It's a mug shot of someone who's been charged with sexual assault. This is a mug shot of Jeffrey Krusinski.

Jeffrey Krusinski is a lieutenant colonel in the Air Force. His job is to work at the Pentagon as the chief officer of the Sexual Assault and Prevention Office within the Air Force. This man is charged with the responsibility of preventing and reporting sexual assault in the military, in the Air Force. And just this last weekend, he was charged with sexually assaulting a woman in a parking lot.

The best and the brightest the Air Force has to offer to run this office, and he's a sexual predator? Is that what we're talking about?

This is an indictment of the SAPRO office that is supposed to be the solution for military rape and assault. It's an indictment of our procedures. It's an indictment of everything we have done on this issue.

And Congress is as culpable as the military in not addressing it, because we've known about this issue for 25 years. And we are big on holding hearings and beating our chests and saying, This has got to stop. And the big brass comes up to the Hill, and they say all the right words. They say, We have a zero tolerance. And then our chief prevention officer is charged with a sexual assault.

But it doesn't end there. The bad news doesn't end there.

The military just released today it's Sexual Assault and Prevention Office report on how many sexual assaults took place in the military last year. And guess what? The numbers have gone up by 30 percent, from 19,000 sexual assaults and rapes in the military, based on the last year's figures, to the most recent year's figures of 26,000 rapes and sexual assaults in the military.

For all the money we've been throwing at this issue, for all the prevention and all the rehabilitation and all of the training, the numbers keep going up. And now, this most recent report also suggests that one-third of the women serving in the military reported that they were sexually harassed last year.

This is an institution of military good discipline, good order?

It is time for us to roll up our sleeves and do something real about this. We have got to stop just kind of nibbling around the edges in an effort to try and fix a broken system.

121 Members have joined me as coauthors of legislation that would take the reporting of sexual assault out of the chain of command, keep it in the military, but place it in a separate office staffed by persons who are experts in investigations, experts in prosecuting these crimes.

And until we do something like this, the numbers of sexual assaults will continue to rise in the military. The number of unrestricted reports will not rise as fast as the number of restricted reports.

And why do we have restricted reports? Why would we say to any member of the military, Yes, report this, but we will keep it quiet, we will sweep it under the rug?

This, my friends, is time for us to do something. It is time for us to say that we are not going to tolerate another scandal. We're not going to tolerate a scandal on Lackland Air Force Base, where there were 59 victims and 32 military training instructors who were implicated. We're not going to tolerate that in Aviano, Italy. We had a major general who overturned the decision by five military members of a jury who court-martialed a lieutenant colonel and found him guilty, and yet the major general overturned the decision and decided to reinstate this individual.

The time, my friends, has come to do something.

ADDRESSING THE DEBT LIMIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, amidst all the controversies gripping the Congress, certainly we should at least all be able to agree that the full faith and credit of the United States, the very trust that the public has when it loans money to the government, should not hang in the balance every time there's a fiscal debate in Washington.

This week, the House is expected to consider H.R. 807, to allow a temporary exception to the debt limit solely to assure that the full and prompt payment of principal and interest is made on the debt in the event of an impasse in Washington.

Now, that should make perfect sense. As a practical matter, a family that's depending on its credit cards to pay its bills had better make sure to pay the credit card bills first.

The executive branch already has considerable powers to protect the Nation's credit, but the administration hasn't always acknowledged it. The 14th Amendment to the Constitution

places the validity of the public debt beyond question.

The Government Accountability Office has consistently held that the Treasury Secretary already has ''the authority to choose the order in which to pay obligations of the United States'' in order to protect the Nation's credit. This authority is inherent in the 1789 act that established the Treasury Department and entrusted it with the management of the revenue and the support of the public credit.

Even with record deficits, our revenues are roughly 10 times greater than our public debt service, so there's no excuse for a debt default. And yet, when an impasse over the debt limit loomed 2 years ago, then-Treasury Secretary Tim Geithner insisted that his only option was to default on the Nation's credit.

Now, whether this was a crude attempt to hold the Nation's credit hostage to political demands for higher spending or whether it was the sincere misunderstanding of his powers and responsibilities is really immaterial.

In the future, this measure would order the Treasury Secretary to promptly and fully pay all principal and interest due on the national debt, even providing a temporary exemption from the debt limit in order to do so.

Now, most States have provisions in their laws or constitutions guaranteeing their debt. Last year in testimony to the Senate, Fed Chairman Ben Bernanke praised these State provisions for maintaining confidence in State and municipal markets, and he told the House Budget Committee that a similar measure at the Federal level would help protect the Nation's credit.

Is this a tacit suggestion that we shouldn't meet our other obligations? Well, does anyone suggest that all the States that have had similar provisions in their constitutions and statutes for hundreds of years have ever used them as an excuse not to pay their other bills? Of course not. On the contrary, providing clear and unambiguous mandates to protect their credit first, they actually support and maintain their ability to pay all of their other obligations.

For a Congress that's borrowing nearly 40 cents on every dollar that it spends, the importance of this provision should be obvious. With the Nation carrying a total debt that exceeds its entire economy, it is imperative that credit markets be absolutely certain that the risk of an American default is nonexistent. Without this confidence, rising interest rates could rapidly consume vital government programs and make a mockery of the even modest budget savings wrought by the sequester.

Opponents charge that protecting the public credit above all other expenditures would subordinate many other essential obligations, like payments to troops or children's nutrition, but they forget the public credit is what makes it possible to meet every other obligation of the government.

A prolonged impasse over the debt limit is something that is much to be avoided.

□ 1030

Postponing payment of any of the government's bills would be dangerous and unprecedented. Although existing revenues could support critical government responsibilities for a while, distress to other Federal employees and contractors would be severe, would rapidly compound, and would eventually threaten core governmental functions.

Yet there is a worse fiscal outcome, and that is a failure to honor the Nation's debt obligations. We should remember that if the full faith and credit of the United States is ever compromised, all programs are jeopardized.

We must recognize that today our country is divided over fiscal policy and that bitter fiscal disputes in Congress are likely to continue for some time. Financial markets ought to be confident that their Treasury bonds are safe regardless of what political storms are raging in Washington.

TRIBUTE TO MR. JOSEPH CARTER CORBIN, FOUNDER OF THE UNIVERSITY OF ARKANSAS AT PINE BLUFF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DANNY K. DAVIS) for 5 minutes.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Mr. Joseph Carter Corbin, founder of the University of Arkansas at Pine Bluff.

As a proud graduate of Arkansas Mechanical and Normal College, now the University of Arkansas at Pine Bluff, I am pleased to have the opportunity to participate in the dedication of a headstone on the grave site of our founder and first president, Professor Joseph Carter Corbin.

The Bible says, ''Where there is no vision, the people perish;'' and all of us who revere and appreciate the history of the University of Arkansas at Pine Bluff owe a debt of gratitude to our fellow alumna, Ms. Gladys Turner Finney, who thought of the idea, did the research, and communicated with other alumni across the country and brought the idea to fruition. The final resting place of Joseph Carter was recently discovered in an unmarked grave in Forest Home Cemetery in Forest Park, Illinois, which I represent as a Member of Congress.

Professor Corbin died January 9, 1911, in Pine Bluff, Arkansas. He was interred at the Waldheim Cemetery in Forest Park near his wife, Mary Jane Corbin, and two sons, John W. Corbin and William H. Corbin. The cemetery, known at that time as Waldheim German Cemetery, is located at 863 South Des Plaines Avenue in Forest Park, Illinois.

Mr. Corbin was born in Chillicothe, Ohio, on March 26, 1833, to free parents, William and Susan Corbin. He entered Ohio University at Athens, Ohio, in 1850, when he was 17, after having been home-schooled. He earned a bachelor's degree in art. He also earned two master's degrees from Ohio University in 1856 and 1889.

He later moved to Little Rock, Arkansas, joined the Republican Party, and became a leader. He quickly rose and became secretary of the State convention and was elected State Superintendent of Public Instruction, where he laid the groundwork for the establishment of the Branch Normal College. It finally started, and he became its founder and principal for 27 years, from 1875 to 1902.

A leader in the public education movement in Arkansas, Professor Corbin became the principal of Merrill High School in 1902. He and fellow educator, R.C. Childress, founded Teachers of Negro Youth in Arkansas, which became the first State colored teachers association. Professor Corbin was its first president.

Compared with educators Booker T. Washington and Horace Mann, Professor Corbin was thought to be one of the most highly educated individuals of his time as a scholarly graduate of Ohio University. During his tenure at Branch Normal, he worked tirelessly to maintain an adequate physical plant and academic program. The student population grew from 7 students to 241 students by 1894, when Arkansas graduated its first African American student.

As beneficiaries of his work, we hold Professor Corbin and his legacy in high esteem. An institution which started with 7 students is now the University of Arkansas at Pine Bluff offering master's degrees, bachelor's degrees, and doctorate degrees. We owe Joseph Carter Corbin, our first president and the founder of a now great institution, a debt of gratitude and thank him for his work.

PASS A RESPONSIBLE FARM BILL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from South Dakota (Mrs. NOEM) for 5 minutes.

Mrs. NOEM. Mr. Speaker, I rise today to talk about the importance of getting a farm bill done this year. Growing up on a farm in South Dakota, I know how volatile the agriculture industry certainly is. Our producers will invest in seed; they will fertilize the land; and they will put it in the ground in the spring, oftentimes in unfavorable weather, in the hope that that fall they will come back and be able to pick something up and have something to show for it in the fall. The crops that are grown provide food not just for South Dakota, but for our Nation and for our world.

South Dakotans understand that our weather can be extreme and it can be unpredictable. It can also vary a lot from year to year. We have certainly seen that situation this year. Look at

what we have witnessed lately. We have gone from extreme droughts in the Midwest to now blizzards in April. For agriculture producers, these extremes are more than an inconvenience. Whether it is an extended drought that dries out crops or a blizzard that endangers a herd of cattle, weather disasters can mean the difference between a family operation that is able to make it through another year or a family operation that ends forever.

When faced with weather-related disasters, I know that it is essential for our farmers and ranchers to have immediate assistance to keep their operations running. We have a national security interest in being able to produce our own food in this country. The instance we depend on another country to feed our people is the instance that we completely let them control us and our future. A farm bill not only provides a safety net for us, it keeps us safe. We need to keep our farmers on the land in good times and in bad times.

Budgeting for these programs through the farm bill process is much more responsible than doing what has been done in the past, such as passing large, ad hoc disaster assistance packages, which is what Congress often ends up doing year after year if these programs are not in place and are not funded. Often these disaster programs could be spent at a deficit level rather than responsibly being budgeted for.

One of the situations we don't talk about very often is how the dynamics have changed in the farming industry. It is simply not possible for farmers and ranchers to continue to operate without having access to credit. The only way they have access to credit a lot of times is because of dependence on crop insurance and somewhat of a farm safety net.

Next week, the House Agriculture Committee plans to mark up the farm bill. We need this House to act. We need them to get a farm bill done, one that will support both rural and urban America. We cannot accept another extension this year. We must pass a long-term bill to give certainty to our producers and to guarantee our Nation's food supply.

MATTIE RIPKOWSKI—TEXAS MOTHER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, Sunday is Mother's Day where we honor our Nation's mothers. My mom is still alive. I got to know my grandmothers, both of them, until they died in their nineties, and my three daughters all have children.

But I want to talk about a mother that most Americans probably have never ever heard of. Her name was Mattie Ripkowski. Let me tell you a little bit about her and her family.

She was a first-generation American-born Polish immigrant. Back in the 1800s, the Polish community came into Texas through the Port of Galveston. They settled there while Texas was an independent country. In fact, some Poles fought at the Battle of San Jacinto where Texas won its independence from Mexico in 1836.

□ 1040

Mattie Olbrich was born in 1896 in Texas. At the age of 17, she married Stash Ripkowski—both newlyweds—another small-town guy from New Waverly, Texas. They started raising a family, Mattie and Stash. And after several years, this was their family. Yes, Mattie Ripkowski had 16 children—4 daughters and 12 sons. They were all born by natural childbirth with a midwife, except one. This whole family lived in southeast Texas on a small, 200-acre farm near Dayton, Texas.

Mattie—the mother, the wife—made sure that during the Depression all the kids never went hungry. She taught them the basics of life: true grit, a work ethic, a belief in the Almighty. They worked hard, everything from picking cotton to tending to animals to hauling corn. And every child was expected to do their work on the farm, which was self-sufficient.

When two of the Ripkowski boys got to be in high school, they were excellent football players. And you know, Mr. Speaker, Texas is known for its football teams all the way back to the 1800s. Two of them were so good that the local high school football coach, who knew that they had to work on the farm, had the school hire two farmers to take the sons' place and work the farm. Then the two high school football stars could play for Dayton High School. Dayton is a small Texas town that loves football. The 5,500 people there that go to Friday night football, the stadium seats more than the entire town population.

But anyway, back to the Ripkowskis. They never missed a meal. In fact, Mattie was so adamant about family that they all ate together three times a day. Now, can you imagine preparing a table three times a day for 18 people—16 of them kids and 12 of them sons?

As the Depression ended, World War II came. And as World War II came, Mattie, having taught her kids service to America, all 12 of her sons joined the United States military. They served in all branches of the military. They served either in World War II or Korea, or both.

Every night, Mattie would write one of them a letter. She would say the Rosary every night for all 12. She would pray for all of her sons. Miraculously, all 12 of her sons who went to war for America came back. There has never been another family with that many sons from the same parents who joined the United States military. She instilled in them those important values of country, God, and family. The Ripkowski family is quite a remarkable clan of Texans.

Mrs. Ripkowski—Mattie, as they called her—her kids grew up to all marry. She knew all of their spouses and many of her grandchildren and great-grandchildren. The fruits of Mattie Ripkowski's labor produced honest, hardworking, God-fearing patriots.

One test of motherhood, Mr. Speaker, is how a mother's kids turn out. Well, Mattie passed the test 16 times with her 16 children. They all turned out to be wonderful people. In fact, six of them are still alive. I had the opportunity recently at a dedication where we honored a Vietnam veteran who received the Medal of Honor by naming a post office for him. Some of her kids came to that ceremony. The youngest, Anna Lee Campbell, who is now 80, and I talked about her family, about Mattie, about growing up with this remarkable woman. And she showed me numerous photographs of their family.

I was also there with one of the sons, Mike, who talked about their family, Polish immigrants, and how they have all turned out to be successful and how they fought for America. Before the conversation was over with Mike I asked him, ''What did you call your mother all those many years?'' He said, ''Well, of course I called her mama, and I also called her ma'am.'' No kidding.

Remarkable lady, Mattie Ripkowski. We honor her and all of America's mothers this Sunday for their lives and dedication to motherhood.

And that's just the way it is.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 44 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, we give You thanks for giving us another day.

Once again we come to You to ask wisdom, patience, peace, and understanding for the Members of this people's House.

We ask discernment for the Members, that they might judge anew their adherence to principle, conviction, and commitment, lest they slide uncharitably toward an inability to listen to one another and work cooperatively to solve the important issues of our day.

Give them the generosity of heart and the courage of true leadership to work toward a common solution which might call for sacrifice on both sides. We pray that their work results not in a Nation comprised of winners and losers, but where our citizens know in their hearts that we Americans are all winners.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. QUIGLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. QUIGLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan (Mr. BENISHEK) come forward and lead the House in the Pledge of Allegiance.

Mr. BENISHEK 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

HONORING SERGEANT 1ST CLASS JAMES PRIESTAP

(Mr. BENISHEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENISHEK. Mr. Speaker, I rise today to announce that the circle drive of the Oscar G. Johnson Veterans Affairs Medical Center in Iron Mountain, Michigan, will be named after local son and Iraq War veteran, Sergeant 1st Class James Priestap.

Sergeant Priestap graduated from North Dickinson High School in 1985 before attending Ferris State University and Northern Michigan University and joining the U.S. Navy as a rescue swimmer. Sergeant Priestap also served as a police officer at the Oscar G. Johnson VA Medical Center, where I worked as a physician. While bravely defending his Nation in Iraq, Sergeant Priestap was killed in action on Thanksgiving Day 2006.

The entire Dickinson community came together to memorialize Sergeant Priestap at the VA facility where he guarded our veterans, and I am honored today to have helped him fight for this distinction over the past 2 years.

This memorial represents a small but important gesture of gratitude, not only for Sergeant Priestap's sacrifice but for his lifelong pursuit of selfless service to others. I'm very pleased that all visitors to the world-class VA hospital in Iron Mountain will soon be able to remember a true hero from northern Michigan who laid down his life so that others could live in freedom.

NATIONAL TEACHER APPRECIATION DAY

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Madam Speaker, I rise today on National Teacher Appreciation Day with an oft-forgotten remedy to our economic downturn: investments in early childhood education.

Successful nations invest in three things: infrastructure, research, and education. To compete in the global market, we need to have the most highly skilled workforce in the world. And to develop that workforce, we have to start at the beginning with early childhood education.

Research from Stanford shows that rich students perform better than middle- and low-income students. Quite simply, they enter kindergarten more prepared thanks to high quality preschool. Nobel Laureate economist James Heckman found a 7 to 10 percent annual return on investment in effective preschool.

Every child deserves a chance to succeed in school and throughout their lives. Providing early childhood education can give them that chance, and the entire Nation will be better off for it.

MONTANA VOTES AGAINST AN ONLINE SALES TAX

(Mr. DAINES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAINES. Madam Speaker, today I rise in strong opposition to the Marketplace Fairness Act. This is a bill that mandates small businesses to collect sales tax on behalf of other cities and States when selling products over the Internet.

This bill would fundamentally change how online purchases are taxed and would impose yet another burden on Montana's small businesses. You see, back home in Montana, we don't have a Statewide sales tax. In fact, we often say that ''You know you're a native Montanan if you've voted against a sales tax twice.''

But under this legislation, which the Senate passed last night, Montana's small businesses would be forced to collect sales tax for up to 9,600 cities and States—none of which would go to Montana. The added costs and the burden of more paperwork and more regulations would severely undermine many small businesses in our State.

As a fifth-generation Montanan who supports our State's no sales tax policy, I strongly oppose this legislation, and I will fight to stop it should it reach the House floor.

URBAN AREA SECURITY INITIATIVE

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, the success of Boston law enforcement in responding to the marathon bombing is due to the skill and coordination of their law enforcement community.

Boston's law enforcement agencies also have the benefit of membership in the Urban Area Security Initiative, or UASI, program. The security program was created to develop capabilities to prevent and respond to attacks just like this one in our most vulnerable cities.

Unfortunately, funding shortfalls in recent years have cut the number of cities included in this program from 64 to 32. The Buffalo-Niagara region which I represent was among the eliminated regions.

Madam Speaker, the eliminated cities are still vulnerable, and, in fact, it was recently revealed that a Canadian terror plot may have targeted the border in Niagara Falls.

The Federal Government made an investment in these communities, and a sudden exclusion from this security program threatens to render that investment wasted. The increased security and response capabilities that have been developed must be preserved, and we have an obligation to restore eligibility to these excluded communities.

CONGRATULATING ANGELO STATE UNIVERSITY RAMS AND RAMBELLES

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Madam Speaker, I rise today to congratulate the historic achievement of the Angelo State University men's and women's track and field teams. On May 4, 2013, the Rams and the Rambelles won the Lone Star Conference Outdoor Track and Field titles.

This marks the first time in school history that both the men's and women's teams have won their conference

title in the same year, the fifth consecutive year for the Rambelles and the first for the Rams since 1992. The Rams won their title in dramatic west Texas fashion, defeating their rivals West Texas A&M in the final race.

Coach James Reid, his staff, and these young men and women worked tirelessly this year to have earned their place in ASU history. They bring great pride to their school, the city of San Angelo, and west Texas. I encourage them to savor their victories, and I wish them great success as they defend their titles next year.

Again, I congratulate the Angelo State Rams and Rambelles for their Lone Star Conference Outdoor Track and Field titles. Go Rams!

RIGHT TO WORK FOR LESS ACT

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute.)

Ms. PINGREE of Maine. Madam Speaker, for generations we have fought to improve conditions for working American families: the minimum wage, anti-discrimination rules, and the 40-hour workweek. These changes were all passed by Congress to make it a little bit easier for Americans to make a decent living under decent working conditions.

Now the Republicans want to roll back some of these basic protections, starting with the 40-hour workweek. The bill we are debating this week—which should be called the Right to Work for Less Act—is designed to let employers avoid paying overtime and could force workers to take comp time instead. But the comp time could only be used when it suits the employer.

There is no question we need to improve workplace rules, like equal pay for equal work or guaranteed paid sick leave or a higher minimum wage. But rolling back the clock to do away with the 40-hour workweek is a step backwards, and it is a lousy deal for American workers.

□ 1210

WORKING FAMILIES FLEXIBILITY ACT

(Mr. DESJARLAIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DESJARLAIS. Madam Speaker, I come to the floor today to voice my support for H.R. 1406, the Working Families Flexibility Act of 2013.

Working families all across America face difficult choices every day over how to balance their responsibilities at work with their duties to their families at home.

Government employees have always had the option to convert accrued overtime into time off from work. However, private sector employees do not have this option. Today's rigid and archaic wage-and-hour laws force these employees to take vacation days or simply not work when confronted with sick children, responsibilities to aging patients, or even seemingly mundane, yet time-consuming, tasks like running errands.

H.R. 1406 would provide private employees that same flexibility that government workers enjoy while protecting both the rights of workers and their employers.

I ask my colleagues to support working families and vote in favor of this legislation.

SEXUAL ASSAULT IN THE MILITARY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, last night, reports circulated that the Air Force official who is in charge of its sexual assault prevention program at the Pentagon was arrested for sexually assaulting a woman in a parking lot. Although we are still waiting for a full investigation to be conducted, if true, this type of conduct is absolutely unacceptable, especially from the individual who's in the leadership position to prevent this.

When one joins the U.S. military, he or she is expected to have the highest level of character and respect. Mr. Krusinski was not only a leader, but he was responsible for enforcing sexual assault prevention.

I have worked for many years in Congress on this issue. Fundamental changes are needed in order to combat this. It's up to the military and to the Congress to ensure that victims will be respected and protected and that offenders will be punished. It's absolutely necessary that this problem of leadership and climate in the military be addressed immediately. If not, the health and strength of this Nation's military will deteriorate.

SENATE IMMIGRATION BILL COSTS $6.3 TRILLION

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, a new study by The Heritage Foundation warns that the Senate immigration bill would cost $6.3 trillion. That's because over their lifetime, illegal immigrants given amnesty would receive $9.4 trillion in government benefits while paying only $3.1 trillion in taxes. Government benefits include Social Security, Medicare, Medicaid, food stamps, and health care. That means each taxpayer would be forced to pay $40,000 just to cover some of the costs of the immigration bill.

The immigration bill costs too much, has no deadline to secure the border, and hurts American workers. We should put the interests of American taxpayers and American workers first.

PAYING TRIBUTE TO AMEAL MOORE

(Mr. TAKANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAKANO. Madam Speaker, I rise today to pay tribute to former Riverside City Councilman Ameal Moore.

Born and raised in the South, Ameal experienced ''separate but equal'' and injustice firsthand. In 1965, his brother Oneal, a Louisiana sheriff, was murdered by the racist vigilante group the Night Riders—a tragedy that in some ways fueled Ameal's activism and desire to create safer communities.

A veteran, Ameal served in the United States Air Force for 8 years. After being honorably discharged, he settled with his family in Riverside, where he worked for the United States Postal Service for over 30 years, eventually becoming the assistant postmaster.

Never one to sit idly by, Ameal was always involved in local organizations. He was the president of Riverside's NAACP chapter and served on the Greater Riverside Urban League. Later, he decided to run for public office and was elected to the Riverside City Council in 1994, becoming one of the first African American city council members in our city's history. During his tenure, Ameal showed unparalleled passion toward improving our community.

Riverside is lucky to have had such a remarkable and dedicated public servant like Ameal Moore. I am incredibly proud that Ameal came to Riverside and that our city is where he fulfilled his dreams. He will be missed.

MONEY FOR NOTHING

(Mr. MESSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MESSER. Madam Speaker, I rise today to highlight more wasteful government spending.

The Washington Post recently reported that the Federal Government will spend at least $890,000 on service fees for more than 13,000 empty bank accounts this year. Let me say that again. Our Federal Government will spend $890,000 servicing 13,000 empty bank accounts with a balance of zero.

The President's OMB thinks that's good news because the number of these so-called zero balance accounts has decreased by 50 percent over the past several years. I think we can do better. We must close these empty bank accounts and put the money sitting in the inactive ones to good use, like reducing the deficit. I plan to introduce legislation soon that will do just that.

Madam Speaker, President Reagan once noted how only in Washington

does it make sense for the agency responsible for everything outside to be called the Department of the Interior. I would add that only in Washington is it good news when the government spends $1 million on nothing.

SEQUESTRATION

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Madam Speaker, sequestration—we must repeal the sequester now.

Americans have lived under these budget cuts for over 2 months, and one thing is clear: sequestration is hurting Americans; it is hurting constituents in your district and in mine, damaging the American economy and killing American jobs. We must totally repeal sequestration now. Democrats are prepared to vote for full repeal.

Madam Speaker, a piecemeal approach to reversing these cuts is simply the wrong way forward. We should not be in the business of picking winners and losers when it comes to restoring funding, like when we reversed the cuts to TSA because the delays created made front-page news. Our actions should not be driven by who makes the most noise, but rather what is best for the country and the American people.

Lifesaving medical research funded by NIH has taken a $1.6 billion hit. Are we to think that research for cures to cancer, HIV/AIDS, and diabetes are less important than how quickly we move through airport lines?

Madam Speaker, we need to send a clear message to the American people that we will not stand for arbitrary cuts. We must fully repeal sequestration now.

WORKING FAMILIES FLEXIBILITY ACT

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Madam Speaker, today I rise in support of H.R. 1406, the piece of legislation that we will be debating today, the Working Families Flexibility Act of 2013. I am proud of the work that my friend Congresswoman MARTHA ROBY has done on this important bill. This legislation makes life easier for American families by giving them an additional tool to balance the demands of their family and workplace life.

As the father of boys, I know it takes a lot of time to help not only raise them, but to prepare them for their future. But I also had a job in the private sector; and I know that there are times when people in the private sector need the flexibility to do like I did, to take their boys to a Boy Scout campout or a wrestling tournament.

Currently, public sector workers have the flexibility to convert their overtime into comp time off. Labor unions include similar provisions in collective bargaining agreements with their employees. America's private sector workers deserve the same option that union workers have.

I look forward to supporting this legislation on the floor and encourage my colleagues to do the same.

□ 1220

ARBITRATION FAIRNESS ACT

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Madam Speaker, today I introduce H.R. 1844, the Arbitration Fairness Act. Forced arbitration agreements stack the deck against working people and have been of concern to me ever since I've come to Congress. These agreements are pervasive and they adversely affect countless Americans every year.

Too many Americans are forced to give up their rights to have a trial by jury when it comes to these consumer agreements that they sign with these megabusinesses. My bill would remedy this by prohibiting any predispute agreement that requires arbitration for claims involving employees, consumers, civil rights, and antitrust.

We must protect our constitutional right to a fair trial by a jury of one's peers. I will continue to champion this bill until it is signed into law, and I urge my colleagues to support the Arbitration Fairness Act.

OBAMACARE

(Mr. SHUSTER asked and was given permission to address the House for 1 minute.)

Mr. SHUSTER. Madam Speaker, as we approach the summer months, we get closer to the dreaded date of 2014 when ObamaCare is launched. We still face major uncertainty to how this massive takeover of health care is actually going to work. In fact, the administration is not even certain of that.

Families and small businesses in my district have great concern over what's going to happen. In fact, when I talk to small business owners, many of them say they're going to have to stop providing health care and put these folks into these exchanges because they need the money to stay competitive. It's going to be something that they can find savings; and, again, in these uncertain times, they're not sure exactly what they're going to do.

When you look at what the President said that ''if you like your health care, you can keep your health care,'' well, in fact, in my district, there's going to be 44,000 seniors that are going to lose Medicare Advantage because of ObamaCare.

Taxes will go up. Taxes will go up on businesses and families. Individuals are already seeing their premiums increased.

And the President has done nothing to provide certainty, as I said. The administration isn't even sure how this is going to play out. And I believe, ladies and gentlemen, that this is going to end up in a train wreck. This is going to end up in something that is going to hurt the economy and hurt health care.

DEPARTMENT OF DEFENSE CIVILIAN FURLOUGHS

(Mr. MAFFEI asked and was given permission to address the House for 1 minute.)

Mr. MAFFEI. Madam Speaker, last weekend, I had the honor to visit the men and women of the 174th Attack Wing at Hancock Air National Guard Base in Syracuse, New York.

The 174th is tasked with training airmen and supporting missions around the globe, including supporting combat missions in Afghanistan. It also supports homeland defense and aids during domestic emergencies, such as Hurricane Sandy. It does this 24 hours a day, 7 days a week.

I was thoroughly impressed with the professionalism of Colonel Greg Semmel and the officers and airmen under his command. But I also saw firsthand how sequestration is affecting our military and its ability to execute its mission, a mission that the Congress of the United States authorized.

Approximately 280 that work for the 174th are subject to furlough, forcing the unit to operate missions in a theater of war shorthanded. Many of these men and women are in the National Guard and work full time in uniform. They are members of our Armed Forces on military missions and yet subject to sequestration.

This Congress should be ashamed that soldiers are sequestered in a time of war. I urge this body to find a way to prevent these furloughs so that the 174th and the rest of our military can complete the mission and protect our national security. We cannot wait another week. We must do it this week. We must give our soldiers and sailors and airmen the support that they need.

GUN VIOLENCE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it has been more than 20 weeks since the tragic shooting at Sandy Hook school; yet Congress has still been unable to pass a comprehensive legislative piece to curb gun violence in this country. While an overwhelming majority of Americans support expanding background checks, Senate Republicans last month blocked an important measure that would have expanded background checks to many types of private firearm sales.

I came here from the mental health field. Every day that the Republicans in Congress choose to block critical measures to reduce gun violence, we will prevent having a safe community,

because with the background check, many innocent sick people will be stopped. We cannot afford to continue to lose lives and have families severely impacted by senseless violence at the hands of criminals with deadly firearms.

Madam Speaker, we owe it to the American people to respond immediately to this violence.

WORKING FAMILIES FLEXIBILITY ACT II

(Mrs. HARTZLER asked and was given permission to address the House for 1 minute.)

Mrs. HARTZLER. Madam Speaker, leave it to Washington to leave a severely outdated government regulation on the books where it can continue to be a thorn in the side of hardworking Americans all across the country.

Under the Fair Labor Standards Act of 1938—yes, 1938, 3 years before our country entered World War II—American workers in the private sector are not allowed to choose to be paid for overtime with extra time off instead of extra wages.

There's no denying that our workforce has changed since 1938. Nowadays, 59 percent of American families have two parents that work, and 8.5 million workers are single parents. When you're balancing work and family, time can be just as valuable as money.

The Working Families Flexibility Act, which House Republicans have introduced, will amend the 1938 law to give more American workers the choice to be paid in extra time off. It's your time and you deserve it.

SEQUESTRATION

(Mr. JEFFRIES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFRIES. Madam Speaker, this institution is commonly referred to as the people's House. We have an obligation to address issues that impact all Americans.

The sequestration cuts began as a slow burn but have increasingly caused pain for people all across this country. Now, this House somehow found the courage to rescue air travelers from the sequestration battlefield, but we left other Americans behind:

We left Head Start children behind; we left expectant mothers behind; we left seniors who rely on the Meals on Wheels program behind; we left public housing residents behind; we left the long-term unemployed behind.

We have an obligation to address issues that confront all Americans. That's why I support H.R. 900, a one-sentence bill that would repeal the sequester.

WORKING FAMILIES FLEXIBILITY ACT

(Mr. SCHWEIKERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHWEIKERT. Madam Speaker, I wanted to take this 60-second moment to stand here in front of the House and talk a little bit about the Working Families Flexibility Act. I am someone that as a Member of Congress, in a previous life, has run both a State agency where they could do this, where actually employees at my State level had the options of how they managed their compensation, whether they wanted to take it in time or actually in dollars.

But yet the arrogance, the continuing arrogance of Washington, it's good enough for our public employees, but it's not good enough for the businesses around the country. I've got to give MARTHA ROBY credit. Thank you for bringing this bill before us. Hopefully, we're going to step up and say, if we really want economic choice for the American people, we'll pass this bill.

□ 1230

HONORING THE STUDENTS OF ELM PLACE MIDDLE SCHOOL'S PROBLEM SOLVERS

(Mr. SCHNEIDER asked and was given permission to address the House for 1 minute.)

Mr. SCHNEIDER. Madam Speaker, my district is home to Highland Park's Elm Place Middle School. The sixth, seventh, and eighth graders who make up the Problem Solvers team recently won their division at the Illinois Future Problem Solvers Bowl, and they will compete in the international competition in June.

The Future Problem Solving Program encourages young students to think critically and creatively in order to develop a vision for the future and to become leaders. In my view, these Elm Place students have achieved all three.

Their project, Tefkiir, connected them with a girls school in Jordan, and they began to exchange books and educational materials. Quickly, the students realized how much they all have in common—how much more binds us than separates us. The Elm Place students are moving on to the International Problem Solving Bowl, but they don't want to go without their partners, without their friends in Jordan. So the team raised money in our community to pay for the airfare. These students, a half a world apart, started this project together, and that's how they will finish it.

Madam Speaker, I am proud to use my time today to honor the students of Elm Place Middle School's Problem Solvers.

TIME FOR THE FEDERAL GOVERNMENT TO FACE SEQUESTER

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, the Federal budget is approximately $3.6 trillion; $2.4 trillion is what we call ''mandatory spending.'' That's Medicare, Medicaid, Social Security, and interest payments on the debt. Approximately $1.2 trillion is the discretionary budget, and we sit here and moan about $85 billion in sequester. Businesses have had the sequester over the past 3 to 4 years. Not-for-profits have had the sequester for the past 3 or 4 years. It's about time that the Federal Government sequestered also.

I want to thank the President for addressing the mandatory-spending program. With his chained CPI address on Social Security, he recognizes the fact that, if we want to stop sequestration from occurring, mandatory programs have to be reformed.

COMPREHENSIVE IMMIGRATION REFORM

(Mr. VARGAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VARGAS. Madam Speaker, I rise today in favor of comprehensive immigration reform, especially one that respects the heroic work and heroic lives of our military.

We've now heard from many military personnel who have said that what they fear most is that their spouses are going to be unfortunately and dastardly taken from them and deported. We heard from a young marine over at the Russell Building who is going off to Afghanistan for his third tour of duty. He said that he is not afraid of dying. He says, ''That's what marines do—we fight and we die.'' His only fear is that, when he is gone, they may deport his wife back to Mexico, and then he doesn't know what he can do to help her or their two children.

So we have to change the law. The law is not fair. How can the law possibly be fair when our military men and women are under this kind of threat? I stand here today to say that we have to have comprehensive immigration reform, especially one that respects our military.

30TH ANNUAL NATIONAL TRAVEL AND TOURISM WEEK

(Ms. TITUS asked and was given permission to address the House for 1 minute.)

Ms. TITUS. I rise today in recognition of National Travel and Tourism Week, and I will be introducing a resolution to that effect later today.

Travel and tourism make up the lifeblood of our economy in southern Nevada: 383,000 southern Nevada jobs are supported by the tourism industry, accounting for 47 percent of southern Nevada's labor force and generating $45 billion in economic activity.

Men and women are employed in the convention, entertainment, gaming, and related service industries. Their

hard work, ingenuity, and dedication make Las Vegas one of the world's premier travel destinations for business and pleasure. Last year, nearly 40 million visitors came to Las Vegas. In addition, we hosted over 21,000 conventions and meetings, which brought in some 5 million national and international tourists, most of whom spent considerable time in District One. Furthermore, 43 percent of these visitors traveled through McCarran Airport, which is the Nation's sixth busiest airport, also located in District One.

So for the sake of southern Nevada's economy and our national future, we must make real investments in our country's infrastructure in order to increase the efficiency and reliability of travel and to encourage greater tourism to the United States and to Las Vegas.

WORKING FAMILIES FLEXIBILITY ACT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. It is hard to raise a family and earn a living at the same time. The reality is that every hour you spend working to provide for your family is an hour you can't spend with your family.

For nearly 30 years, Federal, State, and local government employees have been able to choose paid time off, or comp time, instead of cash wages as compensation for working overtime hours. Unfortunately, Federal law prohibits employees in the private sector from having the same option. It's time to put an end to this double standard. Private sector employees deserve the same flexibility.

That is why Republicans have introduced H.R. 1406, the Working Families Flexibility Act; and that bill deserves our support. We will vote shortly on the rule for that and tomorrow on the bill. Madam Speaker, I urge all of my colleagues to vote for fairness for the private sector.

U.S. AIR FORCE CAPTAIN REID NISHIZUKA, A HERO

(Ms. GABBARD asked and was given permission to address the House for 1 minute.)

Ms. GABBARD. Madam Speaker, I rise today to honor and recognize one of Hawaii's heroes, U.S. Air Force Captain Reid Nishizuka of Kailua, Hawaii.

On April 27, 30-year-old Captain Nishizuka died as a result of an MC–12 aircraft crash near Kandahar Airfield in Afghanistan. Captain Nishizuka put his life on the line in the service of our Nation, and he made the ultimate sacrifice. I am deeply saddened by this loss for his family, for Hawaii, and for our country. My thoughts and prayers are with the Nishizukas.

Captain Nishizuka always knew he wanted to serve. He had been on track to join the Air Force since high school when he was a member of the Kailua JROTC and when he later went on to the Notre Dame ROTC, where he studied aeronautical engineering. As his family and friends have said, Captain Nishizuka always loved flying, brought joy to everyone around him, and even inspired his brother Chad to join the Air Force, too.

As we do our work here in the people's House, let us always remember the selfless example set by Captain Nishizuka and by so many other heroes, and let us do our very best to honor their immeasurable sacrifice.

HONORING OAKLAND PARK STUDENTS ON WHITE HOUSE SCIENCE FAIR

(Ms. FRANKEL of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FRANKEL of Florida. Today, I rise to say congratulations to the student inventors at Northeast High School in Oakland Park, Florida.

They were recently recognized for designing and creating a bicycle that serves as an emergency water sanitation system. After a natural disaster, the bicycle can be transported to the scene to filter contaminated water for E. coli and other pathogens. It can be assembled and taken apart in less than 1 hour, and it can produce enough water to hydrate 20 to 30 people for a 15-hour period.

These students first got the idea from unsanitary conditions in Haiti, and they have devoted countless hours to bringing this to life, and they even received a $10,000 grant from MIT. Their work ethic, creativity, and dedication to making this world a better place is an inspiration to all of us.

So, again, congratulations to the student inventors of Northeast High School in Broward County, Florida; and my best wishes to all of them in the future.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mrs. HARTZLER) laid before the House the following communication from the Clerk of the House of Representatives:

MAY 7, 2013.

Hon. JOHN A. BOEHNER
Speaker,
U.S. Capitol,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 7, 2013 at 9:30 a.m.:

That the Senate passed S. 743

With best wishes, I am

Sincerely,

Karen L. Haas.

□ 1240

PROVIDING FOR CONSIDERATION OF H.R. 1406, WORKING FAMILIES FLEXIBILITY ACT OF 2013

Ms. FOXX. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 198 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 198

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1406) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Gibson of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. House Resolution 198 provides for a structured rule providing for consideration of H.R. 1406, the Working Families Flexibility Act of 2013.

Madam Speaker, it's hard to raise a family and earn a living at the same time. The reality is that every hour you spend working to provide for your family is an hour you can't spend with your family, seeing your children off the first day of school, taking them to a doctor's appointment, or attending parent-teacher conferences. As a mother who worked while my daughter was growing up, I understand the firsthand

struggles of working parents. That is why my colleagues and I have introduced H.R. 1406, the Working Families Flexibility Act.

This commonsense legislation will allow private sector workers to choose paid time off instead of cash wages as compensation for working overtime, which is the same privilege that Federal, State, and local government employees have been able to choose for over 30 years.

The Working Families Flexibility Act is pro-family, pro-worker legislation that gives workers the flexibility to spend time with family, attend parent-teacher conferences, care for aging parents, or attend to other family needs that may arise.

If an employer and an employee agree on comp time, then the paid time off must be granted at time-and-a-half for each hour of overtime worked. Labor unions support flexible overtime compensation for their own members, and this benefit is already included in many public sector union collective bargaining agreements.

The flexible approach offered by this bill has worked for public sector employees since 1985. If the policy works for our public service employees, it will work for our private sector employees, as well. Fair is fair, Madam Speaker.

The bill maintains protections for workers to ensure that this new flexibility is not abused by making the decision to receive comp time completely voluntary and allows an employee to change his or her mind if he or she initially chooses comp time but later decides to receive cash wages for overtime. All existing protections in the Fair Labor Standards Act remain in effect under this legislation, and it is up to the employee when he or she decides to use accrued comp time. Additionally, an employee cannot be intimidated, coerced, or otherwise forced to accept comp time in lieu of cash wages for overtime.

The legislation also maintains all existing enforcement remedies for employees if an employer fails to uphold the agreement, and employers must provide 30 days' notice to employees if comp time will no longer be offered.

H.R. 1406 provides proper protection and flexibility for employees and will help American workers better balance the needs of family and the workplace. I urge my colleagues to support this rule and the underlying bill.

With that, Madam Speaker, I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I thank the gentlelady for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, I rise today in opposition to the rule and the underlying bill, which should be called the More Work, Less Pay bill.

As my colleagues know, last week Majority Leader CANTOR outlined his party's agenda for the month of May. The words he used to describe it was as a ''full legislative agenda,'' yet here we are only debating this bill on the floor of the House and I think finishing the business of the House around 1:30 p.m. today with plenty of time for Members of Congress to play golf, to go to the beach, whatever they want to do. This is hardly a full legislative agenda.

Let me add, Madam Speaker, that this bill is about overtime. Under this current legislative agenda, Congress wouldn't even come close to qualifying for overtime at a time when we have increasing national needs, balancing the budget, moving forward with jobs and the economy, comprehensive immigration reform. There are so many issues crying out for our attention, but here we are debating yet another bill that not only won't go anywhere, but also would actually make life harder and more unpredictable for American families.

This bill claims to provide working families flexibility, but in reality it allows employers to avoid paying overtime and get interest-free loans from their own employees.

There are many hourly employees who struggle holding two or three jobs, depending on overtime to pay bills, to keep food on the family table. If this bill were to become law, employers would be able to save a couple of bucks by essentially requiring people, in effect, to take comp time instead of overtime pay if they want extra hours.

Many American workers want to work more, not less. Under this bill, people's paychecks would be reduced and people don't have a real choice. It's no wonder that the vast majority of labor unions and workers oppose this bill and are not asking for this bill or this ''kind of help.''

I also want to correct something that has been claimed by my Republican colleagues, that somehow this bill gives private sector employees the same protections as public sector employees. That is not true. Most public sector workers are already protected against arbitrary and unfair treatment by civil service laws. Private sector workers don't have anything like that kind of protection.

That's why my colleague, Mr. TIM BISHOP of New York, offered an amendment in committee specifying that private sector employers could provide comp time instead of overtime if they provided the same job security protections that public employees already receive. But this amendment was voted down in the Rules Committee yesterday, and we're not even allowed here on the floor of the House, where we're going to finish by 1:30 p.m., to have a debate. Somehow, there is not even enough time. Ten minutes is all we asked for on Mr. BISHOP of New York's amendment.

Madam Speaker, the presentation of this bill is not consistent with the content of the bill. Of course it sounds good. Why wouldn't employees want the choice of being able to choose how they take their time? It all sounds good.

□ 1250

But like so many things that Congress does, the devil is in the details.

Contrary to what this bill says, employers can already give their employees time off if they so choose. Many do. We had Representative JOE COURTNEY in our Rules Committee yesterday who talked about when he was in the private sector and he had employees who had to attend school meetings, et cetera, he gave them time off. That's what most responsible employers do. We don't need legislation to tell employers it's okay to give their employees comp time.

Contrary to what the majority party here in the House says, employees wouldn't get paid under this bill until the end of the year for saved comp time—at no interest. No interest. So effectively, an interest-free loan to the company. Let's say an employee does overtime, works 45 hours a week for 3 weeks, accruing 15 hours of overtime. If they want this so-called flexibility that's provided under this bill, they choose to say, ''I may use this as comp time.'' That's their choice. However, they pay dearly for that choice in a number of ways.

Number one, if they don't use that comp time after a year, they get paid the original amount by the company. While it is true that if they got a raise in the intervening period, they get paid at that level of the raise, there is no accounting for interest or the net present value of those dollars. That's less of an impact when inflation is 1 or 2 percent, but still, it's an interest-free loan to the company. There's a much greater impact should interest rates ever return to their historical norms. And it wasn't that long ago that interest rates were in the high single digits, even double digits, effectively taking money from the worker and giving it to the company.

Number two, let's say the employer does want to use this comp time. Effectively, the employer has a unilateral veto over that. All they have to do is show that it creates undue disruption. That's the standard of unilateral employer veto.

Now, this is nothing like what occurs under the Family and Medical Leave Act, the FMLA. We've heard them say it's the same; it's not. Under FMLA it's a factor that leave doesn't create undue disruption. There's a variety of factors. It's not a sole determinant as determined by the employer.

In this case, the language is wide open to effectively provide a complete veto right of when that employee takes their time off. So again, our friend works 45 hours a weeks for 3 weeks, accrues 15 hours of overtime, and they get sold on this program. They say, ''I'll set aside the 15 hours.'' They try to take it off for their kid's birthday, they try to take it off when their kid is home from school. The employer says, ''No, you can't take it off that week.'' So it turns out that at the end of the year they still have their 15 hours.

They finally get paid, but because of net present value and interest, they are out 2 or 3 percent of that. Again, with higher interest, they could be out 10 percent. They could be out 15 percent of that. We can and must do better for American workers.

This bill would have a devastating impact for workers in my home State of Colorado. Me and my staff talked to Debbie Olander from United Food and Commercial Workers, Local 7. Debbie is a leader in our community, and she told me that wage step is already a big problem for workers in Colorado, and this bill would make it easier for employers to avoid overtime obligations and make it harder for employees who need those hours to pay those bills.

What happens if the employer goes out of business in the intervening year? Of course, the person whose wages are due can line up with other creditors, but who has the time or, if you're living paycheck to paycheck, the ability to wait to see if you ever get paid by a bankrupt employer? Instead of improving the lives of working families by giving greater flexibility, this bill allows employers to avoid paying overtime.

My Democratic colleagues on the Education and Workforce Committee and I agree that we must give working families flexibility to meet workplace and family needs. That's why we support bills like the Paycheck Fairness Act, which would help ensure that women are paid as much as men in the workplace, and the Healthy Families Act, which would establish a national paid sick day standard.

I've also heard from hundreds of workers from my district and across the country who support the Employment Nondiscrimination Act, which would prohibit workplace discrimination based on sexual orientation and gender identity. In more than half of the States, it's still perfectly legal in this day and age for an employer to fire an employee just because they're gay and what they do in their off work time. It's none of the employer's business who an employee is dating. To think that in this day and age it's legal in half the States for an employer to fire an employee because of who they're dating is absolutely absurd. We need to solve that by passing the Employment Nondiscrimination Act.

American workers are asking for these kinds of protections, unlike this sort of program that's being discussed today, which workers oppose or don't see as necessary. Well, you know, based on again the schedule for Congress, me and my colleagues aren't about to accrue any overtime anytime soon unless things change around here. Here we are, examining bills that are catchy, have good titles, might sound good on the surface, but don't address any of the real issues faced by American workers, the American economy, or our country as a whole. We need an agenda that's consistent with the needs of working families.

Madam Speaker, despite this fixation on changing the image and appealing to voters, many on the other side of the aisle seem to be recycling old ideas. In fact, an identical version of this bill was introduced in 1996, 1997, and 2003. It failed to pass the House each time. Madam Speaker, what this body needs is not just new branding, it needs new ideas, ideas that will actually help working families and make our country stronger.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume to respond to the gentleman from Colorado.

Madam Speaker, this bill sounds good because it is good. This is the theme from our colleagues across the aisle: everything about the private sector is bad; everything about government is good. That is their constant theme. This bill allows voluntary participation by employees. It does not require things.

I would also like to point out to my colleague from across the aisle, who is very quick to point out any mistake that I might make, is we did not have an amendment from Representative BISHOP in the Rules Committee yesterday. Representative BISHOP's amendment was offered in the Education Committee, but was not offered in the Rules Committee yesterday.

I would also like to say that government employees do not get interest paid on the time that they eventually get paid for instead of comp time, so we are not setting up a double standard here. What we're trying to do is eliminate a double standard, again, that our colleagues across the aisle love to have—bash the private sector.

Madam Speaker, we live in the greatest country in the world, and what made us a great country? Look at the rest of the world. What's made us a great country is the rule of law, which means we believe everybody should be treated the same way. It's our capitalistic system which has worked wonderfully well for this country, and every other system has failed all across the world. We don't need to do much but to look at what is happening in the rest of the world and how sorry their economies are, and it's our Judeo-Christian underpinnings. Those are the things that I think have made us great, Madam Speaker, and this bill will allow us to give people who work in the private sector, which is part of what's made us such a great country, the same privileges that people get who work in the public sector.

With that, Madam Speaker, I yield 2 minutes to my distinguished colleague, the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. Madam Speaker, I thank the gentlewoman for yielding.

As a working mom, I know how tough it is to occasionally miss family events. And whether it's a parent-teacher conference, a soccer or a football game, or helping my mom, my family always comes first. That is why I support this bill.

The Working Families Flexibility Act would help hardworking Americans be there for their families by allowing all workers the same opportunities to manage their work-life balance.

Government employees have enjoyed the ability to exchange overtime pay for comp time for nearly 30 years, and it is not fair or logical to continue to prevent private sector employees from having access to this very same benefit. The Fair Labor Standards Act of 1938 is out of touch with reality, and it needs updating. We're not talking about creating a new regulation or forcing folks to give up overtime pay. This pro-worker, pro-family bill simply provides comp time as a voluntary option for private sector employees who want it instead of overtime pay.

□ 1300

There are many employee protections in this bill, and a worker can take their comp time whenever they choose, as long as they provide reasonable notice and avoid disrupting business operations. Workers can also cash out on their comp time for any reason, at any time, and the employer would be required to fulfill that request in 30 days.

This type of legislation is the exact reason I ran for Congress and why I'm proud to be a Republican: to make sure laws passed in Washington help people and don't make life more difficult for Kansans and their families.

I encourage my colleagues in the House to support this bill that will empower working moms and dads by giving them more control and freedom to be there for their families.

Mr. POLIS. Before further yielding, I yield myself a moment to respond.

I thank the gentlelady for the correction. What I was referring to is the vote in the Rules Committee yesterday on an open rule which we voted on in committee. Had we considered this bill under an open rule, I or Mr. BISHOP, or any other Member of this body, could have brought forth his amendment.

You're correct, it was not submitted to the Rules Committee. It was offered in the committee of jurisdiction, on which I also serve. And I argued, you might recall, to the chair yesterday that this bill is a fine candidate for an open rule. Given that there's nothing else this body's doing today and we're getting done at 1:30, we might as well allow amendments like Mr. BISHOP's and others to be able to be debated by the House and considered by the full House.

I also want to discuss something that the gentlelady said, something about how a mischaracterization of the opponents of this bill is somehow saying the private sector is bad or the government's good. I haven't heard anybody argue that. The private sector is great. The private sector is a chief engine of economic growth. This discussion is about the private sector.

In fact, it's the other side that's somehow trying to model policies that they say already exist in the public sector and force the private sector to comply with them. We're not here seeking to try to copy what exists in the public sector and apply it to the private sector. The private sector is the primary engine of economic growth.

I think where perhaps we disagree is that I hear from many on the other side that somehow government is bad. I believe, and many on my side believe, that the minimum amount of government is necessary to ensure the success of the private sector, to ensure the rules are followed and there's an open and competitive environment that allows the private sector to thrive and succeed and create jobs for American families.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I thank the managers of this legislation. And I think it should be made very clear, since we'll have a general debate that I hope to engage in, that the underlying premise of this bill, H.R. 1406, is two simple points, and H.R. 1406 undermines this point.

The Fair Labor Standards Act only provides the incentive for employers to adhere to the 40-hour workweek by paying time and a half. H.R. 1406 removes that fundamental requirement and allows employers to pay nothing for overtime work at the time the work is performed.

I, too, am sensitive to those who want to join with their families, and clearly, that opportunity is there. But if you allow this bill to go forward, you take the choice out of the hands of the employee. And if you are looking at a boilermaker, or those in manufacturing, and a boilermaker can have close to 210 overtime hours making a certain amount per hour, literally, if you force them to take comp time and not be paid, you would cause them to lose their time and a half, and they would lose almost $6,000 in income.

I can tell you, with the economic divide between the top 1 percent and working Americans, many people work overtime in order to receive payment. And I think that H.R. 1406 goes in the wrong direction.

What I would encourage my colleagues to do is to spend some time discussing the budget, passing a budget, ending sequestration, creating opportunities for the private sector to hire more people; and, frankly, the private sector would do well to cut their costs by hiring additional persons.

So I oppose the rule and the underlying bill, and, Mr. Speaker, I ask unanimous consent at this time to bring up H.R. 900, which would end sequestration at this time and begin to put us on the right track to ensure that we end the cuts in air traffic controllers, in Homeland Security, in Head Start, in Medicare, Medicaid, Meals on Wheels, and begin to get this Nation back on track.

Mr. Speaker, I rise to speak in opposition to the Rule on H.R. 1406, the so-called "Working Families Flexibility Act of 2013." I thank Ranking Member MILLER for this opportunity to speak on behalf and in support of the working women and men in my District and against this rule because it does not fix this very flawed bill.

If the Education and the Workforce Committee had accepted Congressman JOE COURTNEY's amendment in the nature of a substitute when the bill was marked up in full Committee—workers would have something to be cheering about today. His amendment would have created 56 hours of paid medical leave for employees to use when they needed it.

The rule for this bill should be open and allow us to do something to help workers and their families. When the economy is weak—workers and their families need more protection not less.

Under current law (the Fair Labor Standards Act), employers are required to pay workers time-and-a-half cash for hours worked in excess of 40 hours per week.

The bill's text suggests that existing workers will retain their right to receive overtime pay and that only new employees would fall under the "comp time" provisions. The bill attempts to divide existing workers and new workers by denying one group of workers something as basic as equal pay for equal work. This may lead some employers to prefer their workers who are not protected by wage laws.

The reality is all workers in this economy face the potential fallout from a change in labor laws that reduce protection of monetary compensation for work done.

The bill fails to mention that workers already have the right to ask for "comp time" within any 40 hour workweek when they need it. What is not allowed is an employer making the decision that workers must take "comp time" when they work overtime.

The Fair Labor Standards Act (FLSA) of 1938 established the 40-hour workweek to allow employees to spend more time away from work and encourage employers to hire more staff when workloads increase. The FLSA's only incentive for employers to maintain a 40-hour workweek is the requirement that they pay a time-and-a-half cash premium for overtime.

The cost of labor is a factor in helping to expand the numbers of employed persons in our nation. When employers see the cost savings associated with hiring more workers as the hours worked by existing employees increase labor cost due to overtime pay—they hire more workers.

The Bureau of Labor Statistics counts overtime as a benefit not as pay. If the result of the bill is to have employees work more hours, but without the guarantee of compensation—it is flawed.

This bill also makes it harder for America's workers to have their rights enforced by the Department of Labor. Amending the law to weaken work for pay requirements would result in even more widespread violation of the overtime law and more workers working longer hours for less pay.

Under the rule for H.R. 1406, employers can schedule workers to work up to 160 hours of "comp time." Workers will be cheated out of their accrued overtime earnings when their employer goes bankrupt.

I stand today with America's workers. We are united in opposition to H.R. 1406, the Working Families Flexibility Act of 2013. We should not be wasting time on legislation that is going nowhere. Instead we should be focused on the real problems facing Americans, like creating jobs, ending the Sequester, and helping businesses grow.

Therefore, I ask unanimous consent to call up for immediate consideration H.R. 900, the Cancel the Sequester Act of 2013.

If Congress wants to do something for workers we should end the sequester.

The SPEAKER pro tempore (Mr. WOMACK). Under guidelines consistently issued by successive Speakers as recorded in section 956 of the House Rules and Manual, the Chair is constrained not to entertain the request unless it has been cleared by the bipartisan floor and committee leaderships.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to my distinguished colleague from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Mr. Speaker, I rise today in support of the Working Families Flexibility Act. This legislation would remove an outdated Federal mandate that prohibits private sector workers from benefiting from the personal option of flextime. Public sector employees have had the flextime option for 30 years, and it's time private sector workers had the same opportunity to spend more time with their families or more time engaged in other interests away from the workplace.

The State of Missouri has allowed flextime for years for a variety of State agencies like the Missouri State Water Patrol. The Lake of the Ozarks is in my district and is a destination for many during the warm summer months, and the Water Patrol work long, hard days over the summer to keep order on the lake and ensure safety for boaters, skiers, and swimmers.

With Missouri's seasonal climate, these State workers have taken advantage of working long summer days and saving flextime in the winter months for extended vacations or other seasonal work. These workers enjoy the flexibility and income stability of their jobs, and it works out to be mutually beneficial for the employees and the State. This commonsense labor provision makes the Water Patrol officer a very popular career choice and encourages the type of competition that has led to continuous quality in the force.

The Working Families Flexibility Act would modernize outdated regulations to allow private sector workers in Missouri's Fourth District and elsewhere to voluntarily choose paid time off as compensation for the overtime hours they work. It will remove the obstacles standing in the way of working families and will allow working women to better balance their work and family obligations.

As a working wife and mother, I understand how important it is to have a schedule that is flexible when children unexpectedly get sick or when high

school graduation nears and mothers need extra time to celebrate the child's accomplishments.

I support this commonsense legislation that allows flexibility for American workers and gives the power back to the workers and employers to voluntarily work together and find a solution that works best for everyone.

Again, I urge my colleagues to vote for this pro-family legislation.

Mr. POLIS. Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 377, Representative DELAURO's Paycheck Fairness Act. To discuss her bill, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I rise in opposition to the previous question. Defeat of the previous question will allow the gentleman from Colorado to amend the rule to provide for consideration of the Paycheck Fairness Act, an act that addresses the persistent problem of unequal pay in our economy and would help to make the bill before us a real boon for workers and families.

Today, women are now half of the Nation's workforce. They are still only being paid 77 cents on the dollar as compared to men. And this holds true across all occupations and education levels. And for women of color, the disparities are even worse.

Let's take this body, the U.S. Congress, the House of Representatives. We come from all over the country. We have different educational backgrounds. We have different skill sets and different philosophies. And yet, while we are all men and women here, we get paid the same amount of money. That is not true for most women in the United States of America.

The only other institution in which there is same job, same pay, men and women, is in the U.S. military

□ 1310

Less pay for women means less pay for the entire family at a time when millions are struggling to enter the middle class, give their children a chance at a better life, and achieve the American Dream.

That's what paycheck fairness is all about: men, women, same job, same pay. Fifty years ago, Congress passed the Equal Pay Act to confront this ''serious and endemic'' problem of unequal wages in America. President John F. Kennedy signed it into law to end ''the unconscionable practice of paying female employees less wages than male employees for the same job.''

Fifty years later, it is clear that we have more to do. If this majority really wants to show good faith towards workers and their families and women in this Nation, then what they will do is they will join us, and they will take the steps that are necessary to end unequal pay, put an end to pay secrecy, strengthen a worker's ability to challenge discrimination, and bring equal-pay law into line with other civil rights laws.

What they will do is they will abandon the legislation that will gut the 40-hour workweek and that will allow employers to cut employees' overtime pay in order to save money.

America's women and America's families have waited far too long for this institution to act. They're watching us now, and I urge this majority to do right by them at last and help us to end unequal pay for women in this Nation for good.

Ms. FOXX. Mr. Speaker, I would believe that the comments of my colleague from Connecticut would be a little more sincere if she would direct the issue of pay disparity to the White House. The White House needs to do something about pay disparity. If we had leaders who led by example, then the White House would straighten out the pay disparity that exists there.

Also, my colleagues don't seem to want to talk about the bill before us today because it is such commonsense legislation. They have no real arguments to offer about defeating it, so they want to distract the American people onto other issues.

With that, Mr. Speaker, I yield 2 minutes to my colleague from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. Mr. Speaker, I thank the gentlelady for yielding.

Mr. Speaker, life is hard. Across Indiana, moms and dads are working hard to make ends meet, and it's anything but easy. The national unemployment rate is 7.5 percent. More businesses are reducing employees' hours under the immense pressure and weight of ObamaCare's red tape. On top of all that, President Obama wants $1.2 trillion in new taxes on families and businesses.

There is no timecard at the dinner table. Parenting is a 24/7, 365-day job. Unfortunately, moms and dads in the private sector have to consider missing a day of work when flu season strikes, when teacher conferences roll around, or when life throws another curve ball.

The last thing Hoosiers in the real economy need is an outdated Federal law that makes things harder. Under the Fair Labor Standards Act of 1938, too many families are forced to make a difficult trade-off: sit down with your son's teacher and you could see a thinner paycheck at the end of the week. Often, mom and dad will take turns after they've looked at the budget and the calendar. For single parents, it's another uphill battle.

But while families on Main Street have to make tough choices, government workers have the flexibility to work overtime to cover these situations. We need to make sure that Hoosiers in the everyday world have the same option.

Here in the House, we've introduced a simple, commonsense solution. Our bill gives Hoosiers and Americans a choice between cash wages and comp time for the overtime hours that they work. Government workers already get this option. So should everyday Americans. By fixing an outdated law today, we can give working parents more flexibility tomorrow.

Mr. POLIS. Before further yielding, I want to address this fallacious concept that the gentlelady from North Carolina has brought up in previous debate as well as this one that somehow the White House discriminates against women. Again, that's been proven as untrue. We actually have a young lady on our Rules Committee staff who worked for the White House and tells us she earned the same amount as men.

Of course, for the same job, women get paid the same amount. That's what paycheck fairness is about. It doesn't say if you do a different job you get paid the same amount, and it doesn't mean that every man and every woman is compensated the same. It's just for the same job, same pay. As for the Obama administration, every one of their actions and the White House's actions have been consistent with that. We believe it should apply to the private sector because, of course, not every woman in the country has the privilege of working for the White House.

We're talking about American families with real private sector jobs out there, not these government jobs that the other side keeps alluding to.

With that, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS.)

Mrs. CAPPS. Mr. Speaker, I thank my colleague from Colorado for yielding time.

I rise in opposition to H.R. 1406. This isn't the first time we've seen anti-worker legislation paraded as a pro-family solution. But it's embarrassing that here in 2013 we are considering a bill that would reverse over 70 years of worker protections.

The so-called Working Families Flexibility Act is out of touch with what real American working families need. Real working families need protections against egregiously long hours and unreasonable management demands. Real working families need fair wages paid to them in a timely manner. Real working families need predictable schedules with time to care for their families and themselves, and real working families need the ability to take earned leave when they have earned it and when they need it.

This bill does nothing to address those needs. Instead, it sets up a false choice between time and pay. It incentivizes excess overtime scheduling. It reduces the employee's control over her daily schedule, and it provides no guarantee that the time off earned could be actually used.

The only flexibility provided in this bill is to bosses who would be given the flexibility to choose to do whatever they choose without standards and without consideration for the needs of the families of their workers.

I urge my colleagues to come together and support policies that would truly support our working families. A

real family-friendly bill would allow workers to earn paid sick days. It would extend access to job-protected leave. It would work to close the gender pay gap. Instead, this Mother's Day, all we have to offer our hard-working moms is a disingenuous bill that moves us backwards. Our mothers deserve better.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

As my colleague from California knows, I am very fond of her and respect her a great deal; but I want to say that this bill is not a bad bill. This bill does not roll back the rights of workers at all.

And if the bill is so bad and what it does is give fairness to people in the private sector and it gives to the people in the private sector the same rights and privileges that people in the public sector have, then why are my colleagues not trying to roll back those rights for the public sector? It would make sense that all the horrible things they've said about this bill which apply to the public sector you would want to protect the public sector.

But that's not what my colleagues are doing. They're simply saying it isn't right to let the private sector employees have the same rights and privileges that public sector employees have. It doesn't make any sense for them to make that argument. It just doesn't make any sense to do that.

Mr. Speaker, the Working Families Flexibility Act makes it easier for American workers to juggle the needs of family and the workplace. That's what it accomplishes.

I want to urge the people watching this debate to read the bill. Unlike the thousand-page bill that came out that people have to ''wait until it passes'' before they understand what's in it, before we understand what's in it, this bill is basically 8 pages long. Any American can read this bill and understand it. So I would say to you, if you doubt what we are saying on our side of the aisle, read the bill. That is the best way for the American public to be informed.

□ 1320

Mr. Speaker, as we consider it, there are some things to keep in mind.

First, it in no way undermines longstanding essential worker safeguards or forces workers to give up overtime pay if that's how they choose to be compensated. It simply provides an additional level of flexibility that government workers already enjoy. I don't know how many more ways we can make that point, Mr. Speaker, but we will continue to do that.

Further, the bill does not allow employers to bully employees into picking comp time over cash payment. It provides new important safeguards to ensure that the choice to use comp time over cash wages is truly voluntary. Employees can change their minds and request overtime cash payment in lieu of unused comp time.

For employees represented by a labor organization, the labor organization and the employer must first reach an agreement to provide this benefit before the employee can choose to exercise it. For an employee who is not a member of a labor organization, the agreement is between the employer and the individual employee and must be entered into knowingly and voluntarily by the employee and may not be a condition of employment.

The bill does not change the 40-hour workweek or how overtime is currently calculated and accrued, and it does not affect comp time provisions regarding employees of Federal, State, or local governments.

Mr. Speaker, in fiscal year 2012, IRS employees accrued 246,450 hours of comp time in lieu of overtime pay. That amounts to 30,806 full 8-hour days. Employees at the Department of Labor accrued 51,097 hours of comp time, or 6,387 full 8-hour days. Employees at the Department of Education accrued 12,408 hours of comp time, or 1,551 full 8-hour days.

It's clear that Federal employees appreciate this flexibility. What is unclear is why my colleagues on the other side of the aisle are so hell-bent on denying private sector employees this same flexibility. What's good for the goose is good for the gander.

We hear the word ''fairness'' from the other side of the aisle constantly. This bill is fair, Mr. Speaker. H.R. 1406 simply affords private sector employees the same flexibility that Federal, State, and local government employees have enjoyed for over 30 years. It is unconscionable to me that our colleagues would vote against this and say you should be a second-class citizen if you work in the private sector.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Before further yielding, I want to again address this great and sudden desire that the gentlelady from North Carolina has expressed to make sure that government policies apply to the private sector, to try to say somehow the way that government employees are treated needs to be the way that every private sector employee is treated. Usually it's the private sector that leads the way, not Big Government like the gentlelady from North Carolina is arguing. In fact, it's even a misinterpretation of what the public sector does.

The public sector has civil service protections for its employees. That's something that doesn't exist in the private sector. That's why, if we had been able to, under an open rule—which we don't have because, of course, somehow this body has to finish up by 2 p.m. so everybody can go home. But if we were allowed to have an open rule and actually bring forth amendments on this, we would be able to introduce Mr. BISHOP's amendment, which would have facilitated this discussion of, well, if it's good enough for the goose, it's good enough for the gander. If the Republicans are so keen to apply public sector personnel policy to the private sector, then why not apply civil service protections to the private sector?

Again, the truth of the matter is there's a night-and-day difference between the types of protections and policies that public sector and private sector employees have. One of the goals of the Civil Service Act was to add a degree of professionalism to public sector jobs, to take away the patronage components that had a corrupting influence on the system. By and large it succeeded in that goal, to its great credit. It's a very different set of rules that we have with regard to the private sector.

So, again, I think that that is, to a certain degree, a false analogy, and I hope that the information I provided helps correct that in the eyes of those who are listening.

With that, Mr. Speaker, I'd like to yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), a colleague of mine.

Ms. KAPTUR. I thank Congressman POLIS for yielding time and rise against the rule and the underlying bill, H.R. 1406, the More Work for Less Pay Act.

Congress should protect workers' wages and overtime rights, not undermine them. USA Today reported yesterday that stock markets and corporate profits are breaking records, but workers who rely on paychecks for their income have been running in place—financially speaking—and falling behind, despite their productivity increasing consistently for the last several years. That means they're working harder for less. Adjusting for inflation, an average worker who was paid $49,650 at the end of 2009 is now making about $545 less, and that's before taxes and deductions.

Living standards aren't rising for the middle class; they're falling. Yet the profits of Standard and Poor's 500 companies hit a record in the first quarter. The roaring market is making the richest Americans even richer, giving them even more money to spend.

How about this? Brian Moynihan, Bank of America, he earns about $12.1 million that is reported in the papers—I'm sure it's even more than that—and Goldman Sachs, their CEO, Lloyd Blankfein, $21 million that he's willing to admit; and John Stumpf at Wells Fargo, $22.9 million. Frankly, how much more do they need?

Now, meanwhile, during the first 2 years of the recovery, while average net worth rose for the top 7 percent of households, it fell for the other 93 percent, according to the Pew Research Center. The reason is clear: corporate America isn't sharing its record earnings with those who are earning them. In fact, higher corporate profits owe partially to the employers' success at paying workers less even while those workers are working harder, and holding down their raises and forcing overtime rather than hiring from the ranks

of the 12 million who remain unemployed.

Productivity has been rising at an average of 1.5 percent a year since the recovery began, while companies are squeezing more out of each worker even as inflation-adjusted wages have stagnated and hiring remains sluggish.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. I yield the gentlelady an additional 30 seconds.

Ms. KAPTUR. I thank the gentleman.

Still, so many Americans are out of work that employers can get away with giving no raises at all.

America is supposed to be about opportunity for all, not just the few. We're supposed to be about fair pay for hard work.

I ask my colleagues to oppose the Republican More Work for Less Pay Act, and I would urge us to pay fair wages for a fair day's work. All you have to do is go to parts of the country where people's faces are worn. You'll see what's really happening out in the real America. Let's oppose this Republican bill and the rule.

The bill gives employers the flexibility not to pay overtime to their workers; instead employees would be provided comp time.

However, employers, not the employee, are provided the flexibility to decide when and even if comp time can be used.

There is nothing in the legislation that guarantees that workers will be able to use the comp time they have earned when they need it.

In fact, the bill permits the employer to deny a comp time request if the employee's use of comp time would unduly disrupt operations.

Employers can even veto an employee's request to use comp time even in cases of urgent need under the legislation.

If an employee does not accept comp time, they could be penalized with fewer hours, bad shifts, and loss of overtime hours.

Given that it is cheaper to provide comp time than to pay overtime wages, this bill provides a significant incentive for employers to hire fewer people and rely on overtime to be paid for future comp time.

The Fair Labor Standards Act currently allow employers to provide workers with flexibility and time off without compromising their right to be paid fairly for the hours they work.

Consequently, this legislation is unnecessary based on current law.

Workers should not have to put in extra time beyond a 40-hour week and be forced to forgo pay to earn time to care for themselves or their loved ones.

The same bill proposed and died in committee in 2003 and failed in 1996 and 1997 to get through Congress.

[From USA Today, May 6, 2013]

ECONOMY LEAVES WAGES BEHIND

(By Paul Davidson and John Waggoner)

Stock markets and corporate profits are breaking records. The economy suddenly looks brighter after the government's surprising report Friday that employers added 635,000 jobs the past three months.

But instead of celebrating, many working Americans are borrowing a line from the 1996 movie Jerry Maguire: ''Show me the money.''

Hourly wages ticked up 4 cents in April to an average $23.87, rising at about the same tepid 2 percent annual pace since the recovery began in mid-2009.

But taking inflation into account, they're virtually flat. Workers who rely on paychecks for their income have been running in place, financially speaking. Adjusting for inflation, an average worker who was paid $49,650 at the end of 2009 is making about $545 less now—and that's before taxes and deductions.

Stagnant wages aren't only tough on workers—the American economy is paying a price too. Living standards aren't rising. Consumer spending, which is 70 percent of the economy, is more restrained. And the recovery advances at a slower pace.

Ultimately, for the economy to thrive we need everyone participating,'' says Mark Zandi, chief economist of Moody's Analytics.

The profits of Standard & Poor's 500 companies hit a record in the first quarter. Their healthy earnings have boosted stocks, and April's encouraging jobs report sent the stock market even higher Friday. The Dow Jones industrial average crossed 15,000 for the first time and closed at a record 14,973.96, up 142.38 points.

The roaring market is making the richest Americans richer and giving them more money to spend. But in 2010, only 31 percent of U.S. households had stock holdings of $10,000 or more, according to the Economic Policy Institute (EPI). During the first two years of the recovery, average net worth rose for the top 7 percent of households but fell for the other 93 percent, the Pew Research Center says.

Meanwhile, Corporate America isn't sharing its record earnings with employees.

''Don't hold your breath,'' for employers to become more generous, says John Lonski, chief economist for Moody's Investors Service. One reason, he says, is that revenue growth has been meager, up between 0.5 percent and 1 percent in the last year.

In fact, higher profits owe partially to employers' success in controlling labor expenses by getting workers to be more productive, holding down raises and hiring conservatively.

Productivity, or output per labor hour, has risen an average 1.5 percent a year since the recovery began. Companies are squeezing more out of each worker even as inflation-adjusted wages have stagnated.

Another reason for stagnant wages is the law of supply and demand. Sure, the job market has picked up: Employers added 165,000 jobs last month and an average 196,000 a month this year, up from 183,000 in 2012. And the jobless rate has fallen from a peak of 10 percent in 2009.

FEW INCENTIVES TO BOOST PAY

Yet today's 7.5 percent unemployment rate is still high. Nearly 12 million Americans are unemployed, and millions more want to work but are so discouraged they've stopped looking. With an abundant supply of potential workers, employers have little reason to shell out big raises.

''High unemployment hurts workers' bargaining power,'' EPI economist Heidi Shierholz says. ''Employers know they can go get someone else.''

So many Americans are out of work that employers could get away with giving no raises at all, Zandi says, leaving household income falling behind inflation. But employers realize that would hurt morale and, in turn, productivity, he says.

Still, wage increases that just barely keep up with inflation don't make for a prosperous economy.

''We're not seeing the living standard growth of American workers that we should be seeing,'' Shierholz says.

Stagnant wages also hurt consumer spending. Low- and moderate-income workers typically spend nearly all their paychecks, juicing the economy, while high-income workers tend to save a portion, says Dean Baker, co-director of the Center for Economic and Policy Research.

Larry Breech, of Milville, Pa., a retired farmer who makes about $10,000 a year, says his per diem pay for substitute teaching hasn't changed in several years.

''We will be frugal,'' he says. ''Fiscal restraint is imperative.''

Consumer spending, which has been growing at an average annual rate of about 2 percent during the recovery, would be rising by 2.5 percent if employers simply passed their productivity gains onto their workers, Zandi says.

Some workers are getting bigger raises. While the lowest 10 percent of income earners got average raises of 0.3 percent last year, those in the top 25 percent saw their pay jump 3.1 percent, say the Bureau of Labor Statistics and Moody's Analytics. Workers with higher skills and more education in booming industries, such as energy and technology, can command higher salaries.

Stephen Allen, an oil industry contractor in St. Louis, says his wages have increased by more than 60 percent the past three years. He makes about $85,000 a year.

For now, it's up to Americans like Allen and those with large stock holdings to generate a bigger share of spending and economic activity. The top 20 percent of households based on income account for nearly half of consumer spending, according to Barclays Capital.

GOOD NEWS FOR HOUSEHOLDS

A bright spot is that despite puny wage increases, other barometers of household finances show improvement. The housing market is continuing a solid recovery. Climbing home and stock prices have helped households overall recover the wealth they lost in the recession and housing crash.

And the share of income Americans are using to pay off debt has fallen to 10.4 percent, the lowest level since the government began tracking the data in 1980, reports the Federal Reserve. Meanwhile, falling gas prices are putting more cash in consumers' pockets. Such developments can partly offset sluggish wage growth and pave the way for higher spending.

After working off debt the past three years, Allen says he expects to be debt-free this summer ''and then save for a down payment on a house.''

Still, economists say consumer spending won't take off in earnest until inflation-adjusted wages return to a normal growth rate of about 1.5 percent a year. Baker says that likely won't happen until unemployment falls below 6 percent, probably in 2016.

Then, employers will begin to worry about not finding enough workers.

''They'll start to hire more aggressively,'' pushing up wages faster, Zandi says.

Ms. FOXX. Mr. Speaker, I assume the gentleman from Colorado has additional speakers, but at this time I would like to reserve the balance of my time.

Mr. POLIS. I would just like to indicate I have one remaining speaker.

With that, I would like to yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. I thank the gentleman for yielding, and I rise in opposition to the majority's Working Families Flexibility Act.

It troubles me to oppose a bill that has the exact same name of a bill that I've introduced in the three previous Congresses that provided real workplace flexibility for working men and women. I believe that this bill, the Republican bill, would be more aptly named the More Work, Less Pay Act.

My bill would have provided employers and employees with protections in discussing flexible work arrangements. Under the More Work, Less Pay Act, workers would lose the basic guarantees of fair pay for overtime work and time off from work under the Fair Labor Standards Act. It would deprive hardworking people of their earned income and fail to guarantee them the right to use that overtime even for a personal or family emergency.

Shamefully, the U.S. ranks among the least generous of industrialized countries when it comes to family-friendly workplace policies like paid family leave and paid sick leave. Congress should be focused on increasing the minimum wage, expanding family and medical leave, and providing opportunities for real flexible work options.

□ 1330

These policies are common sense. True workplace advancement benefits both business and worker interests. Instead, the Republican bill hurts employees by giving them less pay at a time when their wages are stagnant.

I urge my colleagues to oppose this legislation, to oppose this rule, and bring up the minority's alternatives and allow the minority to have amendments and alternatives to the rule.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

A little while ago we had a debate about the pay in the White House. I have an article from the Daily Caller that I would like to enter into the RECORD, and I will quote briefly from the article. The article is dated January 15, 2013, posted by Caroline May:

While President Obama handily won the women's vote by 11 percentage points in November over Republican nominee Mitt Romney, his administration paid the women on his payroll less than his male employees last year.

A Daily Caller analysis of the administration's ''2012 Annual Report to Congress on White House Staff'' shows that while women comprised about half of the 468 staffers—as the President touted during his press conference Monday—they also earned about 13 percent less, on average, than their male counterparts.

The median 2012 salary for female employees of the White House was $62,000; for men that number was $71,000.

The article ends with a quote from New York Democratic Representative CHARLIE RANGEL. He, however, called Obama's failure to appoint more women and minorities to high-profile positions ''embarrassing as hell.''

''The questions I've heard are fair,'' RANGEL said January 10 on MSNBC. ''The record does speak for itself.''

With that, Mr. Speaker, I reserve the balance of my time.

[From the Daily Caller, Jan. 15, 2013]

OBAMA WHITE HOUSE PAID WOMEN STAFFERS LESS THAN MEN IN 2012

By Caroline May

While President Barack Obama handily won the women's vote by 11 percentage points in November over Republican nominee Mitt Romney, his administration paid the women on his payroll less than his male employees last year.

A Daily Caller analysis of the administration's ''2012 Annual Report to Congress on White House Staff'' shows that while women comprised about half of the 468 staffers—as the president touted during his press conference Monday—they also earned about 13 percent less, on average, than their male counterparts.

The median 2012 salary for female employees of the White House was $62,000; for men that number was $71,000.

The DC calculated the median male and female salaries by determining employee genders based on their names. In cases where the gender was not clear, The DC either identified the specific employee in other ways or—in a few cases—assigned gender based on the most common use of a given name according to databases of baby names.

The 2012 pay disparity represented an improvement from the disparity in 2011 figures the Washington Free Beacon reported last year. According to that analysis, the median female compensation in the White House was $60,000—$2,000 less than in 2012—and the male employees' median was unchanged at $71,000. That amounted to an 18 percent difference.

In his statement last year declaring April 17 Equal Pay Day, Obama lamented the pay disparity between men and women in America, echoing the well-worn yet often-questioned statistic that ''women who worked full-time earned only 77 percent of what their male counterparts did.''

He pointed to the Lilly Ledbetter Fair Pay Act, which made it easier for women to sue for lost wages due to pay discrimination, and to the creation of the National Equal Pay Task Force in 2010, as examples of the administration's commitment to equal pay.

''At a time when families across our country are struggling to make ends meet, ensuring a fair wage for all parents is more important than ever,'' the president said. ''Women are breadwinners in a growing number of families, and women's earnings play an increasingly important role in families' incomes. For them, fair pay is even more than a basic right—it is an economic necessity.''

Obama's White House female employees achieved a slightly better 87 percent of what their male counterparts earned, compared to Obama's national 77 percent figure.

In recent weeks Obama has come under fire for the composition of his inner circle—initially sparked by an official White House photo of the president published by The New York Times in which he was surrounded by all men. His nomination of white men to all four second-term cabinet positions so far has also drawn criticism.

Establishment media outlets and women's groups have been troubled by the apparent lack of female leadership and diversity the administration has exhibited so far—with the National Organization for Women demanding to know ''President Obama, Where are the Women?'' Jane Fonda, Robin Morgan and Gloria Steinem, all co-founders of the Women's Media Center, have pressed Obama to adopt an inner circle that looks more like American.

''[Obama] wouldn't have been re-elected without 55 percent of the women's vote, something he earned by representing women's majority views on issues, yet now he seems to be ignoring women's ability to be not only voters, but leaders,'' the trio wrote Friday in a CNN website essay. NBC's Andrea Mitchell noted Sunday on ''Meet the Press'' that women inside the White House ''are not happy'' with the male-dominated face of Obama's administration.

Monday, Obama addressed some of the criticisms about the composition of his cabinet, saying that it is too soon to ''rush to judgment'' and that women were influential throughout his first term.

''So if you think about my first four years, the person who probably had the most influence on my foreign policy was a woman,'' Obama said. ''The people who were in charge of moving forward my most important domestic initiative, health care, were women. The person in charge of our homeland security was a woman. My two appointments to the Supreme Court were women. And 50 percent of my White House staff were women. So I think people should expect that that record will be built upon during the next four years.''

Mr. POLIS. Mr. Speaker, I am prepared to close.

I would like to inquire if the gentlelady has any remaining speakers.

Ms. FOXX. We have no further speakers, Mr. Speaker, and I am willing to close after the gentleman from Colorado.

Mr. POLIS. Mr. Speaker, I yield myself the remainder of the time.

First of all, conflating somehow paycheck fairness with compensation of women at the White House is comparing apples and oranges.

Nothing that we are supporting or that the Paycheck Fairness Act includes says that women and men should all be paid the same regardless of what their job is. It simply says ''equal work, equal pay.'' There's no evidence in the Daily Caller or anywhere else that for the same job, in the White House or anywhere in the administration, that women are paid less. They are not.

Even if you had paycheck fairness—again, we passed our law; it becomes the law of the land in the private sector—it doesn't mean every woman gets the same pay as every man. It simply means that for the same job men and women get the same pay. It is quite possible there could still be a differential either way. There's not a problem with that. It depends on what jobs people have. But for the same job, it should be the law of the land, just as it has been President Obama's policy that men and women receive the same pay.

Mr. Speaker, this bill, the ''more work, less pay bill,'' is yet another attempt to roll back workers' rights under the guise of doing just the opposite.

I wish we were here talking about things that would benefit American families like the Paycheck Fairness Act to ensure women receive equal pay for equal work; making sure that people can't be fired from their job just because of who they date. It is none of the boss's darn business.

But instead of collaborating with Democrats to produce a compromise bill we can be proud of, instead, this House is considering a bill that would

weaken over time and is nearly identical to bills that have failed in three prior Congresses.

There are many measures that we could be taking up to help grow the economy, reduce the deficit, create jobs, invest in the middle class, replace our broken immigration system with one that works; but this bill is none of those.

I wanted to point out and highlight the work of the Democrats on the Educational and the Workforce Committee. The Web site is Democrats.edworkforce.house.gov. They produced a video that shows exactly what this ''more work, less pay'' legislation is.

Mr. Speaker, I support giving American workers and families more flexibility. There could be a way to work together; but, again, this body has not done so. It does just the opposite. Instead of having an open rule under which many of us could bring forth amendments to discuss, Democratic Members offered several sensible amendments, which were rejected by the House majority, both in the committee of jurisdiction and the Rules Committee.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 377, Representative DELAURO's Paycheck Fairness Act, of which I am an original cosponsor.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question so we can bring up the Paycheck Fairness Act. I urge a ''no'' vote on this restrictive rule and the bill, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, we are very proud of this bill. I can't understand why our colleagues on the other side of the aisle are so opposed to fairness when fairness applies to the private sector.

I would like to point out to my colleague that we would have entertained amendments in the Rules Committee had they been germane or if they had not been withdrawn. As he well knows, being a member of the Rules Committee, the amendments that were introduced by his colleagues were withdrawn before the committee had an opportunity to consider the amendments or were ruled nongermane.

I also assume that, based on the comments our colleagues have made across the aisle, that because the rights and privileges that are given to public employees are so horrible that they cannot be extended to the private sector, that they will probably be introducing a bill to withdraw those rights and privileges because they're only hurting public employees, and our colleagues don't want to be hurting private sector employees.

Mr. Speaker, House Republicans are committed to providing more opportunities for more Americans and helping make life work for more families. This legislation is a great step in that direction.

The rule before us today provides for consideration of a bill that gives employees across the country the flexibility that they deserve so they can better manage the many daily challenges of family life. Whether the employee is a new parent who wishes to stay at home with a newborn, a proud aunt who wishes to attend her nephew's baseball game, or a son or daughter who wants to care for an elderly parent, America's private sector employees should be able to determine for themselves what to do with the overtime compensation that they have earned.

Therefore, I urge my colleagues to vote for this rule and the underlying bill.

Mr. HOLT. Mr. Speaker, the bill before us today, H.R. 1406, the so-called "Working Families Flexibility Act" is a wolf in sheep's clothing. This bill would amend the Fair Labor Standards Act of 1938 in order to allow private sector employers to compensate their employees with compensatory time or comp time, instead of earned overtime pay. This proposal subverts the power and purpose of the Fair Labor Standards Act by making private sector workplaces less fair and certainly less flexible.

Instead of ensuring fairness and flexibility for employees, H.R. 1406 gives employers the legal cover for forcing employees to work more and then, in turn, paying them less. This bill does nothing to assist working families; rather it is an assault on the wages of working families all across the country. What would improve the lives of working families is a proposal to increase the minimum wage, such as introduced by Ranking Member MILLER and cosponsored by me and 134 members of this House. H.R. 1010 would increase the minimum wage in three tiered steps and then index future increases to inflation. Such a proposal would actually provide more flexibility by putting more money in the pockets of working families today and in the future. However, instead of considering a proposal which would directly benefit American workers, this Committee is considering a misleadingly named bill which does just the opposite.

Flexibility in the workplace is something that the government welcomes. However, H.R. 1406 is not the way to achieve that goal. Flexible workplaces do not force employees to choose between working more and earning less. Instead, flexible workplaces provide adequate leave options under the Family Medical Leave Act. Flexible workplaces provide a competitive, living wage for employees regardless of their gender. Flexible workplaces provide sufficient paid sick leave. H.R. 1406 does nothing to advance any of these proposals and most of all does nothing to foster a flexible work environment.

H.R. 1406 is nothing more than a message moment for the majority party. The bill weakens the worker protections under which we have lived comfortably for 75 years. This bill provides less flexibility, not more. Even if this deeply flawed bill passes this House, it will not be considered by the Senate nor will it become law. It is a diversion from the real issues that this Committee was tasked with tackling: creating jobs and fostering economic growth.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 198 OFFERED BY MR. POLIS OF COLORADO

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 377) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 377.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to

yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 39 minutes p.m.), the House stood in recess.

□ 1410

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATHAM) at 2 o'clock and 10 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

The previous question on H. Res. 198, by the yeas and nays; adoption of H. Res. 198, if ordered; and approval of the Journal, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 1406, WORKING FAMILIES FLEXIBILITY ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 198) providing for consideration of the bill (H.R. 1406) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 230, nays 198, not voting 4, as follows:

[Roll No. 132]

YEAS—230

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NAYS—198

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz

Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—4

Hastings (FL)
Markey
Westmoreland
Young (FL)

□ 1435

Messrs. OWEN, SCHRADER, and ENYART changed their vote from ''yea'' to ''nay.''

Mr. KING of New York changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 199, not voting 5, as follows:

[Roll No. 133]

AYES—228

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOES—199

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—5

Hastings (FL)
Markey
Rohrabacher
Westmoreland
Young (FL)

□ 1444

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 293, nays 131, answered ''present'' 1, not voting 7, as follows:

[Roll No. 134]

YEAS—293

Aderholt
Alexander
Amodei
Bachmann
Barber
Barletta
Barrow (GA)
Barton
Beatty
Becerra
Bentivolio
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boustany
Brady (TX)
Braley (IA)
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cárdenas
Carney
Carter
Cartwright
Cassidy
Castro (TX)
Chabot
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Coble
Cole
Collins (NY)
Conaway
Conyers
Cook
Cooper
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Cummings
Daines
Davis (CA)
Davis, Danny
Delaney
DeLauro
DelBene
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Doyle
Duckworth
Duncan (SC)
Duncan (TN)
Ellison
Ellmers
Engel
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fleischmann
Flores
Forbes
Fortenberry
Foster
Frankel (FL)
Franks (AZ)
Frelinghuysen
Gabbard
Gallego
Garrett
Gerlach
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Grayson
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (WA)
Heck (WA)
Hensarling
Higgins
Himes
Hinojosa
Holt
Horsford
Huelskamp
Huffman
Hultgren
Hunter
Hurt
Jackson Lee
Johnson (GA)
Johnson, Sam
Jones
Kaptur
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kline
Kuster
Labrador
LaMalfa
Lamborn
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latta
Levin
Lipinski
Loebsack
Lofgren
Long
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Maloney, Carolyn
Marchant
Marino
Massie
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meng
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neugebauer
Noem
Nunes
Nunnelee
O'Rourke
Olson
Palazzo
Pascrell
Payne
Pearce
Perlmutter
Peters (CA)
Petri
Pingree (ME)
Pocan
Polis
Pompeo
Posey
Price (NC)
Quigley
Rangel
Ribble
Rice (SC)
Roby

Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Ryan (WI)
Sarbanes
Scalise
Schiff
Schneider
Schock
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stewart
Stockman
Stutzman
Swalwell (CA)
Takano
Thornberry
Tierney
Titus
Tonko
Tsongas
Upton
Van Hollen
Vargas
Wagner
Walberg
Walden
Walorski
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weber (TX)
Webster (FL)
Wenstrup
Whitfield
Williams
Wilson (SC)
Wolf
Womack
Yarmuth
Yoho
Young (IN)

NAYS—131

Amash
Andrews
Bachus
Barr
Bass
Benishek
Bishop (NY)
Brady (PA)
Broun (GA)
Burgess
Butterfield
Capuano
Carson (IN)
Castor (FL)
Chaffetz
Coffman
Cohen
Collins (GA)
Connolly
Costa
Cotton
Courtney
Crowley
Davis, Rodney
DeFazio
DeGette
Denham
DeSantis
Duffy
Edwards
Fitzpatrick
Fleming
Foxx
Fudge
Garamendi
Garcia
Gardner
Gibson
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Hanna
Heck (NV)
Herrera Beutler
Holding
Honda
Hoyer
Hudson
Huizenga (MI)
Israel
Jeffries
Jenkins
Johnson (OH)
Johnson, E. B.
Jordan
Joyce
Kilmer
Kind
Kinzinger (IL)
Kirkpatrick
Lance
Latham
Lee (CA)
Lewis
LoBiondo
Lowenthal
Lowey
Lynch
Maffei
Maloney, Sean
Matheson
McDermott
McGovern
Meeks
Miller, George
Moore
Neal
Negrete McLeod
Nolan
Nugent
Pallone
Pastor (AZ)
Paulsen
Pelosi
Perry
Peters (MI)
Peterson
Pittenger
Pitts
Poe (TX)
Price (GA)
Radel
Rahall
Reed
Reichert
Renacci
Richmond
Rigell
Rush
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schwartz
Sires
Slaughter
Southerland
Stivers
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tipton
Turner
Valadao
Veasey
Vela
Velázquez
Visclosky
Welch
Wilson (FL)
Wittman
Woodall
Yoder
Young (AK)

ANSWERED ''PRESENT''—1

Owens

NOT VOTING—7

Gohmert
Hastings (FL)
Issa
Keating
Markey
Westmoreland
Young (FL)

□ 1452

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBERS AS COSPONSORS OF H.R. 632

Mr. PETRI. Mr. Speaker, I ask unanimous consent to withdraw Mr. MIKE POMPEO of Kansas, Mr. RAÚL GRIJALVA of Arizona, and Mr. RUBÉN HINOJOSA of Texas as cosponsors of H.R. 632, who were mistakenly added to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. PETRI. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

NATIONAL TEACHERS APPRECIATION DAY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today is National Teachers Appreciation Day. There are many factors that contribute towards a quality education, but no one factor is more significant than the teacher.

Teachers make a difference in the lives of students every day across this great Nation. Teachers work to open students' minds to ideas, knowledge and dreams, and keep American democracy alive by laying the foundation for good citizenship.

To quote President Kennedy:

> There is an old saying that the course of civilization is a race between catastrophe and education. In a democracy such as ours, we must make sure that education wins the race.

Our Nation faces many challenges today, including a struggling economy and record unemployment. For these problems and others, the education provided by teachers can be the key to our success.

I am very appreciative to all of the teachers who have made such a difference in my life, including the lives of my children; and I urge my colleagues to take time to recognize and acknowledge the impact of teachers in our lives.

SAFE CLIMATE CAUCUS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Today, the Environmental Working Group launched their Worth It campaign, highlighting the invaluable role that small and midsized farmers play in protecting our environment, contributing to our economy, and strengthening our core values.

I could not agree more. It's our small and midsized farmers who are some of the best stewards of our land.

Many of those farmers talk to me about climate change. They're worried. They're outside every day, seeing the impact changing weather has on their topsoil, crop patterns, and water availability. They're the people who experienced the 3,527 weather records that were broken last year, and they're the ones asking Congress to help them.

That's why, later this week, I will be introducing the Balancing Food, Farm and Environment Act, to assist farmers to better adapt to climate change impact and to continue to support their stewardship efforts by updating the conservation provisions in the farm bill.

THANK A TEACHER

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Kara was in the third grade when the school notified her parents about her difficulty in processing words. Her speech pattern was different. It affected every aspect of her life, including her self-esteem.

Kara's third grade teacher, Mrs. Morgan, at the Oaks Elementary in Atascocita, Texas, was determined to help the little girl speak better, so the teacher and the pupil worked very hard together on talking. The success of both of them occurred this way:

Later, that little girl who couldn't speak very well walked off the stage in high school as valedictorian. She also obtained her bachelor's degree, her master's degree, and today she is an associate professor at Baylor University in the department of—yes—English. The little girl with word problems is teaching about word patterns.

I come from a family of teachers. My mother, my mother-in-law, my wife, and my three daughters are teachers by profession—and Kara is one of those daughters.

So today, being Teachers Appreciation Day, we thank Mrs. Morgan and all of America's teachers for helping our kids be what they want to be.

And that's just the way it is.

□ 1500

THE CLEAN ACT

(Ms. KUSTER asked and was given permission to address the House for 1 minute.)

Ms. KUSTER. Mr. Speaker, in recent years, the Federal Government has wasted millions of dollars maintaining empty bank accounts that serve no purpose. Last year, the Government Accountability Office found that the government was spending more than $170,000 maintaining over 28,000 empty bank accounts at an annual cost of $2 million. That's inexcusable.

No New Hampshire family or business would tolerate that type of waste, and neither should the government. That's why today I'm partnering with my Republican colleague, Representative KEVIN CRAMER, to introduce commonsense legislation that would put an end to this wasteful practice.

This legislation won't solve our fiscal challenges, but the fact is the Federal

Government shouldn't tolerate any waste, no matter how big or small.

Let's prove to the American people that we're capable of coming together to cut the most obvious examples of waste by passing the CLEAN Act.

HONORING ESPERANZA BRAVO DE VARONA AND LESBIA ORTA VARONA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to thank and honor Esperanza Bravo de Varona and Lesbia Orta Varona on their well-deserved retirement after a long career with the Otto G. Richter Library at the University of Miami.

Their distinguished careers were marked by impressive contributions to a special collection called the Cuban Heritage Collection.

Their commitment to excellence has truly allowed them to shape the lives of many students, academics, and historians, and in that I count my father, Enrique Ros, who authored 19 books on Cuban history and local politics and relied upon the original documents found in the library's collection. Many other authors and historians have also come to rely on these documents.

I have great confidence that the library will continue in the positive direction that Esperanza and Lesbia have set for it and that their commitment will be remembered for many years to come, Mr. Speaker.

As a former Florida certified teacher, I know that there are few rewards greater than the satisfaction of investing in education, and I thank Esperanza and Lesbia for having empowered so many in our community with the resources and guidance to expand their knowledge.

I wish them both all the best in this new chapter of their lives.

WORKING FAMILIES FLEXIBILITY ACT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. The Republicans, under the guise of being family friendly, are going to strip American workers of overtime pay. That's right, work more than 40 hours a week, you don't get paid overtime anymore under their bill. Instead, you get comp time.

They say, Oh, this is family friendly, it's flexible. Well, there's certainly flexibility now that employers can grant people leave for family problems and other things. This would be essentially an interest-free loan to employers. They tell you you're working 50 hours, and I'll give you comp time, but it's up to them to give you the comp time. So they could wait until the end of the year, then pay you the overtime without having granted you comp time and having had an interest-free loan. This is outrageous.

Many Americans are having trouble making ends meet. They're dependent upon overtime pay to make ends meet. Wages are stagnant, and they need the overtime pay to make ends meet. Women still only earn 77 cents on the dollar compared to male workers. They need the overtime pay to help feed their kids. But, no, the Republicans want to take that away from them under the guise of being female friendly.

Happy Mother's Day from the Republicans.

NIDAL HASSAN'S ACTIONS SHOULD BE CLASSIFIED AS TERRORISM

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, on November 5, 2009, Nidal Hassan, after coordinating with known terrorist leader Anwar al-Awlaki, opened fire at Fort Hood, Texas, killing 14 and wounding 32 others.

This was clearly an act of terror, yet the Department of Defense and the Army have classified this case as workplace violence. This is an insult to the brave men and women who were killed and injured that day. But this isn't about semantics; this is about who we are as Americans.

By declaring their deaths as injuries as a result of workplace violence, the Department denied these soldiers and their families benefits like VA health care, counseling and critical mental health services, disability benefits, and combat-related special compensation. It's also made them ineligible to receive the Purple Heart.

As someone who served in the Army at Fort Hood, I can say without hesitation that the Army should be ashamed of this poor level of care and outright disrespect it has shown our soldiers.

Yesterday, I joined one Republican and one Democrat, Congressman WOLF and Congressman FATTAH, in sending a letter to Secretary Hagel asking them to change the designation from workplace violence to combat-related.

Let us send a message that that is who we are as Americans and that is how we treat our veterans.

THE TURKISH AND ISRAELI GOVERNMENTS WORKING TOGETHER

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, last night, there was historic and important news from the Middle East. For the second time, the Israeli and the Turkish governments met and feel they're close to having an agreement to renew their diplomatic relations, which for 3 years have not existed.

There could be nothing more important to peace in the Middle East and America's interests than the Turkish and the Israeli Governments working together.

Having that historic relationship mended came about because President Obama, on his trip to Israel, urged Prime Minister Netanyahu to apologize for the incidents with the flotilla. He did so. That was a major act on Prime Minister Netanyahu's part. And for Prime Minister Erdogan to accept it was important too. They're working together. They're very close.

I'm pleased with both the Turkish and the Israeli Governments and their leaders, and I thank President Obama for his initiative.

NATIONAL PUBLIC CHARTER SCHOOLS WEEK

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, this week we celebrate National Public Charter Schools Week. With over 2 million students attending public charter schools nationwide, it is important that we continue to create and develop this very important educational option.

Minnesota is a leader in developing innovative new ways to educate our children, including being the very first State to allow charter schools 21 years ago. In Minnesota, we have 146 charter schools, and we are now ranked number one in the country for having charter school friendly laws and developing high quality and independent charter school options.

Last Congress, we made significant bipartisan support and progress with the introduction of the bipartisan All-STAR Act and passage of the Empowering Parents through Quality Charter Schools Act. I'm building on this progress and success by working now to craft additional options that aid in the replication of successful charter schools.

America will continue to lead the world in innovation and ideas if our children receive the best education from childhood through graduate school, and all by strengthening charter schools and helping ensure that a child's ZIP code does not determine the quality of education they are able to receive. That is the direction we should go in Congress.

WORKING FAMILIES FLEXIBILITY ACT

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, the so-called ''Working Families Flexibility Act'' would amend and would subvert the Fair Labor Standards Act of 1938 in order to allow private sector employers to compensate their employees instead of paying them overtime.

It gives employers the legal cover to force employees to work more and to pay them less. What would improve the lives of working families would be an increase in the minimum wage. What would provide flexible workplaces would be to give adequate leave options under the Family and Medical Leave Act.

Flexible workplaces provide competitive living wages for employees. Flexible workplaces provide sufficient sick-pay leave.

H.R. 1406 does nothing to advance any of these proposals.

□ 1510

GIVING WORKERS MORE CHOICES

(Mr. HARRIS asked and was given permission to address the House for 1 minute.)

Mr. HARRIS. This week the House is going to take action on a bill that's going to give the American workers in the private sector the exact same rights that Federal Government workers have, and that is that if you're going to choose to work extra, you get a choice whether to take overtime pay or to get time off to go to your child's school.

In my district we have Patriot Days during the school day at elementary schools where parents would love to have the time to go and spend that time with their child. This bill will get the parent the choice, not a Federal law. This will allow the parent to take that time off as comp time instead of getting overtime. It just gives everyone more choice.

HONORING SYED HASAN-ASIF

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, it gives me a sad opportunity to rise to acknowledge the loss of one of Houston's distinguished citizens—not only Houston, but recognized in places far away from this great Nation—Mr. Syed Hasan-Asif, a great leader and the father of a wonderful family, sons, and many extended family members. I am saddened that this great man has been lost, but I offer the words:

> Do not fear and do not grieve but receive good tidings of Paradise, which you were promised.

This gentleman leaves his wife, Tahseen F. Begun. But he was a great man that was a father to many. He was a businessman, trained his family to be able to be sharers of their opportunities that they had. And the prosperity that they were able to achieve they did not keep to themselves. He was a friend to many. He loved many. He stood strong. He took care of his family. He brought joy, and he was generous. I'm so very pleased that so many got a chance to know Mr. Syed Hasan-Asif and to know of his generosity and his spirit and to know that his reach was not only here in the United States, but also in faraway places.

I offer to his family my deepest sympathy, my respect and admiration for having such a great leader in our community, who generated businesses and created an economic engine of opportunity wherever he was able to come. Now as he rests in peace, may it be, as I indicated, for us not to fear and not to grieve, but receive good tidings of Paradise, which you were promised. May blessings be upon him and his family.

RECOGNIZING THE JEWISH STATE OF ISRAEL

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I have just come back from a bipartisan trip to Israel where we met with top officials and really celebrated the alliance between the U.S. and Israel. Israel obviously is in a very dangerous neighborhood, and they were absolutely justified to carry out the bombing strikes in Syria where Hezbollah terrorists were attempting to get arms from Iran.

What happens is Iran sends the weapons, the missiles through Syria into Lebanon to arm the Hezbollah terrorists. No nation would put up with having terrorists prepared to attack them without striking back. So I think it is very, very important that we support Israel in its quest to rid itself of the scourge of terrorism.

Peace in the Middle East will come about when both sides recognize the other's right to exist. The problem has been that many of the Arab nations do not recognize Israel's right to exist as a Jewish State, and I think that really needs to change. I am glad President Obama said that he supports Israel in doing whatever it needs to do for its own self-defense, and I'm pleased that talks are being started with the help of Secretary Kerry to try to get peace talks online again. But again, in my estimation, peace will only happen when the Arab nations recognize the Jewish State of Israel.

DOCTORS' CAUCUS: HEALTH CARE

The SPEAKER pro tempore (Mr. CRAMER). Under the Speaker's announced policy of January 3, 2013, the gentleman from Tennessee (Mr. ROE) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROE of Tennessee. I thank the Speaker. The hour we are going to spend with our Physicians' Caucus is going to be on health care today. I'm joined by numerous colleagues here on the House floor from the Doctors' Caucus to discuss this extremely important issue.

When I was elected 4 years ago to the House, one of the burning issues at that time was health care reform in this country, and the greatest problem with health care in America was the cost. Certainly I could see it every day. I practiced for 31 years as an obstetrician-gynecologist in Johnson City, Tennessee, a small town in northeast Tennessee. I saw where it was becoming harder and harder and harder for my patients to afford care. The major problem was that.

Number two, we had a problem with access. We had working people out every day. Maybe one was a carpenter, maybe the wife worked at a local store that didn't have health insurance coverage. Together they made a living that was livable in northeast Tennessee, but certainly not enough money to pay $1,000 or $1,500 a month for a health insurance policy.

Thirdly, we have a liability crisis. When I began my practice, I thought about it, I began in 1977. I know this is hard to believe, but we would take care of a woman who was pregnant for 1 year and see her for a 6-week checkup and stay as long with her as we needed to when she was in labor, and that cost was $360. And if you had a Caesarean section, it cost another $100. So it was very affordable. Even young families could come in and make payments and pay for it. The hospital bill was more than that, but it certainly wasn't the exorbitant prices that we see today.

The malpractice premium I first paid, and obstetricians and neurosurgeons and others are very high risk, was about $4,000 a year. Five years ago when I retired from my practice to run for Congress, the malpractice premiums had ballooned to the mid-$70,000s, and the patients didn't get anything more for that. They didn't get better care. They just got a higher bill. It didn't improve the quality of their care. So we can see, number one, cost.

I remember when we had the debate down here. I stood in the well of the House the night we debated that bill, in March of 2010, to vote on it. I was one of the last people to stand down here, and I remember the President's remarks: If you like your health insurance, you can keep it. And your costs are going to go down by $2,500.

Now 3 years later, let's see what the reality is. Many of us here in the Doctors' Caucus brought decades, and I do mean decades. I look around, and I wish each speaker as they step up, would tell how many years they practiced medicine. You'll see the experience that's on the floor today. So what happened was the cost has gone up; it didn't go down. And I'm not even sure after this is all implemented that access is actually going to increase because as we discuss during this hour, you'll see that for some people there's more access, but for others it may be cut off; and I think it was unintended. I don't believe that they wrote a bill to actually do that, to actually cut access. But I think the reality is it's going to happen.

Before I continue, I want to introduce one of my colleagues, Dr. PHIL

GINGREY, who is in the well today. Dr. GINGREY and I are both OB/GYN doctors. He is from Georgia, and a good friend. Dr. GINGREY, I yield to you.

Mr. GINGREY of Georgia. I thank the gentleman from Tennessee for yielding, my physician colleague and cochairman of the House GOP Doctors' Caucus, several of whom are here on the floor in the House on this Special Order hour to discuss the impending train wreck that Dr. ROE referenced.

Mr. Speaker, it is not just Dr. ROE's words, but it is almost a direct quote from the chairman of the Senate Finance Committee, Senator MAX BAUCUS. I don't know how many years Senator BAUCUS has served, but he has been chairing that committee for many years. And, of course, the Senate version of ObamaCare was essentially written by Senator MAX BAUCUS and his senior staff of the Senate Finance Committee.

So of those 2,700 pages in that final bill that we saw President Obama sign as his legacy, ObamaCare, on March 25, 3 years ago, the Senator knew everything that was in that bill. And just last week, there was a hearing on the Senate side, the Senate Finance Committee asked the secretary who is in charge of the rulemaking. You know, after a piece of legislation is passed, Mr. Speaker, then come the rules.

Well, I don't know how high 2,700 pages stack, but the rules stacked 7 feet tall. In fact, Senator BARRASSO was doing a Special Order recently or a press interview, and he is 6 feet tall and he's standing next to these rules and regulations that came through the Department of Health and Human Services, led by Secretary Kathleen Sebelius, and they're 7 feet tall. I don't know whether it was 40,000 pages or 400,000 pages, but it was a big number.

□ 1520

What I'd like to point out to my colleagues before yielding back to my good friend from Tennessee so he can yield to some of the other doctors who are members of the House GOP Doctors Caucus, I want to point out, colleagues and Mr. Speaker, this poster. And I give credit for this poster to Representative KEVIN BRADY from Texas, a senior member of the House Ways and Means Committee.

I was speaking with Congressman BRADY a little earlier this morning, and I said, KEVIN, I'm going to use your poster today because we're doing this Special Order because of this impending train wreck—the words of Senator MAX BAUCUS, Democratic Chairman of the Senate Finance Committee, not just Dr. ROE's words—and I said I was trying to count real quickly how many new bureaucracies, agencies—not number of people, mind you, but, literally, new agencies—of the Federal Government, talking about expanding the Federal Government and taking over one-sixth of our economy, which is health care. Pretty soon it'll be a fifth, and pretty soon it'll be a fourth as we continue to go broke.

But KEVIN told me, Representative BRADY told me, 159. I didn't have time to count them all. But in the center, of course, my colleagues, you can see the Secretary of Health and Human Services, and today that's Ms. Sebelius. Tomorrow it could be somebody else.

But, I mean, the whole point is it is a train wreck. And this law is going to be fully implemented, Mr. Speaker, on the first day of January 2014. Well, what is that? Here we are, May. That's 7 months away.

And all of these exchanges that you're hearing about, colleagues, that many of the States have said, ''We can't do this; we're not going to do it,'' they're not even close to being set up. And yet people, the general public who doesn't have health insurance, can't get it from their employer or can't afford it, whatever reason, they are supposed to be able, on October the 1st, October the 1st of this year, 2013, to begin signing up for health insurance through those exchanges. But this is why they can't.

This is a train wreck. I mean, these lines are not railroad tracks, but they could be. So I thought I would, colleagues, I would point that out to you. I think you all are aware of it.

The gentleman from Tennessee is generous with his time.

Mr. ROE of Tennessee. It reminds me, Dr. GINGREY, of biochemistry in college. Looks like the Krebs cycle, the sugar cycle. It is incredibly complicated, this bill is, and I think we need to spend more time explaining it to the American people.

And one of the frustrations, Dr. GINGREY, that I've had is that I've read the bill, as you have, as many of us have, probably all of us have in the Doctors Caucus.

I went to a hearing the other day on the Veterans' Affairs Committee on which I serve. We spent 2 hours and 15 minutes explaining the effects of the Affordable Care Act on veterans with Dr. Petzel, who is the medical director of the VA. The IRS, the Treasury Department was represented. And when we walked out of that room, I don't think anybody could explain to you the effects of the Affordable Care Act on our veterans.

Mr. GINGREY of Georgia. If the gentleman will yield back quickly.

Mr. ROE of Tennessee. I yield to Dr. GINGREY.

Mr. GINGREY of Georgia. My colleagues, the IRS is just right up here. That's 15,000 new IRS agents to make sure that the poor people have purchased health insurance or they're going to get taxed. Right?

Mr. ROE of Tennessee. Correct.

I now yield to my good friend, Dr. ANDY HARRIS from Maryland One. And Dr. HARRIS serves on the faculty of Johns Hopkins University. He's an anesthesiologist.

Dr. HARRIS.

Mr. HARRIS. Thank you very much. I want to thank my colleague from Tennessee.

I've practiced for 28 years before coming to the body here 2 years ago. Part of the reason is because of what the gentleman from Georgia mentions, the train wreck, to use the Senator's term, the train wreck that's coming upon us.

Mr. Speaker, the people in Maryland got a little rude awakening last week when BlueCross Blue Shield CareFirst, which is our nonprofit provider in Maryland, announced their new rates in the individual market on these exchanges that the gentleman from Georgia mentioned.

Now, in Maryland we're going to have an exchange October 1. You're just not going to be able to afford to buy the insurance on the exchange because that nonprofit insurer announced that their average increase was 25 percent—25 percent increase in the already high cost of health insurance. And it ranged from a small savings in a small number of people to—and I want you to hear this number—150 percent increase for healthy young people, a 150 percent increase in the premium to the people who are supposed to make that decision to do the right thing and buy insurance.

So this is the decision someone's going to be faced with coming out of high school or college, getting that first job, is: Should I buy health insurance? Maybe my employer no longer offers it because of the penalties that are in this bill and the mandates, so their employer may not offer it. Their choice is going to be: Should I do the right thing and get it?

And now they're faced with a 150 percent increase in that cost. And that was supposed to be—as the gentleman from Georgia said, and the gentleman from Tennessee, we were promised more affordable, and it was, you could keep it if you have it.

Well, let me tell you something. For that employee who's going to lose it because their employer can no longer afford it, they're not going to have it; and in Maryland, they're not going to be able to afford it.

So I want to thank the gentleman from Tennessee for keeping this issue in front of the American people because there are going to be many more surprises like we got in Maryland coming out across the United States in the next few months as this train wreck comes upon us.

Mr. ROE of Tennessee. I thank the gentleman.

Dr. HARRIS, if you would stay there just a moment so that people understand: How could this possibly happen? How could young people—which I have three children, and I think it's a good idea to keep our under-26-year-olds on. I think there were a lot of things we could have all agreed upon. But the thing that we didn't explain to people is: How did you get this number? Why did that happen?

Well, here's why it happened. Young healthy people are going to be subsidizing people who are not as healthy and older. How does that happen?

Well, this bill does not allow you—when actuaries look at it, they know that I'm six times more risky than someone who is my children's age, who is in their twenties. In other words, I've got six times the actuarial risk that they have. The bill only allows an actuary to charge 3 to 1.

So a healthy young person that's 25—Dr. HARRIS and I were laughing. Having a son—and I know that he has a fine-looking young son. We know that you insure young boys for stupidity. They're going to go out and trip and fall and jump off things, but illness is not it. So we're taking young healthy men and women, 20 to 25 years of age, sometimes doubling and tripling their costs so that someone else's can be a little less expensive.

Now, what would a young person do if all of a sudden they were going to pay $80 or $90 a month for a basic health insurance policy and now it's $300, or they can pay the first year a $95 fine, a $95 fine and they have guaranteed issuance, they cannot be turned away? There can be no preexisting conditions, so they can get the insurance. So what do you think these smart young people are going to do? They're going to figure it out pretty quickly. They're not going to subsidize that, and they're going to be very upset when they look at their first paycheck and realize what's happened to them.

I yield to Dr. HARRIS.

Mr. HARRIS. Thank you very much for yielding.

And the gentleman has hit the nail on the head on this one. We want to encourage young folks to do the right thing and buy insurance. And in Maryland, our insurance was affordable for the young because we did allow appropriate risk to be priced.

But the Federal Government—and by the way, we also had high-risk pools. Anyone with a preexisting condition in Maryland could not be turned away by the high-risk pool that was actually run by the State of Maryland. So we didn't have a problem with someone not being able to get insurance in the State of Maryland.

But the Federal Government came in and fixed our problem in Maryland. Now, we didn't have one, but the result is going to be that all that risk that used to be in the high-risk pool which everybody paid a little bit for is now all on the backs of the person, the individual now going into that exchange to buy insurance.

□ 1530

Again, Mr. Speaker, a 150 percent increase in the cost of that policy for those young people just entering the workforce. These are the people who have big student loans if they've gone to college. They've got other costs. They've got the costs of raising a young family. And now, thanks to the Federal Government and to the President's Affordable Care Act, a 150 percent increase in the cost of their insurance.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

I would now like to yield to my friend and colleague, a new Member, Dr. BRAD WENSTRUP from Ohio, near Cincinnati. Dr. WENSTRUP also has served in Iraq in our military. I now yield to Dr. WENSTRUP.

Mr. WENSTRUP. I thank the gentleman for yielding.

I would like to take a little time to discuss a portion of the Affordable Care Act known as the Independent Payment Advisory Board. As you look at this chart, it's one of the agencies that has been developed here on this chart.

I'd also like to point out on this chart that right down here is the physician, and over here is the patient. It seems to me that all we're really trying to do is get the patient to the physician. It behooves me to be able to explain why we need all this in between when we are just trying to get a patient to the physician. I would also like to point out that I think at the center of our health care in America should be the patient, not the Secretary of Health and Human Services.

But let's talk for a minute about the Independent Payment Advisory Board. Who are they? Who are these people? Well, they're actually 15 unelected bureaucrats appointed by the President. To date, as this law is being enacted, no one has been appointed yet.

What do they do? Well, they limit options. They limit care options. They limit access to care. They drive a wedge between the doctor and the patient, and they're responsible for denials of payment for certain types of treatment. I contend to you that really this is a wedge that we cannot afford if we are to have the best health care in the world, which we have been known to have.

I would like to share with you a little story that I experienced in my 26 years as a doctor, as a surgeon. I had a patient who came in one time, and she explained to me that she's had a problem for 10 years. For 10 years she's had a problem, and she's had multiple treatments. She explained to me what those were. Between cortisone shots and physical therapy, she's had previous X-rays, she had paddings and strappings, different things that might put the painful area to rest and make it better, but none of it got better. They were all acceptable treatments, but for 10 years, they failed.

So I said, Well, your X-ray looks normal. Have you ever had an MRI? She said, No. So I said, I don't want to repeat all the things that have failed. Let's go ahead and get an MRI and take a look inside.

Well, later that afternoon, I get a call from the insurance company where I have to speak to a doctor about ordering this MRI. The doctor says to me, Why are you ordering the MRI? I explained it. And he said, Well, you've only seen her one time, so I'm not going to allow it. I'm not going to allow this to be ordered. I said, Well, maybe I've only seen her one time, Doctor, but you haven't seen her at all. You've never seen her. And I said, And you haven't taken the 10-year history that I have taken, and yet you're going to be deciding the care? I said, How can I get this patient to come and see you? The doctor said, Well, you can't do that. I said, Well, what's your specialty? He said, I'm an emergency room doctor. I said, Okay, fair enough. You would probably, in the emergency room then, refer her to a specialist, which is where she is today, and yet you, in your specialty, are denying this care.

I went back and I explained this to the patient. But not until I said to the doctor, I said, I hope this call is being monitored for quality assurance because I want someone to hear what you said to me today.

I went back to the patient and I said, You need to talk to your person at your work, your H.R. person, explain to them that you are being denied care and have them make a call to the insurance company.

Do you know, the next day we got approval for that MRI. I was able to look inside, find out what was wrong and treat this patient, and within 3 weeks, she was better. But the advice from the person who had never seen the patient was, You can't have that MRI.

This is what we are dealing with today. At least in this situation we had the opportunity to have her work call the insurance company and make a case saying, You need to take care of this patient.

But imagine when it is a government agency. What kind of recourse do you think that we will have between the doctors and our patients? At least in this case it was a doctor. The Independent Payment Advisory Board will not be made up entirely of doctors, and they will not have people on there from every specialty with knowledge about everything that comes across medically.

So do we want a third party deciding who gets care? Frankly, I don't think anyone should have the ability to determine someone's care unless they have looked the patient in the eye, they have looked and they've discussed the options, and the patient and the doctor decide together. This is a dangerous course that we're on in America and in Americans' health care.

Mr. ROE of Tennessee. I thank the gentleman.

And before you leave, Doctor, I want to ask you a question. This is an issue that is very near and dear to my heart. I have a bill, H.R. 351, which is to repeal the Independent Payment Advisory Board. When I read that health care law, this was not in the original version of the House version of the bill. This version came from the Senate version. The House version did not. And Representative NEAL from Massachusetts wrote a letter to then-Speaker PELOSI, which I signed in a bipartisan way, to not put this in. It was included in this side.

So to better understand, let me sort of go over just a minute and we'll talk about it in just a little more detail. I know you have another appointment, but there are 15 people on here, and only one of them may be a doctor. These are health care policy people. Basically, all this board does is to determine how Medicare dollars are spent. There's a preset budget in Medicare, and if you spend more than that, this board is charged to give the Congress, they have to cut. If they don't make different cuts, they have to make the ones that this board—and that's how it's going to affect care.

Guess where the cuts are coming from? They come from providers. And if you keep cutting the providers, you will lessen access. I've seen it happen, and I'll go through that after you leave. But that is exactly what's going to happen. If you don't believe me, simply read a New England Journal of Medicine article in June 2011. This is an article that is not for it or against it. It just analyzed it. It looked at the formula, and they looked back 25 years. In 21 of the 25 previous years, this would have cut providers.

Guess what the Congress has been able to do? The Congress has been able to override those cuts in the SGR, the way doctors are paid through Medicare now, and prevent that loss of access. Without a three-fifths majority in the Senate, we've lost that ability; we've given up our constitutional right for the people to come to us and say that we don't believe this is the way it ought to be going. It is a huge mistake.

I believe in that poster of gibberish down there that you're looking at. It's the single worst thing in there because it will ultimately deny access for our seniors. I believe that in my heart of hearts. I've seen it in Tennessee with our TennCare program, which I'll discuss later.

I will yield back to you if you would like to make any closing comments.

Mr. WENSTRUP. Just in closing, I would just like to reiterate the importance of decisions being able to be made between a doctor and a patient, because that's what we expect, and that's what Americans deserve in their health care system.

Mr. ROE of Tennessee. I thank the gentleman.

He pointed out something that's clear from his statement down there—he is and has been a practicing physician—because each of us know this, Mr. Speaker, that health care decisions should be made between a patient, the doctor, and that patient's family. It shouldn't be made by insurance companies. It shouldn't be made by organizations, ACOs, the government, IPABs and so forth.

When you're in need, you see the person, the doctor most capable of taking care of your needs, and you make a decision based upon that between you and that family. We're losing that in this country with the doctor-patient relationship, and it is a very, very, very bad thing to happen.

I would now like to yield to my good friend, JOHN FLEMING, from Louisiana. He is also a veteran and a three-decade family practitioner.

Dr. FLEMING.

Mr. FLEMING. I thank the gentleman from Tennessee.

Of course, all of us here today talking are physicians of different specialties. Most of us were actually here during the ObamaCare debate. We actually began that in 2009. It actually went in to law, it was signed into law March 23, 2010.

The interesting thing about this law—the Affordable Care Act, which I refer to as the Unaffordable Care Act, but lovingly and affectionately known as ObamaCare—is the fact that what it does is it adds 15 million more Americans on to Medicaid, which already way underreimburses physicians, which means most doctors don't accept that as payment, and it adds another 15 million Americans to a system that's already stressed.

□ 1540

Ultimately, what's going to happen is you're going to have more Americans carrying more cards that entitle them to health care, but it really will entitle them only to a waiting line—a waiting list—just as we see today with Canada and Great Britain.

Let's talk for a moment about the promises. You know, Washington, Mr. Speaker, has a reputation for making promises it can't keep, and indeed that applies to ObamaCare.

First of all, the President said if you like your plan, you can keep it. Well, we know that's not true. We know now that you're going to get whatever plan and mandates that go with it, and you'll have to pay the cost that goes with it.

ObamaCare will not add one dime to our deficits. The CBO has now come back to show that the early estimates were way out of line. It's going to add billions of dollars to our deficit, and I think that's really an underestimation.

''No Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place.'' Federal conscience laws have been totally gutted. We know that, for instance, Hobby Lobby will be fined to the tune of millions of dollars as a result of its unwillingness to pay for abortifacients—that is, pills that can cause an abortion—and other things that are against the conscience of those who are in management and ownership there.

President Obama said, ''I will protect Medicare.'' Well, if he's going to protect Medicare, why did he take $716 billion out of Medicare to fund ObamaCare? He says that's savings. Well, if we can save that kind of money out of Medicare over 30 or 40 years, why didn't we do it once? We didn't because we can't without changing it structurally. It will simply be cuts to services.

ObamaCare will not raise any of your taxes. Mr. Speaker, ObamaCare includes 21 new taxes. And they're not just on rich people; about half of them are on the middle class.

I'll just give you an example of one very nasty tax that's coming your way. If you're a business owner, there is a tax—3.8 percent—on unearned income, which includes capital gains, dividends, rents, royalties and interest, which means that you're going to get hit hard and very hard. And then also a device tax on revenues—not on profits—which those who make everything from tongue blades to artificial hearts tell us will drive them out of this country into another country. And we'll have to buy back those devices, killing tens of thousands—maybe hundreds of thousands—of American jobs.

ObamaCare will ''lower your premiums by $2,500 per family per year.'' Mr. Speaker, no one has told me their premiums have gone down as a result of ObamaCare. In fact, in most cases, it's gone up $3,000. That's a net of $5,500 change, and many of them are expected to double and even triple as a result of ObamaCare. You can't just keep adding mandates to insurance and expect not to have to pay for them. That's just the simple truth.

What about IPAB? We heard some discussion about the Independent Payment Advisory Board, and it's really straightforward what they do: they take out of the hands of Congress our ability to find more efficient ways and ways to limit costs to Medicare patients. In fact, it's a 15-member board that's appointed by the President—not necessarily health care providers—who will have more power than Congress itself. It will actually be able to determine what gets paid for, how much it gets paid for, what type of doctors/providers will be paid for their services to Medicare patients. Mr. Speaker, that is absolutely the beginning of rationing and long lines for health care.

One other point before I yield back. Let me quote something that's already been referred to today in our discussion.

Senator Finance Committee Chairman MAX BAUCUS, who helped author ObamaCare, before a hearing, out of frustration, he asked Secretary Sebelius, he said, we've got all kind of problems, aren't you going to help us on this? Here's a quote from Senator BAUCUS—who shortly after this decided to retire. He said:

> I am very concerned that not enough is being done so far. Very concerned. When I'm home, small businesses have no idea what to do, what to expect. They don't know what affordability rules are, they don't know what penalties may apply.
>
> I just see a huge train wreck coming down. You and I have discussed this many times and I don't see any results yet.

And we've yet to hear a good answer, a reasonable answer from Secretary Sebelius on how this has come together. We know that much of this has to be implemented really by October and finished by the first of January of 2014, and nobody knows what's going to happen, how it's going to happen.

Business owners today are looking at, should they have 50 employees or less than 50 employees? What kind of penalties are they going to have to pay, which is not tax deductible. There is nothing but chaos across America among small businesses.

Even parts of ObamaCare have already either been repealed or just simply dropped. The CLASS Act, long-term care, which was unworkable and is not going to help fund it. A very onerous 1099 tax reporting requirement has been dropped. So, little by little, this bill is beginning to fall apart. I'll just say, finally, that this train wreck not only is coming down, but the wheels are falling off the train.

So with that, I would like to yield back to the gentleman and certainly stick around for more discussion.

Mr. ROE of Tennessee. I thank the gentleman for yielding. And let me reminisce before I yield to my friend from Indiana.

As a young medical student in Memphis many, many years ago in the late 1960s, my first pediatric rotation was at St. Jude Children's Hospital, a remarkable place. At that point in time almost 90 percent of children died of their disease. I would go in and start an IV, and Dr. FLEMING, I can still remember seeing some of those kids, I knew they wouldn't survive. It was very hard for me emotionally to deal with that.

Fast forward today, almost 90 percent of those children live today. And they are treated at no cost, their families are sent there at no cost. I've had children of patients of mine who have gone to that wonderful place. I hope that we don't end up in a Middle Ages in health care, with device taxes and disincentives for new medications.

You and I both remember, when I graduated from medical school there were five or six anti-hypertensives, three or four of them made you sicker than high blood pressure did. Well, today there is a plethora of wonderful new medications to use for people. There wasn't a day that went by that I went in the operating room that I didn't see somebody that needed surgery for a bleeding ulcer—almost every day. It's unheard of now because of new medications.

I just found out today, in my own State of Tennessee—and I did not know this—the largest thing that we export in the State of Tennessee is, guess what? Medical devices. It will hurt my State dramatically in jobs, as you clearly point out—and I know, Dr. BUCSHON, in Indiana you're very concerned about that.

You mentioned the IPAB. If the President right yet has not appointed anyone and no one is approved, or they don't have a quorum, they don't have at least eight people confirmed by the Senate, guess who makes all those decisions at the IPAB? One person. That's the Secretary. That's who makes all the decisions. Not the Congress. We have given up, this body—even though it may look funny down here with us debating and contentious, that's what we're elected to do. We are turning over that power—could be—to one single individual. It's Secretary Sebelius right now; there will be a different name 4 years from now. I don't want that person, be it Republican or Democrat—that power should be here.

I yield to the gentleman.

Mr. FLEMING. Your experience is exactly the same as mine when it comes to blood disorders, blood cancers, solid tumors in children. That used to be a death warrant when you and I were in medical school. Today, the vast majority of those children survive and live a happy life.

Yet, what we see today is some of the oldest chemotherapeutic agents, some that are 60 years old—and of course the patents have run out a long time ago—are in severe short supply because, again, the heavy boot of government on the neck of industry that can't produce these at a rate that can meet up with demand. So it's important that we begin to pull back on this now, because we're going to be in the same situation as Canada and Great Britain, who have government-run health care, where early diagnosis, early treatment and using the best chemotherapeutic agents shows up in their statistics. Their death rates from cancer are much higher than ours are.

□ 1550

Mr. ROE of Tennessee. I thank the gentleman.

Mr. Speaker, I would now like to take the opportunity to yield to my good friend from Indiana, a cardiothoracic surgeon, Dr. LARRY BUCSHON.

Mr. BUCSHON. Thank you, Dr. ROE, for yielding. It's great to be here with many members of the Doctors' Caucus and again remember the focus of what we are trying to do here is focusing on the patient, what's best for the American people and our patients.

It's already been quoted a number of times today—I've got a couple other quotes. Senator SCHUMER also said:

> The Affordable Care Act could cause rates to go through the roof.

That's exactly what we are seeing in the private health insurance. I won't repeat Senator BAUCUS' statement about a train wreck. But Senator ROCKEFELLER also said:

> It's so complicated, and if it isn't done right the first time and it's not being done at all, it will just simply get worse.

What I'm going to focus on now and the rest of the time is what this means to employers and people that have employer-provided health insurance and what this law is going to do to employers.

Let me focus on first what the city of Long Beach, California, just came out and said recently. They are going to be limiting most of their 1,600 part-time employees to fewer than 27 hours a week on average. So these are employees that had a 40-hour workweek and now they are being cut to less than 40 hours to comply with the law.

You say, Why would that happen? Well, because city officials say that without cutting payroll hours, new health care benefits would cost up to $2 million more next year and that expense would trigger layoffs and cutbacks in city services. This is a city in southern California. This isn't an isolated event.

Regal Entertainment Group, the Nation's largest movie theater chain, with over 500 movie theaters operating in 38 States, recently said they plan to cut many nonsalaried employees back to part-time to comply with ObamaCare.

In a memo to company managers, Regal stated:

> To comply with the Affordable Care Act, Regal had to increase our health care budget to cover those newly deemed eligible, based on the law's definition of full-time employee, which is 30 hours or above. To manage this budget, all other employees will be scheduled in accord with business needs in a manner that will not negatively impact our health care budget.

That needs a translation. The translation is: everybody is getting cut back to less than 30 hours, and they are going to see their income dramatically drop.

There are other examples. The State of Virginia, Palm Beach State College in Florida, and CKE Restaurants, among others.

I have an example in my district. We got an email the other day. A constituent said she and 52 other employees at a school district in my district in Indiana were recently informed that their hours will be cut to 28 hours a week because the school can't afford to comply with the health care law.

Municipal government officials are telling me, city government officials are telling me in my district this may hit city government, municipal government, county government, and school districts. This is just people being cut.

Now, let's talk about people losing their health insurance. Here's a chart right here that says we were promised that everybody could keep their health insurance. Here are some, what I consider, conservative estimates of the number of Americans who are going to lose their health insurance after full implementation of the law.

Why is that? Well, because I talk to small business owners all the time who have more than 50 employees. I talked to one young man who has been very successful in starting a business and creating jobs. He says, Not only will I probably not be able to afford it and have to just pay the penalty rather than complying with the law, but I don't know a small business owner that I've spoken to—this is his words—that is not going to pay the penalty and not going to jettison their employee-provided health insurance.

All of those employees are going to be forced to go to these State-based exchanges, which aren't set up and which are going to cost more. The gentleman

from Maryland just talked about that about half an hour ago. People aren't even going to be able to afford it, so employer-provided health insurance is going out the window.

I think estimates like this are very conservative, according to the people that I've talked to.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. BUCSHON. I yield to the gentleman from Tennessee.

Mr. ROE of Tennessee. Here is what absolutely amazes me about—and I'm glad Senator BAUCUS mentioned this as a train wreck. I wrote an editorial about it 3½ years ago describing the train wreck of TennCare. But that's not what I want to talk about.

What I want to talk about, Dr. BUCSHON, is we have people right now today, for instance, in Medicaid, a system that what did we do? We expanded a system that was already broken.

If you look at surgical outcomes for Medicaid patients, they're worse. The outcome is a huge study—eight hundred and something thousand patients—done by the University of Virginia. Those outcomes were worse than people who did not have health insurance coverage.

Why would you expand a program that's already broken? Why don't we fix that first? I know Dr. FLEMING has talked about this at length.

Mr. BUCSHON. I practice in southern Indiana where I get patients from southern Illinois, northern Kentucky, and southern Indiana. Every year, the Illinois Medicaid system ran out of money before the end of the year, September-October. They just ran out of money. No money for their Medicaid population.

This is exactly what you are talking about, Dr. ROE, is that a system that is already broken and we are going to expand it. And what it's going to do is, like Dr. FLEMING said, put a card in your pocket that says you have health insurance, but you don't have access to health care providers, except guess where. Through the emergency room, which is one of the biggest problems we are already trying to defeat.

Mr. ROE of Tennessee. I've always thought this: Why do our lower-income patients deserve different care than somebody else? They don't.

Mr. BUCSHON. They don't.

Mr. ROE of Tennessee. And they do not. They should get the same care and deserve the same care that anyone else has.

Maybe the President when he said, I'll go over this bill line by line with anybody who wants to, maybe he should have taken that up with us and gone over it with the Doctors' Caucus line by line, because we came here in a totally nonpartisan way.

Health care should not be a partisan issue. Dr. BUCSHON has taken care of numerous cardiac patients with heart attacks. He doesn't know whether they're Republicans or Democrats. He could care less. They are just patients who need care.

I yield back to the gentleman.

Mr. BUCSHON. I would agree with that. And let me tell you, there are some things that we could have agreed on that we could have made some advances on in health care reform. Preexisting conditions, all of us agree.

I had a patient that had Hodgkin's disease when he was in his twenties. He worked his entire life. He is now in his fifties. He needed bypass surgery. He was never able to get health insurance the whole time because of a preexisting condition. That's just wrong.

Mr. FLEMING. Will the gentleman yield?

Mr. BUCSHON. I yield to the gentleman from Louisiana.

Mr. FLEMING. I just want to expand a moment on what you were talking about small business is critical. I'm a small business owner myself, apart from my medical practice. We employ around 500 employees. Many of them are entry level. Businesses and business owners across America, at this very moment, are in a state of panic. Mr. Speaker, businesses across the country are, at this moment because of ObamaCare, in a state of panic.

The reason is because of what you said. They're calculating if they have more than 50 employees, they've got to ratchet below them if they can. They've got to know how much of the punishment—or penalty, I really should say, but it's more like punishment—they can absorb for those employees that they can't afford to pay for their insurance. This is having a direct impact on our economy and on job creation. This is something that's critical going forward what this is doing to small business, which, arguably, employs about 75 percent of Americans.

Mr. ROE of Tennessee. I just spoke to a physician today from Massachusetts. He said what had happened there, and what's not clearly understood by the public—unless you're in this line of work you don't—is how the payers pay.

Medicaid, for instance, pays about 60 percent of the cost of actually providing the care. Let's say private insurance is a 1. Medicare would pay about 90 percent.

The people they added in Massachusetts paid about the same as Medicaid. What happened was big insurers, big corporations with lots of employees could negotiate a really good price, but small business could not. So when the hospital had bills to pay, they shifted those costs to private business, forcing their premiums up and up and up and up. That's why you are seeing those premiums for small business escalate until you really force them out of business.

□ 1600

We talk about the exchange, and what absolutely frustrates me is that, on the 1st of October—and this is a person who works in Congress, who is a doctor who understands health care—I can't even tell the people who work for me here in the Washington office and in my office back in the district in Tennessee what their health care premiums are going to be or how they're going to get their health insurance coverage, and that is 90 days from now I can't tell them. You can imagine what other businesses are going through. I can tell them this: that I bet it's going to cost them a lot more money.

Mr. BUCSHON. Let me add a few final comments.

Again, on the things that we can agree on, many of us agree on children up to age 25 or 26. A lot of us agree that we need to look at finding ways to expand the affordability of health care. Remember, this was supposed to bring down the costs. There are a lot of things that could be done to bring down the costs. There are a lot of things we could have agreed on, Dr. ROE, if we would have just worked together and not put in, what I would consider, a near government takeover of the entire system.

I've been a practicing physician for 15 years, and if I count my residency, it's more than that. Imagine if you're out there as a physician today and you have to look a patient in the eye and you have to tell him, Well, I'm sorry. The IPAB told me that this is not statistically something that we can provide because, based on statistics calculated in Washington, D.C., it's not cost-effective for the Medicare system to provide this service anymore.

This is going to happen, and I hope we all wake up in America and realize that it will happen. This happens in other countries that have government insurance. The Canadian system could not exist if it did not sit next to the United States. It's two-tiered. People come to the United States, if they have money, to get health care in a timely manner. The same thing is true in England. If you have money, you get private health insurance. If you don't, you wait for months. So this is bad for patients, and it's bad for business. There are things we could have done. It's a shame that we didn't and that we weren't consulted.

With that, I want to thank the gentleman from Tennessee for this hour to talk about this.

Mr. ROE of Tennessee. I thank the gentleman.

It is ultimately about the patients that we take care of. Really, it's not about systems and organizations and insurance—it's about people. That's the frustrating part to me because I think people are going to be harmed by this.

I know Dr. FLEMING mentioned small business. I was in North Carolina last Tuesday, a week ago today, holding a hearing, which I hope we have time to go through maybe a little later, on small businesses and how this is going to affect them. It's really eye opening to see businesses that have done everything exactly right. Mr. Horn is someone I want to talk about in just a minute who provided health insurance—all preventative services. He is

self-insured. He did everything right. It shouldn't have cost him a nickel, and yet it is going to cost his business thousands of dollars. So we'll go into that.

At this point, I want to yield some time to my good friend G.T. THOMPSON from Pennsylvania, who is part of our Health Care Caucus and who is a health care administrator.

Mr. THOMPSON of Pennsylvania. I thank my good friend from Tennessee.

What an important topic. As you have been, Dr. ROE, I have been out in the community throughout my congressional district, listening, sitting with individuals and families and businesses, a lot of small businesses. All indications are, at the very best, costs are going up, and there are so many questions that people have. Most is unknown, but what is known is very negative. It will have a negative impact on individuals and families and businesses.

I'll be careful here because, as with scope of practice, I'm with a bunch of physicians. I know even as a former therapist and rehab services manager and manager in hospitals, I know not to diagnose, but I can't resist. I'm going to diagnose. ObamaCare is terminal. It is. It is going to fail under the crushing weight of its own flawed design, and all evidence points to that. I'm not going to re-plow the fields that you all have as to what Democratic Senators are admitting and acknowledging in going public, but many of us have held concerns about this law for some time, and I'm glad that some proponents of the law are now really finally speaking the truth on it.

For example, this past week, on May 3, Investors Business Daily reported how retailers are slashing work hours in anticipation of the implementation of the President's so-called Affordable Care Act.

I quote:

> Retailers are cutting workers' hours at a rate not seen in more than three decades, a sudden shift that can only be explained by the onset of ObamaCare's employer mandates.

Opponents of this law haven't been far off the mark when it comes to predicting the harm this law would impose on the economy, and this week's report from the Investors Business Daily is just the latest in a long list of failed promises under the Affordable Care Act. I think about each new tax or regulatory mandate and about the number of regulations that came out under HIPAA, and those of us who were working in health care, we saw the cost that that added to care. Now multiply by over 100 the new bureaucracies that there will be—so it's HIPAA on steroids—and what that will do to crush the availability of affordable health care.

The President's so-called Affordable Care Act becomes even more unaffordable for individuals, families and for businesses. I had the opportunity and the privilege of working for almost 30 years in health care, serving people facing life-changing disease and disability. I always followed four principles during my professional work, and they've guided me in health care here in that whatever we did to make changes in health care should decrease costs, increase access and make sure America always remains a place of quality and innovation, and it should be the patient who makes decisions in consultation with his physician. When I read that bill, it stood out to me that the language of the Affordable Care Act was going to violate those four principles, and we've seen nothing but evidence mounting that that is occurring today.

In terms of cost, we've seen what happens to premiums, and the American people know that because they see what those premium costs are that are coming to them. It's beyond what their budgets can sustain, and it's much more than what they were paying prior to the signing of that bill. The fact is that there are more than two-dozen new taxes that are coming. I don't care who you tax in the end, there is only one person who winds up paying the tax, and that's the consumer in the end. So that's adding to their costs.

It has redefined full-time employment to 30 hours. I have to wonder as, today, we have record unemployment and underemployment. How many more Americans are going to be pushed into underemployment? I know it's an unintended consequence, but if you're underemployed, how do you afford the costs of those increased premiums coming your way?

Mr. FLEMING. I just want to put an asterisk to your comment about employment.

We met with Mort Zuckerman, economist and editor of U.S. News & World Report. He says that much of the ''growth'' in jobs reports that you see is actually people reentering the job market, but they're actually getting part-time jobs instead of full-time jobs and, in some cases, getting a second or third part-time job so that we're actually seeing an inflation of the actual number.

So ObamaCare—and I would argue Obamanomics in general—is actually taking us to not only an underemployed society but to an unemployed and underemployed society, and much of it is from ObamaCare.

Mr. THOMPSON of Pennsylvania. I couldn't agree with the gentleman more.

We talk a lot about and we hear a lot about unemployment numbers, but underemployment is a terrible story in itself. This, unfortunately, puts the wrong types of pressure on the business community to actually have people working part time, which is now anything under 30 hours and working two and three jobs in trying to make ends meet.

Access, I said, was the second principle. The Affordable Care Act—ObamaCare—has violated access from many different perspectives. You just look at the announcement in the past 2 weeks about the preexisting condition fund. That was one of the two target groups under which this piece of legislation was shoved down the throats of the American people, and that fund is depleted. It was so poorly designed that now the President appears to have no intention of doing anything with it, so it's leaving out all the folks with preexisting conditions.

I think all of us would agree, in our vision of what we're to do in health care, that that is a group for which we want to try to find a way for them to be able to purchase affordable health insurance. Just because you're born with or develop a disease or a disability, it shouldn't keep you from coverage. ObamaCare is failing on that.

The other one I would say is the expansion of Medicaid, which Dr. BUCSHON did a nice job of capturing. We're going to put somewhere between 18 and 50 million Americans on medical assistance, and they're all going to get this nice card that says they have medical assistance, and they'll have it in their wallets or they'll have it in their pocketbooks.

□ 1610

But the reality is most physicians today will not accept a patient on medical assistance. So just because you have coverage, it doesn't mean you have access. The folks that wrote this bill clearly were clueless about the approach that we need to take. There are things out there that we should be doing, and I think those are things that we can agree upon.

Finally, quality and innovation. The excise tax is going to stymie innovation and quality that we've enjoyed here in this country. With regards to patient choice, I just come back to one thing among many, the Independent Payment Advisory Board. The Independent Payment Advisory Board is where you've got a group of bureaucrats appointed by the President that will make decisions about which procedures are approved by Medicare.

Medicare is an area I worked very closely with. Actually, after the Balanced Budget Act of 1997, I was asked to serve on a technical-expert panel to review prospective payment for Medicare. This Independent Payment Advisory Board is going to determine and give a blessing of ''yes'' for that procedure and ''no'' for that one. That's not patient choice. That's being dictated to by bureaucrats who are unelected and therefore unaccountable.

Let me close very quickly.

You meet a lot of people that have been impacted by this early. There was one woman in particular who lived her whole life planning her retirement and was so looking forward to it. She is a smart lady. She had laid her plan out. She had worked for a company. Part of her plan was health care, what was going to be affordable. She had her company plan and had invested, and

then it was announced that the employer was going to switch over and put them into the exchange with the retirees.

This woman spent most of her adult life taking care of a brother and a sister who were less fortunate in life and needed a family member to step up and be there. This woman's retirement plan has been totally crushed by ObamaCare, and she's concerned now. As a smart lady, she went out to get some estimate of what it was going to cost her in her retirement now for health care compared to what it was before. It's completely unaffordable. So does she choose health care, or does she choose to still be there for her brother and her sister who have come to rely on her? I think there's many of those stories.

Mr. ROE of Tennessee. I thank the gentleman.

As we finish, I want to go over just a couple of things. One of the things the Secretary stated, Dr. FLEMING and Mr. THOMPSON, is that she needed to use some money, and the prevention fund was one of the things she was going to use to help implement the exchanges. We've now had prevention funds used for massage therapy, kickboxing, kayaking, Zumba and pickleball. I didn't know what pickleball was. But that's tennis, badminton and ping pong. I can go on and on. It's utterly ridiculous. It should have been spent on health care. That's what this bill was supposed to be about.

Let me finish by saying that even with this 1 hour here, we have lots more to talk about. We've barely scratched the surface. It's a complicated issue. Democrats and Republicans should have gotten together in a bipartisan way to work out a health care plan that does the principles that were pointed out here today, which is to increase access and quality, lower costs and to leave health care decisions in the hands of doctors, patients and those patients' families.

With that, I yield back the balance of my time.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Pate, one of his secretaries.

JOBS AND HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, once again we're back here on the floor of the House of Representatives to talk about what I believe is the most pressing problem here in the United States, and that's jobs. Americans want to work, Americans are capable of working, and it ought to be our job here on the floor of the House of Representatives to talk about how we can create jobs.

We've just heard about 1 hour of discussion from our good friends on the Republican side, the Doctors' Caucus, about how to destroy the Affordable Health Care Act. For 36 times, the Republicans have put up legislation that would essentially gut, amend, or destroy the Affordable Health Care Act, which has the promise and the probability of providing health insurance for 50-plus-million Americans that are today uninsured.

Why would you want to deny those people health insurance? I can see no reason for it.

I notice that they also did not spend any time at all talking about their effort to destroy Medicare. Medicare was a promise made to seniors by the American people that when they reach 65 years of age, they would have a guaranteed health insurance program. Yet, for the last 2 years and 4 months, the Republicans have continually put up legislation that would end Medicare as we know it and turn Medicare over to the insurance companies.

One of the last statements made here on the floor by one of our colleagues was decisions on medical services ought to be in the hands of the physician and the patient. I agree. I was also the insurance commissioner in California, a statewide elected position for 8 years; and I can assure you that under the private health insurance programs, it is the insurance companies that are making the decisions about what medical care will be given to individuals. That is wrong. We did our best in California to stop that. But if you turn Medicare over to the private insurance companies, as the Republicans want to do with their voucher plan, then it will be the insurance companies that will decide what medical services will be available, if at all, to seniors.

I'd like to put that aside and go back to the issue that I really wanted to talk about, but there are some things that you just cannot let go, things that are said on the floor that need to be at least discussed in their fullness.

Let's talk about jobs. Let's talk about the fact that over the last 30 years we have seen the middle class in America held down. The middle class in America has made very little economic progress over the last 30 years. We're going to discuss that in some detail and specifically what we can do here with public policy, with proposals that have been put forth by the Democratic Caucus in the House and our colleagues in the Senate, solid proposals to put Americans back to work and to rebuild the American Dream so that every American has the opportunity to put their foot on the rung of the ladder and climb just as high as they can do so.

Before we get to those rungs on the economic ladder, I'd like to have a more full discussion about what has happened to the middle class over the last 30 years. Joining me in that discussion is the Representative from South Carolina, the Honorable JIM CLYBURN.

JIM, if you'll join us, I know you have some things you'd like to discuss; and I see you have your own chart there.

Mr. CLYBURN. I thank the gentleman for yielding me the time.

Mr. Speaker, I want to commend my colleague, Congressman GARAMENDI, for his leadership on this very important issue.

Just a few minutes ago, we received some breaking news: the stock market just closed, and for the first time in the history of this great country, the Dow Jones Industrial Average closed over 15,000 at 15,056. Standard & Poor's also closed at a record 1,625. So much for a socialist President.

Now, during my 20 years of service in this body, I have often reflected upon my experiences growing up in a church parsonage in the little town of Sumter, South Carolina. Early on, I internalized an Old Testament scripture, Micah 6:8: To do justly, to love mercy and walk humbly.

Today in this great country, we are experiencing an injustice that continues to get worse, one which I believe demands our attention. Indisputable evidence continues to show that income inequality has worsened over the last 30 years. The Congressional Budget Office released a report back in October 2011 on the distribution of household income between 1979 and 2011.

□ 1620

On the distribution of household income during that time, you might remember that report came out just a few days before the so-called supercommittee held its first public hearing. I served on that special panel, and I raised concerns with the CBO director about the ever-widening gap between America's rich and poor.

This chart is from that CBO report, and it shows that over the past 30 years, the wealthiest 1 percent have enjoyed income growth of more than 275 percent, while the lowest 20 percent have experienced only 18 percent growth.

Working families across the country have seen their wages stagnate and decline as earnings for the wealthiest few continue to soar. In fact, earnings for the top 1 percent during the current economic recovery have risen 11.2 percent, but declined for the other 99 percent by 0.4 percent. I'm going to repeat that.

The 99 percent have seen a decline of 0.4 percent—that is a negative—while the upper 1 percent, a positive growth of 11.2 percent.

Now, my friends across the aisle will talk about the American Dream and the ability of every American to work their way up to the top. But numerous studies have shown that there is less economic mobility in America than most people think. The fact is that if you work hard, play by the rules and

take responsibility, it is currently harder to get ahead in America than it is in many parts of the world.

Let me cite an example. Thirty years ago, CEOs made an average of 42 times as much as rank-and-file workers, 42 times as much.

Today, a newly released report confirms that last year, CEOs of the biggest companies in the United States made 354 times what the average worker made, 354 times. That is the widest pay gap in the world.

Do most Americans believe that our CEOs work 354 times harder than their average employees?

Here is another example. Over the last 45 years, average income for 90 percent of Americans went up just $59—almost no change at all. That's over 45 years, an increase of $59. For the top 10 percent, average incomes rose roughly $116,000. For the top 1 percent, average income rose $628,000; and for the top 1 percent of the top 1 percent, the average incomes rose $18.3 million.

The numbers are so staggering it's almost difficult to comprehend. So if we convert the dollars to distances, the vast majority of Americans, 90 percent, saw their average income increase by 1 inch. The top 10 percent went up 168 feet; the top 1 percent, 888 feet; and the top 1 percent of 1 percent, their incomes rose by almost 5 miles relative to that 1 inch.

We are recovering from one of the greatest economic recessions in American history. As I said in the beginning, the Dow Jones Industrial Average just a few minutes ago closed for the first time in history over 15,000. The stock markets are setting record highs, but working families continue to struggle.

Wages have stayed low, and unemployment is still too high. It does not have to be that way, and it should not be that way. This Congress can and must take direct action to restore a just economic system for working people.

We need to raise the minimum wage. We need to boost Pell Grants, Head Start, and other support for public education. We need to invest in innovation and infrastructure to create jobs now and foster broad-based economic growth and prosperity. And we need to pass a budget that reflects the values of working Americans.

It is time to ''do justly.'' It is time to refocus on the American Dream, on building ladders of opportunity, on restoring fairness in our Tax Code, and on creating good, high-quality jobs so that every American who wants a job can find a job.

I call on Speaker BOEHNER to appoint budget conferees as soon as possible so that we can get to work on a budget that puts America back to work.

I thank my colleague from California.

Mr. GARAMENDI. Thank you very much, Mr. CLYBURN, for your excellent exposition of the problem faced by the middle class, by the working families of America: the fact that over the last 40 years they've seen virtually no progress in their economic status while those very, very few at the very top have seen extraordinary wealth. It's also a shifting of wealth, and some say that this discussion is a discussion of class warfare. Well, I wouldn't call it warfare, but I would say that the middle class of America is clearly losing, while those very, very few at the top are clearly winning. And the reason is the policies of the United States are pushing the wealth to the top and literally taking the wealth from the working men and women. We need to change those policies, and our discussion here is very, very much about that.

Thank you for your excellent discussion.

I see that our colleague from Washington, D.C., ELEANOR HOLMES NORTON, is here. Thank you very much for joining us. And, Mr. CLYBURN, if you'd like to stick around, we will engage in a discussion, but I think you have other obligations.

Mr. CLYBURN. I do, but I appreciate the time.

Ms. NORTON. I want to thank the gentleman from South Carolina, one of our leaders, and my good friend from California for his leadership, his almost weekly leadership on the issue of jobs. Both of my colleagues have discussed long-term declines in the middle class, much of it owing over the last decade to the policies of this Congress and the Federal Government.

The last thing you would expect Congress would do in the face of a recovery that is still in the throes of recovery is anything to hurt it, so I wanted to come to the floor to discuss the early warning signs we are seeing of jobs loss because of the sequester so that we can do something about it now.

First, let me indicate, quite unexpectedly, the best statistics I've seen in a long time, and how we are stepping on these statistics with each day of the sequester.

□ 1630

The April jobs report unexpectedly showed 165,000 workers added to nonfarm payroll. That was terrific news. What it tells us is that the private sector is making jobs, trying its best, because those jobs were not created in the public sector; those jobs were created in spite of the public sector, in spite of the fact that the Congress is furloughing people, cutting programs to the States and, thus, jobs.

So the April jobs report, you might say, means maybe it's going to be all right after all. Early signs are absolutely not. April reported the first 2 months of the sequester. It's 4 months to go, and already we see horrific news, each day, a kind of rolling disaster on jobs and the economy.

Deep cynicism spread the week before last throughout the country as Americans saw Congress vote to relax the sequester on the air traffic controllers, just as Congress was about to take a week-long recess; deep cynicism because nothing had been done for the American people, for their jobs, for their programs, but the skies were cleared.

Actually, there was a good reason for that, and that reason was, of course, that the controllers, who were only doing their jobs, about 10 percent of them had to be furloughed each week; therefore, with less people, there were slowdowns. That was already beginning to have a catastrophic effect on the economy, and that's why I think, yes, Congress, and even the administration, moved to correct that.

Sequester-driven flight delays were already placing over 80,000 American jobs at risk. And if it had gone on, if just this one sector had gone the full sequester, that would have lost $9 billion, one sector alone, in the economy. All right. One sector. One sector and only one sector.

Have we shown we understand what our bottom line responsibility is?

Whether you come here you think to reduce the deficit, or whether you come here as a Member of Congress you think to add revenue to grow an economy, both sides should agree that the best way, and perhaps the only way, to do that is to create jobs. People with jobs pay into the economy rather than requiring us to spend and add to the deficit.

Yet, when the sequester began and the administration warned of its effect on jobs and the economy, howls came from my good colleagues on the Republican side that the claims of the administration were overblown, that they were exaggerated, that the President was crying wolf, not to mention those of us on the Democratic side.

Here are the early signs, and I bring some examples to the floor this evening because there's still time to correct the sequester. I bring them to the floor to ask the appropriators to do what the President has done in his budget and correct the mistake of the sequester, recognizing that neither Democrats or Republicans anticipated that the sequester would ever happen, so neither side has to take credit or blame if we change it since neither side wanted it.

But look at the early effects, and let's look at some of the effects that flow directly from what Congress has done:

250 workers at the Hanford nuclear reservation laid off;

The contractor that repairs our U.S. Naval ships, Continental Maritime, laid off 185 employees;

418 contract workers laid off at the Tobyhanna Army Depot in Pennsylvania;

Northrop Grumman Information Systems in Lawton, Oklahoma, lays off, or anticipates laying off, 270 workers.

Those jobs add up. I'm not trying to call the roll. I'm trying to give examples of what the sequester directly does to jobs in the military sector, no less.

U.S. Army Garrison-Rock Island Arsenal, 175 employees laid off.

By the way, these are not furloughs. These employees are gone.

That's how we get, I say to my good friend from California, to the CBO figure of the loss of 750,000 jobs. Imagine this Congress doing anything to cause, to be the direct cause of the loss of jobs when we should be trying with all our might to create jobs after the Great Recession.

The examples abound. You will find them with every small business in your district feeling the effect by laying off people or refusing to fill vacancies. You will find it in every sector of the country.

Military bases are now going on a 4-week schedule for schools. Workers at missile testing fields are being fired.

We're having the functional equivalent of the meat inspectors exception to the sequester. Remember that they were the one sector, because we were afraid that rancid meat would appear all over the country, and you have to have meat inspectors to inspect.

Well, now the dairy farmers are saying that they can't get access to production information about milk and are anticipating higher prices on milk. So look at how that affects the farmer, whom he employs, and the milk, that's us, the consumer. That's how it's passed through. That's how it's passed on.

You know, you'd expect some of these examples from a depression, or even the recession that we are just coming out of, but who would have expected that hospitals are now reporting that medical schools anticipate not taking on as many residents, not with the sequester and the amount of money that comes to hospitals from the Federal Government. And they say that means fewer residency spots and fewer doctors in various communities, since residents tend to stay in the communities where they do their residency.

I've come to the floor when we're discussing, jobs precisely because the sequester cuts to jobs in the public sector and the private sector and speaks to whether we're going to make it in America, keeping what we have, much less making in America and growing what we need to have.

The sequester itself is even affecting what was always exempted from cuts in the Congress, public safety cuts, even at the Federal level. U.S. attorneys throughout the country are cutting. We never would have allowed that to happen before.

After Boston, I asked the Federal police forces to come and have a conversation with me. The Capitol Police, the Federal Protective Service, the Park Police, none of them are exempt. And to the extent that they are not doing furloughs, it's because they are requiring people to work tours of duty that no public safety officer should have to work if he really means to keep us safe.

So I say to my good friend, Mr. GARAMENDI, whom I'm so grateful to for keeping us focused on jobs when every other day we're talking about something else, I'm grateful because these dumb cuts are, above all, cruel cuts.

I haven't begun to mention their effect on the domestic programs for the very needy, the 70,000 children who will be off of Head Start, the 600,000 off of the WIC program, Women, Infants, and Children. That is the program for the most vulnerable children, who will lose basic nutrition assistance.

□ 1640

I was concerned that we weren't paying any attention to this, that it was only crisis by crisis. After the controllers matter came to the floor, the very day we left I, myself, came to the floor and said, with the controllers, you're only moving money around. That's what we did with some appropriations. If we had a budget meeting or even a meeting of any kind of both sides, we'd probably come to a compromise where some of what it would take to get off the sequester might mean doing what we did with the controllers, just moving from one program area to another.

But other ways to relieve the effects of the sequester would surely mean doing the kind of budget we meant to do in the first place. You'd want to do something with respect to matters that can only be fixed by some addition of funds, as, by the way, I think will be done in the next appropriations.

To be sure, sequester cuts go over to the following years, but they'll go a full year, and you will see some funds added just because it will be too heartless, too impossible to otherwise begin to justify.

So I come to have this conversation with my good friend, who focuses us, I think correctly, on the long term. We are forgetting to think about the long term when we see the sequester cuts that have a gnawing effect on the middle class so that, by the time we get to the point when we must do something about it, we will have a very steep hill to climb. That's what Mr. CLYBURN was talking about when he talked about what is now an impossibly large income gap of the kind we have not seen in my lifetime, of the kind we are making as we speak.

Mr. GARAMENDI. I thank you so very, very much for really bringing to all of our attention the extraordinary impact that the sequestration is having on American families. Jobs are being lost. Real jobs are disappearing, and Americans, working men and women, are feeling their paychecks being significantly reduced.

Now, another word for sequestration is austerity budgets. Shortly after the Great Recession began in 2008, there was the debate about should the governments of the world, the United States, Europe, China and Japan, should they take a policy of actively engaging in the economy to boost demand, which would be a Keynesian model of increasing the purchasing power within the economy, or should there be a reduction in government spending because of the deficits that were created as people lost their jobs and as tax revenues declined?

That debate was robustly engaged here on the floor of the House, with the decision being made to engage the government in increasing the demand. So the stimulus bill came forth, and it really worked. It really had an effect. Hundreds of thousands of jobs were created. The decline was stopped, and slowly in 2009 and 2010, the American economy began to recover.

Now, Europe made a different decision. In Europe, they made a decision not to stimulate the economy but rather to go into austerity, to reduce the budgets of the governments. The result in Europe has been perfectly clear. They have headed into a deep, deep recession yet again. They never came out of it. And so the entire European economy has been continuing to decline over these years. Austerity has gained in Europe a very, very bad name. In fact, conservative magazines such as The Economist magazine have been for the last 2 years saying, no more austerity, you have to stimulate the economy. We now see policies in Europe that are now turning around and looking to the stimulation of the economy as we did here.

China did exactly the opposite of Europe. They followed the American model—or we followed theirs, depending on how you want to look at this—and they put into place a very heavy stimulus program, almost all of it in infrastructure, creating enormous demand and growth in China.

Now, unfortunately, here in the United States, our initial effort at stimulus was cut short. It was cut short by the 2010 election. We had a new Congress, and the American Government since that moment has been involved in an austerity program. The sequestration is but one of the austerity programs that have been foisted upon the American public by our colleagues on the Republican side of the aisle. We have had fiscal cliff after fiscal cliff, and every time we come up against that cliff, we've seen a reduction in the role of the Federal Government in so many ways.

Ms. NORTON, you so clearly pointed out dozens of ways in which the Federal Government is backing away from previously important tasks, tasks such as, well, flight controllers, airline flight controllers. Now, we passed a bill to deal with that, but nevertheless, we took money out of the construction of airports and the upgrading of air traffic systems to keep the air traffic controllers going. So the austerity continued even in the airline sector.

We've seen it in my district. I've got maybe more than a thousand miles of flood levees. The Army Corps of Engineers, $250 million reduction in their ability to upgrade and to deal with the levees and to prevent flooding. On and on. I won't go through all the list that Ms. NORTON put forward. But those are

the continuing austerity measures that have been forced upon us.

It can't continue. It cannot continue. Our task is to create jobs. Our task is to put Americans back to work. Our task is to make sure that this incredible income disparity ends and that we find ways to rebuild the American middle class.

Ms. NORTON. If the gentleman would yield, this has been a very important, it seems to me, a very clear explanation the gentleman has given as to how we got where we are, and particularly his description of the difference between the European model and the American model. With the European model you would think that would be all the object lesson we would need because Britain is one of our closest allies. And what austerity has done to Europe it will almost certainly do to us.

What I don't understand, Mr. GARAMENDI, is why my good friends—our good friends—on the other side would believe that you can get something for nothing. Many of them believe in the economy of the private sector. Well, the first thing the private sector does is to invest. Once it invests, it hopes to yield from that investment. The kind of approach you're speaking about says that if you do nothing, if you—you, the Federal Government—step back and contribute nothing to a recovery, then recovery will happen.

Well, let me tell you why I think that's impossible. The economy is of a piece. You can't pull an important piece out and expect the whole to remain whole, particularly when ours is a demand, a consumer-driven economy. What that means is what the Federal Government does is really meant to get people out there spending so that other people can make jobs. Well, the last thing you want to happen, if you want to make sure people have jobs, so that they're spending so that other people have jobs, is to cut back yourself on the jobs that you're responsible for.

□ 1650

The sequester does that with the furloughs. Imagine what will happen in their counties across the United States—3 million Federal workers—when those workers who feed their economy go on furloughs. That's the equivalent of a job cut. They have got to cut back spending. That cuts back demand. That works its way through the entire economy.

What we're doing is dampening demand because we're sending the signal to the private sector that we are cutting the programs that made jobs. You can look at Head Start as a program for kids if you want to, but I bet the thousands of teachers and other Head Start workers look at it as a jobs program. So if 70,000 kids are gone, imagine how many workers are also gone.

It's almost as if our colleagues don't understand the way the economy works, that you could take one sector of it that's very important—the Federal sector—damp it down, and expect the rest to keep growing. And the operative word, my friend, is ''growth.'' We were doing almost nothing for growth because we had no balanced approach that allowed some revenue to fuel growth. What we're doing now is keeping growth from happening because we are deliberately cutting jobs that we need, which, in turn, feed the economy.

People with jobs buy goods and services. People who make goods and provide services will look to see if anybody is cutting jobs. If I run a department store in my county and the auto plant there lays off people, I cut back on inventory.

Mr. GARAMENDI. Exactly.

Ms. NORTON. Because that's how the economy works. The sequester is working that way, I say to my friend, and we can do something about it. There are 4 months left in this sequester. Before it becomes more of a rolling disaster with some of the examples I have given as emblematic of the disaster, we could, all of us, decide, let's just do a budget, a budget that I'm sure I would disagree with in many ways—in other words, it's not a budget I would want, because my good friends on the other side would want the things they would want. They would want some cuts. I would want to add some revenue, to WIC—Women, Infant and Children, for example. But together, at least we could stop the sequester and stop the catastrophic sequester cuts that drive down jobs as if we were creating a new recession of our own.

Mr. GARAMENDI. Well, we certainly will create a new recession. We know that 750,000 Americans will be unemployed, lose their jobs by the end of this fiscal year—that would be the first of October—as a result of sequestration.

Now, it's not that we haven't tried to do a different proposal. Our budget proposal is one that would maintain the reduction, but push it forward so that it doesn't immediately dampen the American economy. The President has made a similar proposal, but we've had no action. Right now, we are calling on our colleagues and Speaker BOEHNER to appoint a conference committee so that we can actually do a budget. Please, let's get that budget going. Let's get this thing out of the way of America's job growth.

Ms. NORTON. You remember how our colleagues said, for 3 or 4 years now, that the Senate refused to do a budget; and if they would just do a budget, then maybe the kind of meetings we've all been calling for would happen and we could work together? They did a budget, and still we get no action so that we can sit down and try to work the sequester out.

Mr. GARAMENDI. Well, that's exactly the problem. We need to get this sequestration out of the way of America's growth.

There are many things that we can do. I'd like to remind everybody that the President, more than 2 years ago, put forth an American jobs proposal, an American Jobs Act. In that proposal—which has never been taken up by the leaders of the House of Representatives—those who are in control of the House now, our colleagues here on the right side of the aisle, have never taken it up.

So what was in it? There was a $50 billion immediate investment in infrastructure. Well, what is infrastructure? Infrastructure is highways, our roads, our streets, our sanitation facilities, our water facilities, airports, flood levees, the kinds of things that upon which the economy can grow and be built. It is the foundation of the economy. They brushed it aside, wouldn't even consider it. One of the most basic things that any economy, any government must do is to make sure the foundation is in place.

The President had also proposed—and it's part of our Make It in America—an educational program to make sure that our students are ready for the jobs that are part of the American economy today and to retrain American workers.

A proposal that I have is that our tax dollars be spent on American-made equipment. Oh, my, how strange would that be. But yet we go out and buy Chinese steel to build the new San Francisco-Oakland Bay Bridge. No, we don't buy American-made steel and give Americans the jobs; we turn the jobs over to China.

Wind turbines, solar panels, all of the new energy systems, our tax money supports those systems. Shouldn't we be buying American-made equipment with your tax money? I believe we should. That's my legislation.

The Democratic agenda, the Make It in America agenda, is about 30 different bills dealing with rebuilding the great American manufacturing sector. I know that if we were to carry these policies forward, if they were to become law, we would see a resurgence in the American manufacturing sector.

The reason that that is so important is this—Mr. CLYBURN spoke to this earlier when he was here. I've got a little different display. This is what's happened to the American middle class, and beyond.

I'm going to use a football analogy here—I played football back at the University of California a few years ago—actually, many years ago. So we can use a football analogy.

The bottom 99 percent of America, 99 percent of every family and 99 percent of all of the workers and men and women in America have, since 1966, seen a net increase in their take-home pay of $59. This is in constant dollars. The top 10 percent have seen their income grow by $116,071 over that period, '66 to 2011.

The top 1 percent—remember the 99 percent thing? Well, this is the top 1 percent—have seen their income grow by $628,817. Now, the very, very tippy top, that is, the one-tenth of 1 percent—we're talking the superwealthy

billionaires here; Mitt Romney wouldn't fit into this category—they have seen their income grow by over $18 million annually.

So what we're seeing in the American economy is a skewing of the wealth in this economy. Literally, the wealth in the economy is flowing to the very top so that the wage increases are not among the men and women that work every day, that put in their 40 hours a week or more. But, rather, it's flowing to those at the top. This is the result of economic policies that are put in place here in the Congress—tax policies, educational policies, other kinds of policies that lay the foundation for this extraordinary inequality.

This has never been seen in America. During the Gilded Age in the 19th century, this kind of wealth disparity was not in existence. During the Roaring Twenties, this type of wealth inequality was not seen in the American economy. Only now, in the last 20, 30 years, have we seen policies put in place that have created the most inequality ever in modern American history.

□ 1700

What does that mean? What does that mean to the average American family? It means that both mom and pop are working. It means that they cannot afford to send their children to school. And added on top of that, the Great Recession has stripped the wealth from the 90 percent. The wealth was stripped, mostly in the housing market collapse.

So now we are faced with the situation, what can we do? Well, what we can do is to rebuild the American manufacturing sector, because this is where the middle class had decent wages. We are not talking about a $7.50 an hour minimum wage. We are talking about wages that a man or a woman could earn to protect and to provide for their family.

Ms. NORTON. If the gentleman will yield on that point?

Mr. GARAMENDI. I would be happy to.

Ms. NORTON. The point you are making about disparities in income needs to be understood as you are portraying it—as a new phenomenon in American life. That, yes, there were recessions and there were very hard times, and there were times before the New Deal when government did not do much about it.

The kind of policy-made disparity that we are experiencing today, not disparity that comes because a few wealthy people created wealth in the last part of the 19th century, and even then there was a need for so many workers the disparity was not as great as today, but disparities that come straight from policies like failure to raise the minimum wage, come straight from policies like 20–25 years of failing to raise the user fee so that we could build roads.

Now, construction jobs are classic middle class jobs. If we want to build the middle class, we've got to go in the modern era to the post-World War II economy. Americans who didn't have a college education could raise four and five children because they had good manufacturing jobs made in America.

My good friend talks about how if we take the materials for bridges, however, and you buy them in China, we are not making it in America, and we're having a downward effect on our own manufacturing sector. But at the same time, as he points up, infrastructure—he points to the classic way to come out of a recession by building what you would have to build anyway.

Here is the government investing in something that's never controversial, because building roads and bridges and water infrastructure are always the function of government. If you would have to do it anyway, the theory goes, you do it when in the process of doing it you can create jobs and fuel the economy.

We are about to have to do another infrastructure bill. We did one 2 years ago that will last only 2 years because we did not raise the user fee, so it goes for only 2 years at a time. And even though we had some of the materials from abroad—something we've got to keep from doing next time—every bridge had to be built by an American worker, all that cement had to be the work of the American middle class.

If we have to do it anyway, construction is probably the best way to revive the economy in the first place, because it has an effect on all the rest of the economy. It wakes up the rest of the economy.

Because we should be working right now—and I know Mr. SHUSTER, who's chair of the Transportation and Infrastructure Committee, does want to do something—we ought to be thinking about precisely the sector that you have mentioned, the sector that creates jobs, does what we have to do for the crumbling parts of our country, which turn out to be the parts underground where our water and sewers are and the parts above ground where we drive to and from work every day.

Mr. GARAMENDI. If the gentlelady would yield for a moment, you're exactly right about the infrastructure. We need to build it.

I notice that our colleague from Ohio has joined us. The last time we were on the floor, we talked about these issues. So if you would like to carry on here for awhile, please, Mr. RYAN.

Mr. RYAN of Ohio. I would just like to support what the gentlelady from the District of Columbia has been saying, that this is bread and butter, this is Economics 101 in how you get the economy back up and running. At a time when we have these high unemployment numbers for the building trades and the construction trades, what a shot in the arm.

For work—and I think this is the essential point—this work needs to be done anyway. So it's either going to get done now or it's going to get done later. Why not do it now when you can get the best bang for your buck, to put people back to work when they need to go back to work and also jump-start the economy as opposed to say, Oh, we're going to wait, we're going to do it 5 years from now when cement is more expensive 5 years from now, labor is more expensive 5 years from now, all the other costs associated with the project and the materials are going to be more expensive 5 years from now. So let's get the job done now, let's make these investments now, let's get the economy going now.

We are having some job growth and the sequester is hurting, but we have got to make these investments. Let's rebuild the country, and let's rebuild the way our cities look. Let's have an innovative approach to the way we create and invest in our downtowns and tie it into what we are doing in many older industrial areas where we are knocking down a lot of old homes. Cities like Youngstown—180,000 people lived in that town a few decades ago, they're at 70,000 now—were knocking down homes because of the neighborhood stabilization program. Now we have green space. Now we are planning urban gardens, urban farming, so we can get fresh foods into some of these food deserts because of the investments that we are making. We should do the same thing with bike trails and downtown redevelopment and incentives for investment downtown as we do the roads, the bridges, the big heavy infrastructure.

Combined sewer—how many cities have hundreds of millions of dollars, billions of dollars, in need for combined sewer overflow? These cities don't have the money to do it. And if they do it, if they even can, if they have the bonding capacity to do it, they're going to drive rates up so high in their own communities they are going to further create sprawl, which means more new waterlines, more new sewer lines, in more green space, and that's counterproductive.

Let's drive people back into the urban core, let's have urban space, urban farming, urban gardens, farmers' markets, fresh food for our young people and people who are living in our cities, at the same time we make these investments. When you are building roads and bridges and needing steel, it's going to affect manufacturing.

Mr. GARAMENDI. If you use American taxpayer money to buy American-made equipment, supplies and products.

Mr. RYAN of Ohio. Right. And you look at the supply chain with manufacturing and you see the six or seven or eight jobs for every one job that's created on the manufacturing floor.

I love representing my district, like we all do, but I'm in northeast Ohio, so I could do a factory tour a day for my career and not even scrape the surface as to what the manufacturers are. And whether you're talking about the defense industrial base, whether you're

talking about construction all the way down the line, auto, the manufacturing capabilities in this country, they're tremendous.

Now we see on the defense side that maybe a lot of the defense industrial base isn't in America like it used to be. How do we come together, Democrats and Republicans, and say, well, we are spending this money, why don't we drive it into Youngstown, Ohio? Why don't we drive it into Mobile, Alabama? Why don't we drive it into Iowa? Why don't we drive it into some of these old industrial areas? This can be done.

I want to make one last point.

□ 1710

The narrative today is that everything that the government does—every dollar the government spends money on—is bad. Well, that's the narrative we're all operating on now because our friends on the other side, quite frankly, have won that discussion. But here we are. We can't get a transportation bill because that falls into government spending. Early childhood education, Head Start—that all somehow falls into this abyss of wasteful government spending when the fact of the matter is that these are investments that yield results and that create value and wealth in our society.

I will just say that we were in the Defense Appropriations Subcommittee hearing today, and we were talking about the Navy. We were talking about the sea lanes, and we were talking about the Strait of Hormuz and all of these different areas that we protect, that tax dollars protect, so that commerce can go—government investments to help business thrive.

It's a delicate balancing act, and to come up with just the bumper sticker slogans in order to score political points has damaged our ability to do what we did from post-World War II into the eighties, and that's to invest in research, invest in infrastructure, invest in American workers, and then let the free market go from there.

So I want to thank the gentleman for his leadership on the Make It in America caucus—in promoting manufacturing. I thank the gentlelady from the District of Columbia. It's an honor to be with you.

Mr. GARAMENDI. I want to thank the gentleman from Ohio, who knows what it is to rebuild the manufacturing base, and I thank you for the work that you've been doing.

We have just a few seconds, Ms. NORTON, if you could wrap and then I'll wrap, and we'll call it a day.

Ms. NORTON. When the gentleman speaks about manufacturing, both of you have spoken about manufacturing in its different aspects.

Look at what is happening today. The private sector is bringing manufacturing home because of the low cost of energy, and we are producing more of our own natural gas because of the low cost of energy. The government just needs to do its part. Don't countermand what the private sector is doing. Do what the gentleman says. Don't take jobs from Youngstown. Help Youngstown to rebuild Youngstown. It's going to be built anyway. Now is the time to rebuild it.

So I thank the gentleman for yielding to us in this very important discussion every week.

Mr. GARAMENDI. We must start thinking about what we can do rather than what we cannot do. This is America. This is the country that built the future—we really did—and we can claim the future if we reach back into our history and do what we did before. We were builders. We built the foundations.

Mr. RYAN, as you said so very clearly, it's investment. It's investment in the intellectual ability of Americans—in education and research. It's investment in the infrastructure. It's investment in the business community. There is a combination of government and private sector. It's the history of America. It's an exciting history. It's a potential. Unfortunately, we are ignoring the key role that the governments—local, State and Federal—play in that process. We're builders, we're Americans, and we're going to do it. We will make it happen, and I will tell you this: when America begins to make it in America, Americans are going to make it.

I thank my colleagues.

Mr. Speaker, I yield back the balance of my time.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS OF THE GOVERNMENT OF SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 113–22)

The SPEAKER pro tempore (Mr. DAINES) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency, unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions of the Government of Syria declared in Executive Order 13338 of May 11, 2004—as modified in scope and relied upon for additional steps taken in Executive Order 13399 of April 25, 2006, Executive Order 13460 of February 13, 2008, Executive Order 13572 of April 29, 2011, Executive Order 13573 of May 18, 2011, Executive Order 13582 of August 17, 2011, Executive Order 13606 of April 22, 2012, and Executive Order 13608 of May 1, 2012—is to continue in effect beyond May 11, 2013.

While the Syrian regime has reduced the number of foreign fighters bound for Iraq, the regime's brutal war on the Syrian people, who have been calling for freedom and a representative government, endangers not only the Syrian people themselves, but could yield greater instability throughout the region. The Syrian regime's actions and policies, including pursuing chemical and biological weapons, supporting terrorist organizations, and obstructing the Lebanese government's ability to function effectively, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions to address this national emergency.

In addition, the United States condemns the Assad regime's use of brutal violence and human rights abuses and calls on the Assad regime to stop its violent war and step aside to allow a political transition in Syria that will forge a credible path to a future of greater freedom, democracy, opportunity, and justice.

The United States will consider changes in the composition, policies, and actions of the Government of Syria in determining whether to continue or terminate this national emergency in the future.

BARACK OBAMA.
THE WHITE HOUSE, *May 7, 2013*.

THE CASE OF DR. KERMIT GOSNELL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Louisiana (Mr. FLEMING) for 30 minutes.

Mr. FLEMING. Thank you, Mr. Speaker.

It is, indeed, a pleasure to be here tonight to talk about a very, very important subject, and that is the case of Dr. Kermit Gosnell.

Before I do, I do want to mention a couple of things about the previous Special Order of my friends on the other side of the aisle who were talking about, for instance, Medicare and coverage under Medicare and ObamaCare, pointing out that insurance companies are not as good as the government in terms of denying care. I would suggest to my friends that at least you can change your insurance companies. You cannot change your government. So I see that as a fatal flaw, among many, with ObamaCare.

Also, a lot of time was spent talking about income disparity. I absolutely agree with my friends that the rich are getting richer and that the poor are

getting poorer in America—but President Barack Obama has been our President for the last nearly 5 years. It's his policies that are creating that situation. In fact, unemployment levels among minorities, particularly Hispanics and African Americans, are at historically high levels. It is because of the policies of Obamanomics, ObamaCare regulations, Dodd-Frank, and the excessive spending that has been occurring in Washington that have led to this problem.

Then, finally, my friends talked about the fact that the President has submitted a couple of jobs bills and that we've refused to take them up or to pass them. I would submit, Mr. Speaker, that these jobs bills are nothing more than mini-stimulus bills which passed this House, under Democrat control, in the first 2 years of the President's first term. What did we get as a result? Only more deficits and more debt. We did not get an improvement of the jobs picture.

On the other hand, in the last term, under a Republican-controlled House, we passed 33 jobs bills, and the President and the Senate, controlled by Democrats, would not take up even a single one. One of them included diverting revenue from energy on Federal lands to rebuilding bridges and highways, the very infrastructure that they're talking about.

□ 1720

So again I would submit, Mr. Speaker, and to our friends on the other side of the aisle, that perhaps they need to update their talking points. They're giving the same ones they gave in 2009 at the beginning of the Obama administration. Now we're nearly 5 years down the road in the second Obama term, and the policies we're living under and have been the Obama economic policies, not Republican policies, and certainly not President Bush.

Mr. Speaker, I'd like to talk about Kermit Gosnell. The mayor of Philadelphia says that Dr. Kermit Gosnell is an aberration, an outlier, a rare case. Gosnell, of course, is the abortionist in Philadelphia who is awaiting a verdict on charges of killing four babies and a woman, though we know that there were many more. Philadelphia's mayor said of these atrocities, ''This is a highly unusual situation.''

Perhaps it's no wonder why some see Gosnell as an aberration. His clinic was inspected only three times in 31 years, and it was never inspected from 1993 to 2010. The gruesome discovery of multiple body parts from aborted babies, blood splattered on the walls, and other deplorable conditions were discovered only by accident.

I want to point out that I think we know what Dr. Gosnell was all about. He was not about elevated principles of doing right for women, women's health and this sort of thing. Mr. Speaker, it was about money, and you'll see why.

Despite the fact that this had been going on for 31 years, it went undiscovered. Agents from the Drug Enforcement Administration entered the clinic with the correct belief that Gosnell was running an illegal prescription drug business selling OxyContin and many other highly addictive drugs. He was writing about 1,900 prescriptions a month, and customers were picking them up in a takeout fashion.

Again, it was not about elevated principles and women's health; it was about money.

Law enforcement had no idea, until they raided Gosnell's clinic in 2010, that the pill mill he was running by day was a gruesome abortion mill by night. Gosnell had been performing late-term abortions for decades, and his procedures caused so much harm to women that he was being hit with malpractice lawsuits.

You see, in late term, doing those kind of abortions, it is very damaging to the womb. In many cases, they use sharp instruments to literally cut up the little baby, to puncture the skull. That's very damaging to the womb, and, of course, women can have excessive bleeding, a perforated uterus. These things lead to complications and, of course, lawsuits.

So it is a sad irony, but abortion supporters have argued for years that making abortion legal protects women from the kind of butchery performed by doctors like Gosnell. But you see, Dr. Gosnell, after having literally dozens of lawsuits, he decided that it was safer for Gosnell—not for the women—to stop trying to kill the babies in the womb. He just went ahead and induced labor in late term and then killed the baby shortly thereafter the birth.

How did he do it? He did what he referred to as ''snipping.'' He would thrust a pair of scissors in the base of the skull, in the back of the neck, clip the spinal cord, destroy the lower part of the brain and make the baby stop breathing. In fact, witnesses said that in a number of cases, the late-term babies, but somewhat premature but certainly well enough mature to have survived outside of the womb, would be there breathing before he did his heinous acts, or in some cases were actually crying.

I know we'd like to wish that Kermit Gosnell was an aberration. In fact, I hope there's a day when we look back and see the practice of abortion itself as a horrible aberration in a culture that should defend life and protect the innocent.

Since Bill Clinton first said it in 1996, the pro-abortion side has been telling us that abortion should be safe, legal, and rare, yet there are still more than a million abortions each year in the United States. We know that they're never safe for the unborn child because the child dies, of course. And as we can see, they're often dangerous for the women involved not only during the procedure, but shortly thereafter and often long term. We know statistics tell us that the infertility rate down the road, suicide rate, depression and many other scales by which we measure quality of life are all diminished after abortions. And the more abortions, the worse the outcomes.

How many other Gosnells work in secret without inspections or regulations, as in this case? Perhaps they're not really so rare. Take, for example, Dr. LeRoy Carhart, who was responsible for the abortion procedure earlier this year in Maryland that ended with the death of a 29-year-old woman who was 33 weeks pregnant. Carhart had another patient die after a similar procedure in 2005.

In Muskegon, Michigan, details are just surfacing about another abortionist who is accused of leaving the decapitated head of an unborn child inside a woman's womb after rupturing her uterus and nearly taking her life. The Michigan State Legislature is investigating why the State Board of Medicine did not pursue earlier complaints about this same doctor.

You see, what we're finding in many cases is that the medical agencies who are responsible for oversight are turning their heads when it comes to the issue of abortion. They're all about inspecting hospitals and doctors' offices; but when it comes to abortion, they don't want to even go there, apparently.

In recent weeks, we've seen undercover videos from the group Live Action showing doctors and medical personnel at abortion clinics with a callous and even heinous disregard for life. In the most recent video, a woman who is at 23 weeks gestation in her pregnancy asked if there was any chance her baby might be born alive and could she take it home if it is. A clinic counselor assures her that it is not likely to happen and says that if the child happens to be born alive during the abortion procedure, the medical staff will make no efforts to preserve the child's life but will allow it simply to die.

That's no surprise, considering the Planned Parenthood representative who testified about the late-term abortions in March before a Florida State House subcommittee. When asked what Planned Parenthood would want to happen if a baby was born alive and still struggling to live after a botched abortion, she said, ''We believe that any decisions that's made should be left up to the woman, her family, and the physician.''

When pressed further about what Planned Parenthood physicians do if a baby is alive and moving and breathing on the table, she answered, ''I do not have that information.''

Doesn't that sound familiar?

Remember that President Obama was once asked, ''When does life begin?'' of course implying, does it begin at conception? His answer was it was above his pay grade. Mr. Speaker, if it's above the President's pay grade, where do we go from there? Certainly Planned Parenthood doesn't know the answer either.

I can tell you I do. I'm a physician. It's called the Born-Alive Infants Protection Act, a Federal law that was enacted in 2002, that extends legal protections to any infant born alive during an attempted abortion. There shouldn't be any doubt or any question about what to do with that baby. It is a life that is to be preserved.

Remember, Planned Parenthood is the largest provider of abortions in this country. So if a Planned Parenthood representative in Florida thinks it's okay for the family to decide to let the child die, is there really any doubt that there are many more cases like Kermit Gosnell?

Beyond cases of infanticide, badly injured women, and even women who have died during abortions, there has been an increase in the number of reports of dangerous and filthy conditions at abortion clinics. State officials in Delaware are investigating Planned Parenthood of Delaware for unsafe and unsanitary conditions.

□ 1730

In Virginia, again, elaboration here, there are many different examples of problems. In Virginia, an abortion clinic closed this month because it didn't want to operate under new safety standards and proper inspections that have been long overdue in the Commonwealth. Virginia's State Legislature and the State's Board of Health overwhelmingly saw the need for commonsense rules, like making sure doorways are wide enough for an emergency gurney to pass through so a patient can be taken to an ambulance in case of an emergency.

Sadly, the abortion industry, with its focus on bottom-line profits—and remember Kermit Gosnell. He ran a pill mill during the day and performed late-term abortions at night. We know what he was all about. It was not elevated principles. It was not women's health. It was all about the almighty dollar.

What the Gosnell case and these others have helped to expose is the sad truth that some States simply look the other way while abortion clinics run amuck and the health and lives of women are endangered. Let's be clear: there's no such thing as a safe abortion. Not only does the pregnant woman face emotional and physical risks, up to and including death, but each abortion is the ending of an innocent human life.

So, how is it that we have a Humane Society for animals but we don't have a humane society for the most vulnerable and innocent humans, babies? Why is it that the media and many Americans go crazy over the treatment of wild and domesticated animals, yet seem to turn a deaf ear to the silent screams emanating from inside the womb of millions of young women.

Mr. Speaker, what can be done about such alleged murderers as Gosnell? How many more Gosnells are out there damaging wombs and killing babies? If we wait on the media and State health care officials to find them, we may have to wait many years while many deaths occur.

Therefore, I call on State legislatures and Governors to write ironclad laws and regulations to protect mothers and infants from these heinous acts, State regulators to ensure that abortion clinics and abortionists are adhering completely to every rule and law now in place and the many more that will be established in the future, we hope. And, I call on prosecutors and judges to make sure that abortionists and abortion clinics that break the law and that defy the Born-Alive Act face the full measure of law.

Finally, we stand today with our national conscience stirred by the Gosnell trial to stop and look again at life in the womb. Kermit Gosnell was killing babies who could otherwise survive had they been given the chance. But his trial is merely scratching the surface of the greater reality that medical technology has been showing us now for more than a decade: the life that is developing in the womb is a baby. It is a growing and developing child that feels pain, we know scientifically, as early as 20 weeks gestation, midpregnancy, and maybe even earlier. And destroying that life is extremely painful to the baby and should not—that is, abortion—be an option.

With that, I yield back the balance of my time.

END HUNGER NOW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 30 minutes.

Mr. MCGOVERN. Mr. Speaker, next Wednesday the House Agriculture Committee is expected to mark up the farm bill. The farm bill is an important bill for many reasons, but chief among them is the reauthorization of our Nation's antihunger safety net programs. The largest and arguably most important is the Supplemental Nutrition Assistance Program, or SNAP.

As I continue to remind my colleagues through my series of End Hunger Now speeches, it is important to acknowledge that hunger is a real problem in America. Even as we slowly come out of this recession and as Americans struggle to get back on their feet, there are still nearly 50 million hungry people living in this country. Nearly 17 million are kids. The hungry, labeled by some as food insecure because they don't know where their next meal is coming from, aren't like those who starve in Third World countries. They don't have sunken eyes and swollen bellies, and that's primarily because of SNAP and other antihunger safety net programs.

SNAP has prevented millions of people from going without food when they desperately need it. The population served by SNAP is not the rich. They aren't living in mansions or driving expensive cars or eating in five-star restaurants. No, Mr. Speaker, they are primarily low-income families who are trying to make ends meet. They are trying to provide healthy food for their families while they try to keep a roof over their head and pay the bills to keep utilities running. And that's why the farm bill is so important.

Every 5 years, we have an opportunity to look at SNAP and other programs that make up the farm bill. We have an opportunity to look at what is and what isn't working. We have an opportunity to make the program run better, at least that's what we should be doing. Unfortunately, Mr. Speaker, as we move to the markup of this farm bill, we haven't had a single hearing, not a single hearing this year, on the SNAP program.

But next week, the House Agriculture Committee will mark up a farm bill that we're told, if reports are to be trusted, that will cut $20 billion from SNAP. That's $20 billion that could go to feed hungry Americans. That's a $20 billion cut that will literally take food out of the mouths of hungry Americans. In short, it's a bill that will make hunger in America worse, not better.

SNAP is among the most effective and efficient, if not the most effective and efficient, federally run program. Error rates are at an all-time low. In fact, when it comes to error rates, more SNAP benefits are underpaid rather than overpaid. That means that a SNAP error will likely result in a beneficiary receiving a smaller benefit than they are eligible for rather than a higher benefit. Waste and abuse is almost negligible, and USDA continues to crack down on fraud. People who defraud SNAP, those who break the law, are being arrested and they're going to jail.

The program is working, Mr. Speaker, and I defy anyone to show me any other Federal program that is as effective and as efficient as SNAP. Yet some Republicans are hell-bent on cutting the program. I should say, obliterating the program, and I simply do not understand why. What do they have against poor people? Why do they think that it's okay to hold back a helping hand. SNAP isn't a get-rich scheme. People use SNAP to put food on their table during difficult times. The way to reduce the number of people on SNAP is by creating jobs, by helping to get this economy going again. The more people go back to work, the less people need to rely on SNAP.

But what some in this House are proposing is that we arbitrarily and indiscriminately cut the help that people need. A $20 billion cut will do real damage. It will be harder for some to get SNAP. For others, they will see their SNAP benefit cut, meaning they'll have to buy the same amount of food with less money. And we'll see, at a minimum, several hundred thousand

poor kids lose their free school meals. Yes, Mr. Speaker, this bill will take food away from poor kids.

For the life of me, I cannot understand why anyone—I don't care what your political party is—would want to do this. Cutting SNAP is a bad policy. Cutting SNAP in the name of fiscal responsibility is not just a misnomer, it is a falsehood that must be debunked.

There are many other programs in the farm bill that have higher rates of fraud, waste, and abuse—programs like direct payments and crop insurance, just to name two. These programs must be reined in rather than going after programs that help poor people struggle to feed their families during difficult times.

Mr. Speaker, I continue to believe that we can end hunger now if we muster the political will to do so.

□ 1740

But cutting SNAP, passing a farm bill that cuts $20 billion from this program will not end hunger now. It will make hunger worse. It is the wrong thing to do at the wrong time in our history.

I'd like to believe that my Republican colleagues on the Agriculture Committee would realize this before they embrace a bill that would have such a Draconian cut, that would have a $20 billion cut in SNAP.

And, Mr. Speaker, I'm urging my Democratic colleagues on the Agriculture Committee to join me in rejecting these cuts. And if these cuts prevail, then we should vote against this farm bill. I think it is simply wrong to send a bill to the House floor, or if it passes the House floor, over to the United States Senate that decimates this important program. It is just wrong.

And for some reason, it has become fashionable in this House to not worry about the poor and to not worry about the vulnerable. Every time we need to find a cut, you go after programs that benefit the most vulnerable. It is wrong. It is outrageous. It goes against everything we're supposed to be doing in this Congress.

Mr. Speaker, rejecting these cuts is the right thing to do, especially if we want to end hunger now.

Mr. Speaker, I would remind my colleagues that hunger is a political condition. Hunger is a political condition. We have the resources, we have the means, we have the infrastructure to end it; but we don't have the political will.

We have the political will when it comes to going to war. We have the political will when it comes to giving tax breaks to wealthy people. We have the political will when it comes to protecting special interest subsidies to Big Oil.

But when it comes to ending hunger, the political will is not here. It is not here. And what a shame, Mr. Speaker.

I would also remind my colleagues that there was a cost to hunger. When people say to me, oh, we can't afford to help these people; we can't afford to expand these programs because this is a tough budgetary time that we find ourselves in, I remind my colleagues that there is a cost here.

There's a cost in avoidable health care cost, for example. People who do not eat on a regular basis, children who do not eat on a regular basis, who are denied food, who are hungry, you know, their immune systems are compromised. They get common colds, and it ends up turning into something worse, and they end up going into emergency rooms and staying for several days. There's a cost to this.

Senior citizens who can't afford their food and their medicine, they take their medicine on an empty stomach, they end up getting sick. They go into the hospital, they stay for several days, sometimes weeks. There is a cost to that.

There's a cost to hunger in terms of lost productivity in the workplace. Workers aren't as productive.

And, oh, let me just remind my colleagues, Mr. Speaker, when people think that SNAP is only a program for those who are unemployed, millions and millions and millions of people on this program work for a living. They work, but they don't earn enough to not qualify for this benefit.

If you want to do something to help more people get off SNAP, increase the minimum wage, invest in this economy, get more people back to work. But there are millions of working people who rely on this program to feed their families. So there's a cost, Mr. Speaker.

There's also a cost in terms of kids going to school hungry who can't learn. I mean, if you're hungry, you can't focus.

If I had my way, Mr. Speaker, I would require universal school breakfast for everyone who goes to school in this country at the bell, because the bottom line is that meal, that nutrition is every bit as important to a young child, in terms of learning, as that textbook is because that textbook doesn't do a kid any good if he or she is hungry, if all they're worried about is where they're going to get their next meal. And there are too many kids, as I said, 17 million children in this country that are hungry.

Mr. Speaker, we are supposed to be a political body here that is dedicated to solving problems. That's what our job is supposed to be. We're supposed to try to help people and solve problems, not ignore them or make them worse.

There are millions of vulnerable people in this country who need our attention and who need our help. They don't want a handout; they want a hand up. They want to enter the job market; they want to enter into a secure economy. They're looking for some help to get them to the point they could survive long enough to be able to see this economy get back on its feet.

Hunger in America is a real problem. This is an issue. No one talks about it here, but it is an issue. You don't see the leadership of this House, the Republican leadership of this House, paying any attention to this. They never even mention the word hunger. They never mention the word poverty when they speak.

But this is a real problem. This is a real problem, and I would urge my colleagues who are about to embrace a $20 billion cut in SNAP to get out of Washington or, better yet, just leave the Capitol Grounds and go out and meet some people who are struggling on this benefit. Meet some people who don't have enough to eat, who end up going to food banks even when they get the SNAP benefits because it's not enough. This is not a get-rich scheme.

And here's the other thing that my colleagues need to understand. Even if we did nothing in the farm bill, even if we protected everything, as it is, I mean, and didn't make any cuts in the farm bill next week, guess what? The average benefit, the average food stamp benefit, the average SNAP benefit, is going to go down anyway because we have dipped into SNAP to pay for other programs. It has been our ATM machine to pay for a lot of other programs, and so the benefit already is going to go down for people. People are already going to feel it even if we were to do nothing.

But to pile on $20 billion worth of cuts—and my friends will say, oh, well, you know, it's this categorical eligibility, or it's this, you know, we don't like the way this State does it or that State does it——

Here's a point I want to make. If people were truly interested in making this program run better, then we would be doing hearing after hearing after hearing, not only here in Washington, but out in the field, listening to people who are beneficiaries, listening to the food banks, listening to the anti-hunger advocacy groups, listening to the mayors, listening to the Governors, listening to people; and we would figure out how to do this in a way that made sense.

And by the way, I think any savings we find in SNAP we ought to put back into programs to combat hunger and to promote nutrition, you know, not take this money and help pay for a subsidy to some big agri-business or continue to fund some cockamamie crop insurance scheme. We ought to put this, we ought to put any savings we find and any reforms back into these programs.

Let's do this right. But my friends who want to cut this program don't want to do it right. They're not interested in helping this work better. All they're interested in is taking this money so they don't have to take it away from the special interests that fund political campaigns around here. And I find that outrageous.

So, Mr. Speaker, I urge my colleagues, both Republicans and Democrats, don't turn your backs on the poor. Don't turn your backs on the hungry in this country.

As Members of the United States Congress, we should be ashamed, we should be ashamed that there are 50 million people in the United States of America that are hungry, that 17 million of them are children. It is outrageous.

We're the richest, most powerful country in the world. There shouldn't be any hunger here. There shouldn't be anybody who has to worry about whether or not they're going to be able to put good, nutritious food on the table.

So I urge my colleagues, Democrats, Republicans, please do not fall for this notion that cutting $20 billion won't make any difference to anybody, that we're just kind of tightening the program up. Don't fall for that line, because it's just not true. It's just not true.

$20 billion in cuts from this program will mean that people today, who today are getting food tomorrow will not. And, again, if people qualify for this program, their kids automatically qualify for the free breakfast or lunch program at school. You cut these families off this program, those kids will no longer be eligible for that.

How that serves our natural interest, how that helps anything in this country, how that even deals with our deficit, our debt problem is beyond me because we're creating a whole slew of new problems.

□ 1750

We are so much better than that. We are so much better than that.

Let me just close with this, Mr. Speaker. Some people have said to me, well, hunger has been around for a long time. There's nothing we can do about it. Those people are wrong, Mr. Speaker. They're wrong. In 1968, there was a documentary on television on ABC that documented for the entire Nation to see the hunger problem in America. And in the aftermath of that documentary, in a bipartisan way, people like Senator George McGovern of South Dakota, Senator Robert Dole of Kansas, Senator Jake Javits of New York and Senator Hubert Humphrey of Minnesota, in a bipartisan way came together and helped put together an effort to end hunger.

In the 1970s, in the mid- to late 1970s, we almost succeeded in ending hunger in this country. We almost succeeded. And then came along a Congress that undid everything, and today we have seen the results of the negligence of Congress and of various White Houses over the years, and that is 50 million Americans—50 million Americans—who are hungry.

Mr. Speaker, I believe that we can do better than that, and I believe that we are a much better country than that. I plead with my colleagues here, please don't do this. Please don't do this. The people we're talking about who benefit from this program don't have any big political PACs, and they don't have a lot of high-priced lobbyists here in Washington. I'm not even sure how many of them are going to vote in the next election. But they're our neighbors. They're our friends. They're part of our community. We're supposed to represent them. We're supposed to help people, not hurt people.

If this farm bill goes forward with a $20 billion cut in SNAP, we will be hurting people in this country. We will be hurting millions and millions of people in this country.

I hope we don't go down that path. I urge my colleagues, in a bipartisan way, to join with me. End hunger now. Reject these attempts at cutting SNAP by $20 billion, support a farm bill that supports not only our farmers, but supports good nutrition and supports an effort that will end hunger now.

I thank my colleagues for listening to me, and I yield back the balance of my time.

SNAP AND IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Iowa (Mr. KING) for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you here on the floor of the House of Representatives and also the times that I've had to be here on the floor and listen to the dialogue and the debate that's delivered by Members of both sides, the Republican and the Democrat side of the aisle. I listened with interest as my friend and colleague on the Agriculture Committee, Mr. MCGOVERN, talked about the SNAP program and the necessity to maintain the dollars that were there.

I was a little surprised that he didn't ask for more dollars going into the SNAP program as opposed to opposing any reduction in the programmed increase in the SNAP program. We have about $78 billion a year that are going into food stamps now—$78 billion, a little more than that. And by next year it will be $80 billion.

Now, we do calculate our budgets and spending in a 10-year budget window, so that means $800 billion is the universe of money that he's talking about, and he's pleading with us not to reduce that growth from a little bit more than $78 billion a year up over $80 billion a year. So of that $2 billion a year that's programmed between this year and next year over the period of time of 10 years there would be $20 billion trimmed off of $800 billion, which comes to about a 2½ percent decrease in the overall projected expenditures of the food stamp program known as SNAP.

Now, after all of that technical gibberish, the bottom line is a $20 billion cut is a $2½ billion cut in the increase. $20 billion spread out over 10 years is not something that's going to be noticeable. When the gentleman speaks of how we would ''literally take food out of the mouths of hungry Americans,'' Mr. Speaker, it's important to point out, literally taking the food out of hungry Americans has never happened as an action of government in the history of the United States. It is very unlikely to ever happen into the future of the United States. And it certainly isn't something that would be the result of a piece of legislation that would come out of this Congress and specifically out of the Agriculture Committee and specifically from the subcommittee which I chair.

No, Mr. Speaker. There is not going to be any literal taking food out of the mouths of hungry Americans, to quote the gentleman from Massachusetts. Literally means ''really.'' It means ''actually.'' It means it physically happens. Now, if you're literally going to take food out of the mouths of hungry Americans, you would have to think in terms of some way to extract it once they have put it in their mouth. That's what the man has said. That's a little bit perhaps over-the-top rhetoric, and I understand he's passionate about the issue.

But even figuratively speaking, it's a little bit of a stretch to argue that a 2½ percent reduction in anticipated expenditures of the food stamp program over a 10-year period of time is going to do something to starve kids when we're addressing the eligibility for the food stamp program. And we are seeing narratives—facts, actually—of people that are using their EBT card—that electronic benefits transfer card, that card that has spawned rap music about its easy accessibility and its marketability on the street—to get tattoos, and using that food stamp EBT card to bail at least one individual out of jail.

There has to be a place where the gentleman from Massachusetts and I would draw the line and say, enough. Enough. We've taxed the taxpayers enough. We've punished the producers enough. We've borrowed enough money from the Chinese and the Saudis. We should not be borrowing money from the Chinese and the Saudis to fund somebody's tattoos, to hold up a tattoo parlor that in the neon sign says, we take EBT cards. No, Mr. Speaker, there has to be a place to draw the line and actually say no. The gentleman from Massachusetts gave me no indication, even though I listened to every word, of where he would say enough is enough, or even an amount being too much.

So I would suggest that I have watched as the numbers of Americans that have signed up for the food stamp program have gone from 19 million people to 49 million people. Think of that. Thirty million new people on the food stamp program, millions of dollars being spent by the U.S. Department of Agriculture to advertise food stamp sign-ups so that we can expand the numbers of people that are on another government program and encourage them to sign up. What for? It grows the empire of dependency which grows the empire of politics of the people on the

left. They know that. They are not stupid. They have a whole different set of motives than I have, but they understand what they're doing.

Not any longer are there 19 million people on food stamps. There are 49 million people on food stamps, and the Secretary of Agriculture has an advertising budget spending millions to go out there and recruit more to sign on.

Now there are communications going on and publications popping up from Mexican consulates that in Spanish say, in foreign countries even that you can—we don't have to ask you and will not ask you about your status in the United States. If you are here illegally, sign up anyway and we'll do that in your native language, and we'll give you American benefits and advertise in Mexico to get people to sign up on the food stamp program here or there. Do they send the EBT card through the Mexican consulate? Or does it just go in regular mail? Or do you have to show up to claim it?

I question all of these things, Mr. Speaker. In the question about what do ''they''—and he means Republicans—what do ''they'' have against poor people? Here's what we have. We have an aspiration for everybody to be the best they can be. We have an aspiration for everybody to have an opportunity to succeed to the limit of their God-given abilities and to demonstrate their ambition and to be challenged out here in this society. That's why people come here. It's not because we offer 80 different means-tested Federal welfare programs, and we advertise that if you come here, you don't have to be responsible, you don't have to work, and you don't have to carry your share of the load. You might have thought that America had a safety net. No, sir; it's a hammock. It's a hammock with 80 different means-tested welfare programs in it, and they're out of hand. And this administration is promoting the expansion of them for political purposes, whatever the level of compassion might be of the gentleman from Massachusetts.

By the way, when he said arbitrarily and indiscriminately cut, and that there are 17 million kids that are hungry and 50 million Americans that are hungry, this reduction of this 2½ percent over the next 10-year period of time that's in the anticipated formula for food stamps is not going to be arbitrary, and it's not going to be indiscriminate.

□ 1800

It is going to be a number close to $20 billion. But instead, it's going to lower the eligibility so the people that need it less—in fact, many of the people that don't need it at all won't qualify. So that we're not paying for tattoos and we're not paying to bail people out of jail, and that we're not sending food stamps along with everybody's LIHEAP claim. Where in the past, if you qualify for $1 and the Low-Income Heating Assistance Program, you qualify for the full array of SNAP benefits. That's going to be adjusted upwards so that the evaluation of LIHEAP raises the bar a little bit. That's a tiny little trim and a little haircut that is 2.5 percent, but it's not arbitrary and it's not indiscriminate. It will be those that don't need this nearly as much as others.

We're going to protect hungry kids, and we're going to protect people that need the benefit; but we're not going to be paying for tattoos and we're not going to be bailing people out of jail. By the way, I don't think we're either going to be paying for the deposits on those $7 water jugs that people are going in and using their EBT card to buy a big old jug of water, take it out in the parking lot of the grocery store, dump it upside down and dump the water out and carry it back in and turn it in for the $7 cash refund for the deposit. That is a place where millions of dollars have been wasted by people who have EBT cards. If they're hungry, they're not going to be spending that EBT money on water, dumping the water out in the parking lot, and converting the empty jug into $7 worth of cash. The gentleman from Massachusetts, I'd like to see him look at some of the fraud that's going on here and have some compassion for the American taxpayers.

Several hundred thousand kids will lose their school meals, he said. Mr. Speaker, that may or may not be true. I don't know about the basis of that statement, but I know this: that decision is not going to be made by the Ag Committee; it's not going to be made under the SNAP program. The school lunch program is a product of the Ed and Workforce Committee. That will be authorized out of that committee. It will be appropriated out of a different committee than what we'll expect this farm bill is appropriated under. Several hundred thousand kids will lose their school meals, that he's worried about this being part of the markup that's coming up of the farm bill in the Ag Committee this month. That won't be a subject matter—as much as I'd like it to be.

If the gentleman from Massachusetts is concerned about hungry kids, then I would think he would sign onto my bill—my bill, Mr. Speaker, which prohibits the U.S. Department of Agriculture from rationing food to our children in the school lunch program. That is what they're doing, Mr. Speaker.

There was a piece of legislation that passed through this House in the lame duck session of 2010. It was the First Lady's bill, the Healthy, Hunger-Free Kids Act. They always have a way of putting these real nice labels on bills that do something else. I understand her initiative on this. She wants people, especially young people, to get good, healthy, well-balanced meals, get some get exercise; and I think that's a good message for the First Lady to send.

When you promote a piece of legislation, however, and that legislation then requires that there be a certain mix of vegetables and fruit and carbohydrates and that kind of thing spread out through the USDA school lunch program—which the Ag Committee doesn't have jurisdiction over—that recommendation on its basis was relatively sound, Mr. Speaker. And even though I didn't agree that we should be dictating that at the Federal level, I didn't have a major objection to that initiative either.

But we've seen what's happened. The Secretary of Agriculture has taken license that doesn't exist within the bill and capped the calories to our kids in schools. So they have put a lid on the amount of calories that can be served in each of the categories of elementary, middle school, and in high school. That cap on the calories, at least in one case with the middle schoolers, the calorie limitations that they had as a minimum coming into this school year was greater than the maximum that they allow for some of those middle school kids today. They have put every kid on the school lunch program in this country on a diet, Mr. Speaker.

The administration—a policy supported by the gentleman from Massachusetts, a policy driven by—manufactured, I think, out of thin air, but with a self-assigned license by the Department of Agriculture—is rationing food to our kids in school.

I listened to the gentleman from Massachusetts and he said that if you're hungry in school, you can't focus. I agree. I think kids need to go to school, and they need to have food in their belly. They need to go to lunch knowing they can get all the nutritious food they want to eat because for many of them that's the only decent meal they're going to get all day.

They need to be fed in school. I will make this statement, Mr. Speaker: there is not a single kid in America that's getting fat on school lunch. That's not where it's happening. It's in the junk food afterwards because they can't wait to get out of the school door because they've been starved at the school lunch program, shortened on calories.

So if I were going to set up a new franchise and try to make money today, I would set up a little junk food wagon like the ice cream truck out there in the parking lot outside of the school and as soon as those kids are released, sell them all the junk they're going to be out there clamoring for. That's what they do: they race to the convenience store, they jam themselves full of junk food, then they sit down in front of the TV and continue to eat junk food.

And somehow this administration thinks our kids are getting fat on a school lunch program, and so they ration food to all kids. Same level of calories to a 70-pound freshman in high school as there is in a 250-pound high school football player with a high level of activity and energy requirement. How is it that one size fits all for four

grades in school, a 70-pounder and a 270-pounder need the same amount of calories? You know that you're going to be starving the biggest kids and probably not providing enough opportunity for that younger one to grow. Meanwhile, we're not just inhibiting their mental growth; we're inhibiting their physical growth as well.

If you think that you can reduce calories and ration food to kids that are growing and are active and somehow they're going to grow physically and mentally in an environment like that, that is a tragedy. I'd say to the gentleman from Massachusetts, that's a tragedy we should be able to work on together is starving kids in the school lunch program.

I point out that North and South Korea—let me say as close as you can get ethnically speaking and genetically speaking—have been separated for over 60 years. The people in North Korea don't get a lot of diet. The people in South Korea have been successful, and they do get a far more healthy diet. The people in South Korea are, on average, 3½ inches taller than the people in North Korea.

So if we're going to starve our kids in school under some myopic idea that we're going to train them to eat their raw broccoli and their raw cauliflower, and that they'll somehow get enough to eat and that they'll be active and healthy and grow, that's a mistake. Give them all the healthy food that they want to eat at least once a day. Do not starve them. I could go on with the gentleman's statement.

We're going to write up and mark up a good farm bill that does the prudent thing, and it doesn't starve people. It doesn't take food out of the mouths of babes or adults or anybody else. It just prohibits the utilization of these EBT cards, food stamps, SNAP program, from being used by people who aren't needy or by people that use it for something that it wasn't intended for.

That's just the beginning of my response to the gentleman. But this fits in with the broader theme, Mr. Speaker, that I came here to speak about, and that is the issue here in the United States of this massive dependency that's been growing in this country.

The gentleman is worried about 50 million people that are hungry—I don't know where that number comes from. I think we've all been hungry at one time or another, so that would be a subjective number. But I would point out that we have over 100 million Americans that are simply not in the workforce. When you add the unemployed to those who are not in the workforce by the definition that's put out by the Department of Labor, that number is over 100 million Americans.

The highest levels of unemployment that we have in the country are at the lowest skilled jobs. No skilled jobs, low-skilled jobs, double-digit unemployment. This isn't a country like it was back in 1849, when we needed to build the transcontinental railroad and we brought people in from across the ocean or the Pacific to drive spikes and lay ties and lay rail coming from the West. We brought people in from Western Europe to go build the train tracks from the east, and they met at the golden spike territory in that period of time. This country needed labor then. We needed low-skilled labor then, people that would put their hands and their back to this work.

Some folks think that America needs that kind of labor today. Well, if we did, we wouldn't have double-digit unemployment in the low-skill jobs. And here we have the United States Senate that seems to be poised—and too many people in the House of Representatives that seem to be prepared to support them—to move an immigration bill out of the Senate that would be this: it would grant instantaneous amnesty to everybody that's in America illegally, with a few tiny exceptions—maybe later, not right away. It would send an invitation off to everyone who has been deported in the past that, why don't you apply to come back into the United States. We really didn't mean it when we bought you a ticket to wake up in the country that you were legal to live in. And it's an implicit promise that anybody that's in America after the cut-off deadline—December 31, 2011—or anybody that should be able to come after that date—today, tomorrow, next year, next decade—all would be granted a presence in America where they didn't have to fear that the immigration law would be applied against them unless they committed a felony and were brought to the attention of law enforcement or unless they committed a series of three misdemeanors—undefined in the law. That would be the discretion of—I suppose it would be ICE or Janet Napolitano. And this open borders policy would be perpetual.

□ 1810

I knew in 1986 what this meant, Mr. Speaker. Ronald Reagan only let me down twice in 8 years. One of them was in 1986 when he gave in to the advisers around him and public pressure and signed the amnesty bill of 1986. I knew then that the stroke of Ronald Reagan's pen did severe, severe damage to the rule of law in this country and that to restore it and reestablish the respect for the law was going to be a very difficult task indeed.

But I also lived in fear that if I had job applicants coming into my company and I didn't have all of the I's dotted and the T's crossed on the I–9 form, if I didn't review the proper identification documents, fraudulent or not, and keep my records to protect myself, I expected ICE would be knocking on my door at any time—actually, it was INS at the time, Immigration Naturalization Services—and that they would be scouring through my records to make sure that I didn't violate one of the details of the Federal law of the 1986 Amnesty Act.

Of course, Mr. Speaker, we know the INS agents, later on to be ICE agents, never showed up in my office. They didn't show up at thousands and thousands of companies where there are employers in the United States. And that the roughly a million people—it started out to be 800,000—roughly a million people that were estimated to be the beneficiaries of this Amnesty Act—which at least they were honest and called it amnesty then—that that million people became, not a million, 3 million people because of underestimates and because of a massive amount of fraud, including document fraud.

So the rule of law was eroded in 1986, and Ronald Reagan really did intend to enforce the law to the best of his ability. It was undermined by leftist and ''open borders'' people in America that didn't really want to let that happen.

Each succeeding President enforced immigration law less and less and less from 1986 through Bush 41 through Bill Clinton, who accelerated a naturalization process of a million people in 1986 just in time to magically vote in the reelection of that year. Following that, George W. Bush in his two terms, and now Barack Obama, who says, I refuse to enforce immigration law.

There are 300,000 people on the list that had been adjudicated for deportation, and with a stroke of his Presidential edict pen, he forbade that the law be enforced and required that they simply waive their applications, on an individual basis, I might add. That gets a little tiring to read that when it is group and it is class.

Nonetheless, the President got away with that. He told a high school class here in town—if I remember the date correctly, it was March 28, 2011—that he didn't have the authority to grant the DREAM Act by executive order, that had to be a legislative act. And a little over a year later, by the stroke of his Presidential edict pen, he did so, however, created four classes of people, and gave them a legal status by Presidential edict by a memorandum from Janet Napolitano and John Morton, supported by a Presidential press conference, gave people a legal status in this country unconstitutionally, unlawfully, and granted them also a work permit manufactured out of thin air.

Every document that allows people to be in the United States who are not American citizens is manufactured by the Congress of the United States, except the President took it upon himself to take on article I activity legislation from article II, the executive branch.

So ICE and the president of ICE, Chris Crane, sued the President, sued the executive branch. They had the first decision that came out of the circuit in Texas. And the answer is, on 10 points, the judge held with the ICE union on nine of the 10. And the 10th one, I think today is the deadline for them to come back with their response to this in a cogent fashion so the judge can also rule again.

I'm hopeful that he'll be consistent in the theme. The theme of his decision is this: Mr. President, executive branch, all who we will see and hear, ''shall'' means ''shall.'' When Congress means ''shall,'' they don't mean ''may.''

That doesn't mean that the President may do whatever in the world he may wish to do. If Congress writes it into law and it's signed by any President, it's going to be a preceding President, that means ''shall.'' You shall enforce the law. You shall follow the directive in statute. If you don't do that, you undermine this constitutional Republic that we have.

Tomorrow morning, Mr. Speaker, at 8 in the morning in a ''Members only'' gathering, Robert Rector of the Heritage Foundation will be delivering his report that was released yesterday around 11 or so. This report is about 101 pages, of which the executive summary is around five. I have read through this. It is definitive economic data that I believe will be assailed, but it's logically unassailable.

He says in this document that ''at every stage of the life cycle, unlawful immigrants on average generate fiscal deficits.'' That's benefits that exceed taxes. ''Unlawful immigrants on average are always tax consumers. They never once generate a fiscal surplus that can be used to pay for government benefits elsewhere in society.''

This situation, obviously, will get much worse after amnesty. And if you believe that the second generation will make up for the first, if they were all college graduates, they would still have a tremendous struggle to make up the $6.3 trillion deficit that's created by this in expenditures minus taxes collected from this group of people. But only 13 percent of their children will go to college, so that will tell you how difficult this will be.

This is a generational economic burden taken on, proposed out of the Senate. If the American people take this on, there is no undoing this. We must get this right. We must have a Congress that's informed and educated and pays attention.

I urge all to take a look at the Heritage Foundation report by Robert Rector released yesterday. It is titled, Mr. Speaker, as I close, ''The Fiscal Cost of Unlawful Immigrants and Amnesty to the U.S. Taxpayer,'' dated yesterday, and that is May 6, 2013. I would urge that you and all pay attention to that, and I yield back the balance of my time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 17 minutes p.m.), the House stood in recess.

□ 1904

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. NUGENT) at 7 o'clock and 4 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 807, FULL FAITH AND CREDIT ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 113–52) on the resolution (H. Res. 202) providing for consideration of the bill (H.R. 807) to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, May 8, 2013, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1391. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Controlled Import Permits [Docket No.: APHIS-2008-0055] (RIN: 0579-AD53) received May 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1392. A letter from the Director, Department of Transportation, transmitting the Department's final rule — Order Imposing Recordkeeping and Reporting Obligations on Certain U.S. Financial Institutions with Respect to Transactions Involving Kassem Rmeiti & Co. for Exchange as a Financial Institution of Primary Money Laundering Concern received April 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1393. A letter from the Director, Department of the Treasury, transmitting the Department's final rule — Order Imposing Recordkeeping and Reporting Obligations on Certain U.S. Financial Institutions with Respect to Transactions Involving Kassem Rmeiti & Co. for Exchange as a Financial Institution of Primary Money Laundering Concern received April 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1394. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Aerovias de Mexico, S.A. de C.V. (AeroMexico) of Mexico City, Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

1395. A letter from the Acting Director, Federal Housing Finance Agency, transmitting Office of Minority and Women Inclusion's annual report for 2012; to the Committee on Financial Services.

1396. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final priority; National Institute on Disability and Rehabilitation Research —— Disability and Rehabilitation Research Projects and Centers Program —— Disability Rehabilitation Research Project [CFDA Number: 84.133A-8] received April 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1397. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ''Innovative Products and Treatments to Achieve Abstinence From Tobacco Use, Reductions in Consumption of Tobacco, and Reductions in the Harm Associated With Continued Tobacco Use''; to the Committee on Energy and Commerce.

1398. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Matters Incorporated by Reference [Docket No.: NHTSA-2011-0185] (RIN: 2127-AL25) received May 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1399. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report for the period January 16, 2012 to January 15, 2013 on the activities of the Multinational Force and Observers (MFO) and U.S. participation in that organization; to the Committee on Foreign Affairs.

1400. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Chigaco, transmitting the 2012 management reports and statements on the system of internal controls of the Federal Home Loan Bank of Chicago, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

1401. A letter from the Associate Commissioner/EEO Director, National Indian Gaming Commission, transmitting the Commission's annual report for FY 2012 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1402. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 120918468-3111-02] (RIN: 0648-XC575) received May 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1403. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administrations final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery Management Plan; Amendment 19 [Docket No.: 120822383-3277-02] (RIN: 0648-BC48) received May 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1404. A letter from the Management and Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program, Part 2 (RIN: 1205-AB69) received April 25, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1405. A letter from the Vice President, Government Affairs and Corporate Communications, Amtrak, transmitting an addendum to the Fiscal Year 2014 Legislative and Grant Request of March 27, 2013; to the Committee on Transportation and Infrastructure.

1406. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0932; Directorate Identifier 2012-NM-014-AD; Amendment 39-17426; AD 2013-08-09] (RIN: 2120-AA64) received May 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1407. A letter from the Acting Assistant Administrator, Environmental Protection Agency, transmitting a report entitled, ''Great Lakes Restoration Initiative Report to Congress and the President for both FY 2010 and FY 2011''; to the Committee on Transportation and Infrastructure.

1408. A letter from the President and Chief Executive Officer, National Railroad Passenger Corporation, transmitting the Corporation's FY 2014 General and Legislative Annual Report; to the Committee on Transportation and Infrastructure.

1409. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Services final rule — Relief from the Anti-cutback Requirements of Section 411(d)(6) for Certain ESOP Amendments [Notice 2013-17] received April 26, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1410. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 202. Resolution providing for consideration of the bill (H.R. 807) to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached. (Rept. 113–52). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CUMMINGS (for himself, Mr. MICHAUD, Mr. SMITH of Washington, Mrs. DAVIS of California, Mr. TAKANO, and Mr. TIERNEY):

H.R. 1842. A bill to amend the Servicemembers Civil Relief Act to improve the protections for servicemembers, surviving spouses, and disabled veterans against mortgage foreclosures, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. LEE of California (for herself and Ms. ROS-LEHTINEN):

H.R. 1843. A bill to modernize laws, and eliminate discrimination, with respect to people living with HIV/AIDS, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Georgia (for himself, Mr. LOEBSACK, Ms. NORTON, Mr. BRALEY of Iowa, Ms. PINGREE of Maine, Ms. BASS, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. HASTINGS of Florida, Ms. JACKSON LEE, Ms. TSONGAS, Mr. PRICE of North Carolina, Mr. BLUMENAUER, Mr. NADLER, Mr. GRIJALVA, Ms. SCHAKOWSKY, Ms. LEE of California, Ms. CHU, Mr. LYNCH, Mr. CARTWRIGHT, Mr. SARBANES, Mr. DEUTCH, and Ms. LOFGREN):

H.R. 1844. A bill to amend title 9 of the United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mr. POLIS (for himself and Ms. CHU):

H.R. 1845. A bill to authorize the Secretary of Education to make grants to promote the education of pregnant and parenting students; to the Committee on Education and the Workforce.

By Ms. VELÁZQUEZ:

H.R. 1846. A bill to amend the Act establishing the Lower East Side Tenement National Historic Site, and for other purposes; to the Committee on Natural Resources.

By Mr. SALMON (for himself and Mr. FRANKS of Arizona):

H.R. 1847. A bill to improve the provisions relating to the privacy of electronic communications; to the Committee on the Judiciary.

By Mr. POMPEO (for himself, Mr. LIPINSKI, Mr. GRAVES of Missouri, Mr. NOLAN, and Mr. ROKITA):

H.R. 1848. A bill to ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Texas (for himself, Mr. SCALISE, Mr. CASSIDY, and Mr. WAXMAN):

H.R. 1849. A bill to amend the Hobby Protection Act to make unlawful the provision of assistance or support in violation of that Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COLE:

H.R. 1850. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the deduction for expenses of elementary and secondary school teachers and to allow such deduction with respect to home school expenses; to the Committee on Ways and Means.

By Mr. LEWIS (for himself, Ms. MOORE, Mr. MCGOVERN, Mr. TIERNEY, and Mr. KEATING):

H.R. 1851. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of certain infertility treatments, and for other purposes; to the Committee on Ways and Means.

By Mr. YODER (for himself and Mr. GRAVES of Georgia):

H.R. 1852. A bill to amend title 18, United States Code, to update the privacy protections for electronic communications information that is stored by third-party service providers in order to protect consumer privacy interests while meeting law enforcement needs, and for other purposes; to the Committee on the Judiciary.

By Mr. CASSIDY:

H.R. 1853. A bill to amend title XIX of the Social Security Act to reform payment to States under the Medicaid program; to the Committee on Energy and Commerce.

By Ms. CHU (for herself, Mr. CÁRDENAS, Mr. CARTWRIGHT, Mr. CONYERS, Mr. GRIJALVA, Mr. HONDA, Ms. JACKSON LEE, Ms. LEE of California, Mr. LOWENTHAL, Mrs. NEGRETE MCLEOD, Mr. RANGEL, Ms. SHEA-PORTER, Ms. SINEMA, and Ms. WILSON of Florida):

H.R. 1854. A bill to increase the recruitment and retention of school counselors, school social workers, school psychologists, and other psychologists qualified to work in schools by low-income local educational agencies; to the Committee on Education and the Workforce.

By Ms. HANABUSA (for herself, Ms. CHU, Mr. FALEOMAVAEGA, Mr. RANGEL, Mr. MORAN, Ms. NORTON, Ms. GABBARD, Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. HECK of Nevada, Mr. LOWENTHAL, Mr. HONDA, Mr. PETERS of California, and Mr. TAKANO):

H.R. 1855. A bill to require the Secretary of Defense to establish a process to determine whether individuals claiming certain service in the Philippines during World War II are eligible for certain benefits despite not being on the Missouri List, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KUSTER (for herself, Mr. CRAMER, Mr. THOMPSON of Pennsylvania, Mr. JONES, Mr. MURPHY of Florida, Ms. SHEA-PORTER, Ms. SINEMA, Mr. MESSER, and Mrs. KIRKPATRICK):

H.R. 1856. A bill to eliminate unnecessary Federal bank accounts; to the Committee on Oversight and Government Reform.

By Mrs. MCCARTHY of New York:

H.R. 1857. A bill to make demonstration grants to eligible local educational agencies for the purpose of reducing the student-to school nurse ratio in public elementary schools and secondary schools; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 1858. A bill to amend the Congressional Accountability Act of 1995 to provide enhanced enforcement authority for occupational safety and health protections applicable to the legislative branch, to provide whistleblower protections and other antidiscrimination protections for employees of the legislative branch, and for other purposes; to the Committee on House Administration, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Ms. CHU):

H.R. 1859. A bill to revise the process by which the Federal Emergency Management Agency evaluates a request for major disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER:

H.R. 1860. A bill to modernize, shorten, and simplify the Federal criminal code, and for other purposes; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Mr. DUNCAN of South Carolina, Mr. RYAN of Wisconsin, Mr. HUIZENGA of Michigan, Mr. KINZINGER of Illinois, Mr. HULTGREN, Mr. JONES, Mr. DUFFY, Mr. GRIFFIN of Arkansas, and Mr. TERRY):

H.R. 1861. A bill to stop motorcycle checkpoint funding, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STIVERS (for himself, Mr. CARSON of Indiana, and Mrs. BEATTY):

H.R. 1862. A bill to amend the Federal Home Loan Bank Act to allow non-Federally insured credit unions to become members of a Federal Home Loan Bank; to the Committee on Financial Services.

By Mr. VELA (for himself and Mr. O'ROURKE):

H.R. 1863. A bill to require the Secretary of State to submit a report on water sharing with Mexico; to the Committee on Foreign Affairs.

By Mrs. WALORSKI (for herself and Ms. LORETTA SANCHEZ of California):

H.R. 1864. A bill to amend title 10, United States Code, to require an Inspector General investigation of allegations of retaliatory personnel actions taken in response to making protected communications regarding sexual assault; to the Committee on Armed Services.

By Mr. WELCH:

H.R. 1865. A bill to designate the facility of the United States Postal Service located at 35 Park Street in Danville, Vermont, as the ''Thaddeus Stevens Post Office''; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska:

H.R. 1866. A bill to amend the Endangered Species Act of 1973 to promote sustainable-use conservation, to harmonize that Act with the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and for other purposes; to the Committee on Natural Resources.

By Ms. BASS (for herself, Mr. MARINO, Mr. MCDERMOTT, Mrs. BACHMANN, Mr. LANGEVIN, Ms. LEE of California, Mr. STOCKMAN, Mr. SCHIFF, Ms. JACKSON LEE, Mr. CICILLINE, Mr. HASTINGS of Florida, Mr. LATHAM, Mr. CONYERS, and Ms. TITUS):

H. Res. 203. A resolution recognizing National Foster Care Month as an opportunity to raise awareness about the challenges of children in the foster-care system, and encouraging Congress to implement policy to improve the lives of children in the foster-care system; to the Committee on Ways and Means.

By Mr. BRADY of Pennsylvania:

H. Res. 204. A resolution commending Korean American veterans of the Vietnam War for their service to the United States; to the Committee on Veterans' Affairs.

By Mr. HORSFORD (for himself, Ms. TITUS, and Ms. NORTON):

H. Res. 205. A resolution recognizing the goals of National Travel and Tourism Week and honoring the valuable contributions of travel and tourism to the United States; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CUMMINGS:

H.R. 1842.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, Clause 1 of the United States Constitution, the reported bill is authorized by Congress' power ''To provide for the common Defense and general Welfare of the United States.''

Article I, Section 8, Clause 18 of the United States Constitution, the reported bill is authorized by Congress' power ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

Article I, Section 8, Clause 12 of the United States Constitution, the reported bill is authorized by Congress' power ''To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years.''

By Ms. LEE of California:

H.R. 1843.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. JOHNSON of Georgia:

H.R. 1844.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, Cl. 3

By Mr. POLIS:

H.R. 1845.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1, All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Ms. VELÁZQUEZ:

H.R. 1846.

Congress has the power to enact this legislation pursuant to the following:

''Article IV, section 3 of the Constitution of the United States grant Congress the authority to make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.''

By Mr. SALMON:

H.R. 1847.

Congress has the power to enact this legislation pursuant to the following:

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

By Mr. POMPEO:

H.R. 1848.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. SMITH of Texas:

H.R. 1849.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. COLE:

H.R. 1850.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. LEWIS:

H.R. 1851.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. YODER:

H.R. 1852.

Congress has the power to enact this legislation pursuant to the following:

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

By Mr. CASSIDY:

H.R. 1853.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 [the Spending Clause] of the United States Constitution states that 'The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay for Debts and provide for the common Defence and general Welfare of the United States.'

By Ms. CHU:

H.R. 1854.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, known as the ''General Welfare Clause.'' This provision grants Congress the broad power 'to pay the Debts and provide for the common defense and general welfare of the United States.''

Please note, pursuant to Article I, Section 8, Congress has the power ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Ms. HANABUSA:

H.R. 1855.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution, to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other powers vested by the Constitution in the Government of the United States, or in any Department or officer thereof.

By Ms. KUSTER:

H.R. 1856.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 (relating to the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof) of the United States Constitution.

By Mrs. MCCARTHY of New York:

H.R. 1857.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. NORTON:

H.R. 1858.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution.

By Mr. SCHIFF:

H.R. 1859.

Congress has the power to enact this legislation pursuant to the following:

The Disaster Declaration Improvement Act is constitutional under Article I, Section 8,

Clause 18, the Necessary and Proper Clause. The bill is constitutionally authorized under the Necessary and Proper Clause, which supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text.

By Mr. SENSENBRENNER:

H.R. 1860.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 and the First, Second, Fourth, Fifth, Sixth and Eighth Amendments to the United States Constitution.

By Mr. SENSENBRENNER:

H.R. 1861.

Congress has the power to enact this legislation pursuant to the following:

The Tenth Amendment to the Constitution

By Mr. STIVERS:

H.R. 1862.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. VELA:

H.R. 1863.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 10

The Congress shall have Power . . . to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vestedi by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mrs. WALORSKI:

H.R. 1864.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mr. WELCH:

H.R. 1865.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof..

By Mr. YOUNG of Alaska:

H.R. 1866.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. WENSTRUP, Mr. JOYCE, Mr. WOODALL, Mrs. BLACK, and Mr. ROYCE.

H.R. 47: Mr. MURPHY of Florida.

H.R. 140: Mr. CAMPBELL.

H.R. 164: Mr. ALEXANDER.

H.R. 176: Mr. LONG.

H.R. 185: Mr. VELA.

H.R. 199: Mr. ELLISON.

H.R. 207: Mr. LAMALFA and Mr. BENTIVOLIO.

H.R. 258: Mr. SIMPSON, Mr. BARBER, and Mr. CHABOT.

H.R. 259: Mr. LAMBORN.

H.R. 274: Mr. TONKO, Mr. BLUMENAUER, and Mr. CONNOLLY.

H.R. 301: Mr. LANKFORD.

H.R. 320: Mr. BLUMENAUER, Ms. MCCOLLUM, and Mr. CONNOLLY.

H.R. 324: Mrs. BROOKS of Indiana.

H.R. 333: Mr. GRAYSON, Mr. VEASEY, Mr. BONNER, and Ms. ESTY.

H.R. 357: Mr. BARBER.

H.R. 367: Mrs. BACHMANN and Mr. WEBER of Texas.

H.R. 411: Mr. FARR.

H.R. 427: Mr. BLUMENAUER.

H.R. 431: Mr. BLUMENAUER.

H.R. 452: Ms. DEGETTE, Ms. KUSTER, and Ms. PINGREE of Maine.

H.R. 460: Mr. TAKANO.

H.R. 474: Mr. PETERS of California and Mr. HUFFMAN.

H.R. 481: Mr. AMODEI.

H.R. 487: Mr. CONNOLLY.

H.R. 495: Mr. REED, Ms. CLARKE, Ms. BASS, Mr. CASSIDY, Mr. CRAWFORD, Mr. KINGSTON, Mr. CHABOT, Mr. FRANKS of Arizona, Mr. GIBSON, and Mr. KLINE.

H.R. 518: Mr. COSTA.

H.R. 519: Mr. SCOTT of Virginia, Ms. FRANKEL of Florida, and Mr. BRADY of Pennsylvania.

H.R. 543: Mr. YOHO.

H.R. 556: Mr. LATTA and Mr. MARCHANT.

H.R. 569: Mr. LOEBSACK and Mr. BARLETTA.

H.R. 570: Mr. LOEBSACK and Mr. BARLETTA.

H.R. 578: Mr. SMITH of Nebraska.

H.R. 594: Mr. HUFFMAN and Ms. JACKSON LEE.

H.R. 627: Mr. ROTHFUS, Mr. LONG, and Mr. DAVID SCOTT of Georgia.

H.R. 630: Mr. DOYLE.

H.R. 685: Mr. RUIZ and Mr. AMODEI.

H.R. 693: Mr. CAMPBELL.

H.R. 708: Ms. BORDALLO.

H.R. 719: Mr. HUFFMAN.

H.R. 725: Mr. LOWENTHAL.

H.R. 730: Mr. GOSAR and Mr. DUNCAN of Tennessee.

H.R. 739: Mr. WOLF and Mr. VAN HOLLEN.

H.R. 755: Mr. NUNNELEE and Mr. HUFFMAN.

H.R. 783: Ms. SLAUGHTER.

H.R. 795: Mr. HUELSKAMP and Mr. RICE of South Carolina.

H.R. 813: Mr. JONES, Mr. LOEBSACK, and Mr. AMODEI.

H.R. 842: Mrs. DAVIS of California.

H.R. 830: Mr. LOEBSACK, Ms. SLAUGHTER, Mr. JORDAN, Mr. TERRY, and Mr. POLIS.

H.R. 855: Mr. SWALWELL of California.

H.R. 838: Mrs. WAGNER.

H.R. 911: Mr. YOUNG of Florida.

H.R. 958: Mr. BISHOP of New York.

H.R. 961: Mr. DOYLE.

H.R. 963: Mr. SIMPSON.

H.R. 930: Mr. ENYART.

H.R. 933: Mr. POLIS.

H.R. 990: Mr. GUTIERREZ.

H.R. 991: Mr. COLE.

H.R. 1014: Ms. GABBARD and Mr. MAFFEI.

H.R. 1015: Mr. MICHAUD, Mr. CONNOLLY, Mr. KING of New York, Ms. KAPTUR, Mr. HINOJOSA, and Mr. SCHIFF.

H.R. 1020: Mr. LANCE, Mr. SMITH of Nebraska, and Mr. KLINE.

H.R. 1024: Mr. PETERS of California and Mr. HUFFMAN.

H.R. 1026: Mr. OLSON.

H.R. 1030: Mr. SARBANES and Ms. LOFGREN.

H.R. 1078: Mr. KLINE.

H.R. 1094: Mr. FARR, Mr. BISHOP of New York, and Mr. HARRIS.

H.R. 1098: Mr. PALLONE.

H.R. 1341: Ms. KUSTER.

H.R. 1149: Mr. HULTGREN, Mr. GRAVES of Missouri, and Mr. SCHOCK.

H.R. 1151: Mr. RODNEY DAVIS of Illinois, Mr. OLSON, and Mr. DENHAM.

H.R. 1153: Mr. SHIMKUS.

H.R. 1155: Mr. LATHAM and Mr. BOUSTANY.

H.R. 1189: Mr. HIGGINS.

H.R. 1191: Mr. HIGGINS.

H.R. 1201: Mr. RODNEY DAVIS of Illinois, Mr. DINGELL, Mr. PAYNE, and Mr. RAHALL.

H.R. 1213: Mr. MCDERMOTT.

H.R. 1214: Mr. STIVERS, Mr. COTTON, and Mr. LUETKEMEYER.

H.R. 1221: Mr. GRAVES of Georgia.

H.R. 1240: Mr. VEASEY and Mr. SCHIFF.

H.R. 1245: Mr. BARBER and Mr. O'ROURKE.

H.R. 1248: Mr. GOSAR.

H.R. 1250: Mr. STIVERS and Mr. MCINTYRE.

H.R. 1252: Mr. LATHAM, Mr. BARBER, and Mr. BEN RAY LUJÁN of New Mexico.

H.R. 1257: Mr. LOEBSACK.

H.R. 1293: Mr. CONNOLLY.

H.R. 1304: Mr. WESTMORELAND and Mrs. MILLER of Michigan.

H.R. 1317: Mr. BACHUS.

H.R. 1327: Mr. CARSON of Indiana and Mr. LAMBORN.

H.R. 1333: Ms. SHEA-PORTER.

H.R. 1386: Mr. BENISHEK and Mr. BONNER.

H.R. 1413: Mr. LOWENTHAL, Mr. BEN RAY LUJÁN of New Mexico, and Ms. SPEIER.

H.R. 1416: Mr. WESTMORELAND, Mrs. MCCARTHY of New York, Mr. BUCHANAN, Mr. MAFFEI, Mr. ROGERS of Michigan, and Mr. LOEBSACK.

H.R. 1417: Mr. LONG.

H.R. 1453: Mr. O'ROURKE and Ms. SHEA-PORTER.

H.R. 1461: Mr. KINGSTON, Mr. MCCLINTOCK, and Mr. BROUN of Georgia.

H.R. 1462: Mr. SCOTT of Virginia, Mr. OWENS, Mr. CONNOLLY, Mr. BROOKS of Alabama, Mr. KINGSTON, and Mr. BROUN of Georgia.

H.R. 1488: Mr. NUNNELEE and Mr. RIGELL.

H.R. 1493: Mr. LATTA.

H.R. 1496: Mr. TERRY, Mr. POMPEO, Mr. SMITH of Nebraska, and Mr. NUNNELEE.

H.R. 1497: Mrs. BACHMANN.

H.R. 1502: Mr. MARCHANT.

H.R. 1510: Mr. HUELSKAMP.

H.R. 1518: Ms. SLAUGHTER, Mr. QUIGLEY, Mr. COBLE, and Mr. JONES.

H.R. 1526: Mr. COTTON.

H.R. 1528: Mr. DOYLE, Mr. KLINE, Mr. BENISHEK, Mr. WALBERG, Mr. LONG, and Mr. RYAN of Ohio.

H.R. 1565: Ms. DUCKWORTH, Mrs. BEATTY, Ms. BROWN of Florida, Ms. BROWNLEY of California, Mrs. CAPPS, Mr. CAPUANO, Mr. CARSON of Indiana, Mr. CLAY, Mr. CLEAVER, Mrs. DAVIS of California, Mr. DELANEY, Mr. DOYLE, Ms. HANABUSA, Mr. HINOJOSA, Ms. KELLY of Illinois, Mr. BEN RAY LUJÁN of New Mexico, Mr. MCNERNEY, Ms. MENG, Mr. NEAL, Mr. NOLAN, Mr. PASTOR of Arizona, Mr. PETERS of California, Mr. QUIGLEY, Mr. DAVID SCOTT of Georgia, Mr. SERRANO, Mr. SHERMAN, Mr. SIRES, Mr. SMITH of Washington, Mr. VEASY, Mr. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WATT, and Ms. WILSON of Florida.

H.R. 1566: Mr. SIRES, Mr. FINCHER, and Mr. JONES.

H.R. 1579: Mr. MCDERMOTT.

H.R. 1587: Mr. OLSON and Mr. COLLINS of New York.

H.R. 1592: Mr. POSEY, Mr. YOHO, and Mr. DESANTIS.

H.R. 1594: Mr. DESANTIS.

H.R. 1595: Mr. LEVIN and Mr. VEASEY.

H.R. 1513: Mr. WESTMORELAND and Mrs. WAGNER.

H.R. 1520: Mr. RIGELL.

H.R. 1538: Mr. COBLE.

H.R. 1546: Mr. MEEKS and Mr. COLLINS of New York.

H.R. 1648: Mr. POCAN.

H.R. 1649: Mr. POCAN.

H.R. 1657: Mr. WESTMORELAND, Mr. PITTENGER, Mrs. HARTZLER, Mr. BENISHEK, Mr. KINGSTON, Mr. HARRIS, and Mr. NUNNELEE.

H.R. 1692: Ms. SCHWARTZ and Mr. DOYLE.

H.R. 1696: Ms. SCHWARTZ.

H.R. 1708: Mr. DANNY K. DAVIS of Illinois.

H.R. 1724: Mr. FITZPATRICK, Mr. MESSER, Mrs. MILLER of Michigan, Mr. COLLINS of New York, Mr. KLINE, Mr. BACHUS, Mr. ROKITA, and Mr. WILSON of South Carolina.

H.R. 1727: Mr. SCHRADER.

H.R. 1729: Ms. TSONGAS, Mr. O'ROURKE, Ms. SINEMA, Ms. MENG, Ms. KUSTER, Mr. MCGOVERN, Ms. LEE of California, Mr. RIGELL, and Ms. LOFGREN.

H.R. 1735: Mrs. BROOKS of Indiana.

H.R. 1748: Mr. HUFFMAN.

H.R. 1750: Mr. FINCHER.

H.R. 1759: Ms. KUSTER, Mr. MCINTYRE, and Mr. O'ROURKE.

H.R. 1761: Mr. LATHAM and Ms. SCHAKOWSKY.

H.R. 1768: Mr. SMITH of New Jersey, Mr. WALBERG, and Mr. FRANKS of Arizona.

H.R. 1780: Ms. JENKINS, Mr. LANCE, and Mr. STIVERS.

H.R. 1788: Mr. PETRI.

H.R. 1790: Mr. O'ROURKE and Mr. LOWENTHAL.

H.R. 1809: Ms. MENG, Mr. TAKANO, Mr. RUIZ, and Mr. BARBER.

H.R. 1814: Mr. WALBERG, Mr. STIVERS, Mr. POLIS, Mr. HIMES, Mr. COHEN, Mrs. CAPITO, and Mr. WHITFIELD.

H.R. 1825: Mr. KLINE.

H.R. 1826: Mr. BROUN of Georgia and Mr. NEUGEBAUER.

H.R. 1830: Mr. HANNA, Mr. YOUNG of Florida, Mr. COFFMAN, Mr. ROYCE, Mr. KING of New York, Mr. KING of Iowa, Mr. PAYNE, Mr. SCHIFF, Mr. BISHOP of Georgia, Ms. TSONGAS, Mr. WOLF, Mr. GRIMM, Mr. BARTON, Mr. SCALISE, Mr. ELLISON, Mr. LEWIS, Mr. GIBSON, Ms. VELÁZQUEZ, Mr. TONKO, Mr. YOUNG of Alaska, and Mr. FITZPATRICK.

H.J. Res. 26: Mrs. BROOKS of Indiana.

H. Con. Res. 27: Mr. LIPINSKI and Mr. SABLAN.

H. Con. Res. 36: Ms. WILSON of Florida.

H. Res. 36: Mr. LABRADOR and Mr. GIBBS.

H. Res. 69: Mr. BLUMENAUER.

H. Res. 76: Mr. KLINE.

H. Res. 95: Mr. ENYART.

H. Res. 112: Mr. LUETKEMEYER, Mr. YOHO, Ms. DELBENE, Mr. WITTMAN, and Mr. HANNA.

H. Res. 144: Mr. MATHESON and Ms. SLAUGHTER.

H. Res. 147: Mr. GOWDY.

H. Res. 167: Mr. BARR, Mr. WHITFIELD, Ms. TITUS, Mr. GARY G. MILLER of California, Mrs. WALORSKI, Mr. RODNEY DAVIS of Illinois, Mr. HUFFMAN, Mr. RUNYAN, and Mr. SIRES.

H. Res. 173: Mr. TERRY.

H. Res. 174: Ms. PINGREE of Maine and Mr. LOEBSACK.

H. Res. 177: Mr. COTTON and Mr. LATTA.

H. Res. 190: Mr. COBLE, Mr. WEBER of Texas, Mr. CRAMER, Mr. DINGELL, and Mr. LONG.

H. Res. 195: Mr. RUSH.

H. Res. 196: Mr. SCOTT of Virginia and Ms. JACKSON LEE.

H. Res. 200: Mr. CONNOLLY, Ms. CHU, Ms. FRANKEL of Florida, Ms. LORETTA SANCHEZ of California, Mr. FALEOMAVAEGA, Mr. CROWLEY, Ms. BORDALLO, Mr. PIERLUISI, Ms. JACKSON LEE, Mr. STOCKMAN, Mr. WEBER of Texas, Mr. SALMON, Mr. POMPEO, Mr. KINZINGER of Illinois, Mr. ENGEL, and Mr. BILIRAKIS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative CAMP, or a designee, to H.R. 807, the Full Faith and Credit Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159 WASHINGTON, TUESDAY, MAY 7, 2013 No. 63

Senate

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

PRAYER

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

Let us pray.

Lord, You are our King. The Earth celebrates Your majesty. Send peace today to Capitol Hill so that we will stay calm in life's turbulence and live worthy of Your goodness.

As Your presence is felt by our lawmakers today, unite them so that they will be a force for good in our Nation and the world. May the thoughts they think and the words they speak be acceptable to You. Lord, fill them with Your wisdom so that their lives will be like trees planted by rivers of water that bring forth abundant fruit.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BRIAN SCHATZ 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 2013.

To the Senate:

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

PATRICK J. LEAHY,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in morning business until 11 a.m. with the Republicans controlling the first half and the majority controlling the final half.

Following morning business the Senate will proceed to executive session to consider the nomination of David Medine to be Chairman of the Privacy and Civil Liberties Oversight Board. At noon there will be a vote on confirmation of the Medine nomination.

The Senate will recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings. At 2:15 p.m. the Senate will begin consideration of S. 601, the Water Resources Development Act.

WATER RESOURCES DEVELOPMENT ACT

Mr. REID. Mr. President, this afternoon, as I have just indicated, the Senate will work on the bipartisan Water Resources Development Act, which would provide critical flood protection and other improvements to communities across the country. This legislation has two able managers in Chairman BOXER and Ranking Member VITTER.

Senator BOXER and Senator VITTER each represent their caucuses extremely well. I have given them free rein to complete this bill, and I hope that can be done. This measure that we will start this afternoon will create jobs and protect the economy by promoting investments in the Nation's critical water infrastructure. It includes permanent reforms to the Corps of Engineers project approval process, which will accelerate job-creating projects.

I thank Senators BOXER and VITTER for their diligent work on this important issue and look forward to their moving this bill through the Senate at the earliest possible time.

THE BUDGET

Mr. REID. Mr. President, I am sure my colleagues are familiar with the old adage: Be careful what you wish for; you just might get it.

For 2 years my Republican colleagues have said they wish for a return to regular order. They asked for amendments, and they got amendments. They asked for consideration of bills out of committees, and they have gotten that. They asked and then asked again for the Senate to pass a budget resolution, even though we already had a budget law signed by President Obama. Well, they got what they wished; the dog finally caught the car. But it turns out Republicans were more interested in demagogy by calling for regular order than actually operating under regular order.

Although the Senate passed a budget resolution under regular order after scores of amendments, scores of votes, the Republicans now refuse to allow us to go to conference with our colleagues in the House of Representatives. This is a new concept.

For centuries we have had regular order where if the House passes a bill and the Senate passes a bill, if they are different, we sit down, talk and work out the differences. Not with this tea party-driven House and Senate. No, they talk about regular order, they talk a good game, but when it comes to regular order they don't want it. They shy away from it. They say: No, we don't want regular order. We don't want something that has been done in this country for centuries.

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

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Why are they so afraid? Why are the Republicans so afraid?

We all know finding common ground isn't easy. They have a program where they are asking for $92 billion more in cuts in discretionary programs than we are, such as the Head Start Program which allows tens of thousands of little boys and girls to get a head start; Meals on Wheels, where millions of people have been eliminated from that program; medical research—a Senator I had a conversation with this morning has a friend with a rare form of breast cancer. A program to help this woman cure this terrible disease has been eliminated where she lives.

We know finding common ground will not be easy, but it should be done. We should find common ground. We are not afraid to work a little harder to get this done. We are not afraid of transparency. Let's sit down together and find out where each stands. We have done our work over here. Let's find out what the Republicans want to do.

We need to let the American people know where we stand. That is why transparency is so important. Democrats and Republicans will never, ever find common ground if we never get to the negotiating table. So why don't my Republican colleagues want to go to conference? Last night, a junior Senator from Texas said Republicans would agree to go to conference only if Democrats first would give in to their demands.

What were those demands? Well, they want more job-killing budget cuts. They want to make sure no millionaire is ever asked to contribute to the deficit reduction. That is what he asked: Before we go to conference, we want to make sure that happens.

He also said he wanted to make sure—remember this, we have been there before. Maybe the junior Senator from Texas doesn't remember, but we remember. We remember the government being on the verge of losing its ability to be part of the world community by not paying its debts.

Rightfully or wrongfully, this country accumulates debts. Raising the debt ceiling doesn't do away with those debts; they are still there. We have an obligation to pay the debts that are incurred by this country.

My friend, the junior Senator from Texas, said he wanted a guarantee, as a bargaining pawn, we would make sure the debt ceiling would not be raised—or words to that effect. We have been through that before. The President made it very clear: He will not negotiate on this country paying its bills.

Republicans refuse to go to conference unless Democrats give in to positions that were soundly rejected by the American people last November, soundly rejected on the Senate floor with the budget resolution we passed. In other words, Republicans refuse to play the game unless we let them win.

The rules are set. We know what the rules are, so let's get down and go forward with the rules. But they are not willing to do that. Like schoolyard bullies, if Republicans can't win, they will take the ball and go home. That is what we were told last night. This is a stunt, but it is a nonstarter.

What is the real reason Republicans are shying away from their conference? Speaker BOEHNER has said he would rather not subject his Members to politically tough votes. Now, that is probably very truthful. House Republicans are afraid of a backlash from a radical tea party that controls what they do over there and has such significant sway in what happens over here. They are afraid of the backlash from the radical tea party if they even discuss a compromise with us. Even if they agree to go to conference with us, they are afraid that will hurt them.

Partisan politics is no reason to shy away from bipartisan negotiations. Republicans got what they asked for. They wanted regular order, and they have regular order.

Now it is time to embrace the regular order they said they wanted. It has been going on here for centuries. That is what they want. They should complete what they asked for. It is time to get away from a last-minute fix and short-term solutions. It is time to engage in meaningful negotiations and a responsible budget process.

RECOGNITION OF THE MINORITY LEADER

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

THE ECONOMY

Mr. MCCONNELL. According to data just released by the Labor Department, retailers are going to be cutting hours at a rate unseen in more than 30 years. Investor's Business Daily had this to say of the decline:

> [It] doesn't appear related to the economy, which has been consistently mediocre. Instead, all evidence points to the coming launch of ObamaCare, which the retail industry has warned could cause just such a result.

So this is just the latest in a string of bad news related to the rollout of ObamaCare, just the latest reason the law needs to be repealed. What is more, businesses are being forced to cut workers' hours at a time when so many Americans, nearly 8 million last month according to Labor, have already been squeezed into part-time positions in which they would prefer not to be in the first place. Many of these are Americans who would probably much rather be working full time. Yet thanks to ObamaCare, many of them may be forced to work even less.

Actually, it gets worse. Labor also reported that total benefits for employees in service operations actually declined last quarter. That is the first such deterioration in more than a decade. Some speculate this piece of bad news could be attributed to ObamaCare as well.

All of this, bear in mind, is for a law, the full brunt of which hasn't even begun to come online yet. We are still many months away. Yet stories like this seem to be piling up.

When it comes to the implementation of ObamaCare, I fear some of the worst hit are likely to be the small businesses and the Americans who work for them. These are the hometown companies that struggled so mightily just to keep their doors open throughout the Obama economy, whose owners sacrificed so much in order to keep their families fed and their employees on the payroll. These businesses struggled against fierce economic headwinds, and they actually survived.

Will they be able to survive the next assault headed their way, to absorb the blows of ObamaCare, blows thrown at them by their own government at a time when they are already so vulnerable? Well, if things keep going as they are, it is hard to see how they will.

Just listen to this: Last week, a small business owner in the barbecue restaurant business testified at a field hearing of the House Education and the Workforce Committee. The owner of that company said it will cost his business up to $200,000 to implement the ObamaCare mandate, a $200,000 hit. What is that company's projected profit for 2013? It is $240,000. Incredible, absolutely incredible.

It is not hard to see why the Democratic chairman of the Finance Committee called this law a ''train wreck.'' It is not hard to see why so many Democrats are now airing their concerns about the law in public. Frankly, I wish they had considered these consequences before, not after passing a law. It is not like Republicans weren't warning about all of this. It is not like independent experts across the country weren't saying almost the same thing we were saying, and it is not like common sense wouldn't simply dictate much of these outcomes either.

I see that the President has decided to pivot once again to jobs. I can't even count how many times he has done one of these pivots at this point, so I will not try. But I presume he will jet off throughout the country to campaign-style rallies in order to bash Congress and claim that none of this is his fault. In the same vein, we hear he is going to have an ObamaCare event this Friday. I would be willing to bet he is not going to take responsibility there for ObamaCare's negative effects on our economy either or on so many families and small businesses.

It is about time he did. He should use that event to do so because he needs to be straight with the American people. He needs to prepare them for everything that is coming their way—the wage cuts, the lost jobs, the higher premiums, everything our country can expect as a result of ObamaCare.

That small business owner I mentioned earlier also had this to say:

> Major companies I am sure have legal advisors that will . . . guide them through this

legislation. Small businesses such as ours must obtain as much available information as possible and do their best to live by the letter of the law. Then because this act is [complicated], hope and pray to not get penalized.

The law-abiding citizens of this country shouldn't have to pray for leniency from their own government. Last I checked, the government existed to help the public, not to antagonize it.

After ramming the law through Congress the way he did, ignoring the warnings all these things would happen, ignoring the will of the American people, honesty and transparency is the very least President Obama owes the American public at this point. What he needs to do, actually, is join with Republicans in agreeing to repeal this job-killing law. He needs to acknowledge the need to scrap it and replace it with the types of commonsense reforms that will lower cost, because this law is not working. I think he already knows that. Republicans certainly know it. And more and more Democrats are coming around to that realization too. So let's skip the scripted campaign events and actually work together to get something positive done for jobs, health care, and our economy. If President Obama is willing to work with us, we are here and ready to get to work.

I yield the floor.

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 11 a.m., with Senators permitted to speak up to 10 minutes each, and with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

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

HEALTH CARE

Mr. BARRASSO. Mr. President, following the leader's comments about the health care law, I found it interesting this morning to pick up the New York Times and see the headline above the fold, on the front page: ''New Worries for Democrats on Health Law.'' In the very first sentence, it says:

> Democrats are worried that major snags will be exploited by Republicans in next year's mid term elections.

I would say Democrats ought to be worried about the fact there are going to be major problems with this health care law—a health care law that was forced through the Senate, forced through the House, without listening to the American people. That is the concern Democrats ought to have, because the American people's health is being jeopardized as a result of the law we are now facing.

So I come to the floor today to talk a little about what we have learned about the President's health care law over the last week—the week we have been away traveling our States, visiting with people at home. It has been all over the headlines and it is also on the minds of the American people. It certainly was in Wyoming. As I talk to colleagues from around the country, they have heard a lot about this as they traveled their home States.

When we go back home to our States, a lot of Senators hear from their constituents about how worried they are about how this specific law is going to affect their care, their jobs, and their paychecks. It is what I heard this last week, and it is no different than what I have heard week after week after week.

I practiced medicine for 25 years, and I hear from patients who are worried about a new layer of Washington bureaucrats who are going to be sitting now between them and their doctor. I hear from families who are worried they won't be able to keep the insurance they have now, even though the President promised them they would be able to keep the insurance they have if they like it. I hear from employers who are worried they won't be able to afford all of the law's new requirements. That is what people are telling me when I travel the State of Wyoming.

This is interesting. According to the newspaper ''The Hill,'' which came out last week, Wednesday, May 1, I am not the only one. Here is the headline on the front page of the paper recently: ''Botched ObamaCare Tops Dem Fears for '14.''

Of course, that is a reference to the 2014 elections. The article talks about how anxious a lot of Washington Democrats are about the law they voted for. It talks about how, if the rest of the law's implementation doesn't go well, voters are going to know exactly who to blame.

Democratic candidates across the country know about it. That is why we see a Democratic candidate running today in this special congressional election in South Carolina trying to distance herself from the health care law. How did she do it? Let's turn the tape back to last week's debate in a congressional race: Special election, South Carolina. Here is what she had to say.

> Obamacare is extremely problematic, it is expensive, it is a $500 billion higher cost than we originally anticipated, it's cutting into Medicare benefits, and it's having companies lay off their employees because they are worried about the cost of it. That is extremely problematic.

That is a Democrat, running for Congress, who said that last week. The election is today.

Another Democrat, the chairman of the Energy Committee, had this to say.

> There is a reason to be very concerned about what's going to happen with young people. If their premiums shoot up, I can tell you, that is going to wash into the United States Senate in a hurry.

Well, I agree with the chairman of the Senate Energy Committee. So what are the prospects for implementation? Well, one of the key architects of the law, another Democrat, says he sees ''a huge train wreck coming down.'' That is what Senator BAUCUS said, and I think he is right; we are headed for a train wreck. That is what concerns the people I talk to—all those patients, the employers, the families I mentioned.

So what does the President have to say about this? Well, he was asked about it the other day at a press conference. The President's answer went on for more than 1,000 words, but it came down to one thing. He said:

> For the 85 to 90 percent of Americans who already have health insurance, this thing has already happened. They do not have to worry about anything else.

Can that really be what the President thinks? He even repeated the idea a couple of times. He said 90 percent of Americans don't have to worry. I would say, with all due respect to the President, people are worried, and they have every right to worry. There are many parts of this law that still have not ''already happened,'' in spite of what the President says. Those things are going to give the American people a lot more to worry about.

In fact, the Washington Post Fact Checker looked into what the President said—what the President claimed during his news conference. The Fact Checker found the President ignored the fact—completely ignored the fact—that 10 million people face the prospect of losing their current health care. The Fact Checker went on to cite a report from the Congressional Budget Office that said millions of people are going to be priced out of the insurance they have now—insurance that works for them. That is because of all the expensive extras the new government-approved insurance is going to have to cover, and which is also government mandated.

The Post pointed out:

> . . . even unions, which were big supporters of the law, have grown wary because it may drive up costs for their health-care plans.

Twenty million people are covered by those plans the unions are worried about. The Washington Post Fact Checker also cited $1 trillion in tax increases in the law, which is going to hurt a lot more people.

The Medicare Actuary predicts 15 percent of hospitals, skilled nursing facilities, and home health agencies could leave the Medicare Program by 2019. These are our seniors. These are people who have continued to pay into the program. Yet we see these other groups saying we have had enough. Why? Because of the cuts to the programs and the payments the President

is counting on under his health care plan. Health insurance costs are continuing to go up, and that affects a lot of people, even though President Obama says they have nothing to worry about.

A leading Democratic Member of the Senate was interviewed the other day on New York television—his home State—and he conceded the health care law is contributing to those cost increases. But the President thinks it is nothing to worry about.

Here is how the New York Times last week summed up the President's attitude, under the headline: ''Health Care Law Is 'Working Fine,' Obama Says in Addressing Criticism.''

Working fine? Mr. President, tell that to the 22 million Americans who can't find a job or who can't get the full-time work they want. Tell that to the businesses that have to cut back their workers' hours. Why? Because of the health care law. They have to do that because the law says companies with more than 50 full-time employees have to provide this expensive one-size-fits-all health insurance. So we see small businesses have stopped hiring so they can stay below that number of employees. Other businesses are cutting full-time workers back to part-time status, and cutting their shifts to less than 30 hours a week.

Look at the latest jobs report that came out last Friday. In April, the number of people working part time because their hours have been cut back or because they can't find a full-time job across the country increased by 278,000. The shift to more part-time workers also means the average workweek is getting shorter. In April it dropped again. That is not good for our economy and it is not good for the workers. The statistics show we are going in the wrong direction.

The anecdotal evidence is even worse. Recently, the Regal movie theater chain sent a memo to all its employees saying it would roll back shifts to keep nonsalaried workers below that 30-hour cutoff. The company explained it was forced to take this step ''to comply with the Affordable Care Act.''

We are going to see more and more of this as employers start to figure out exactly how hard they are going to be hit by the expensive and burdensome health care law. Hiring during the past 4 years under President Obama has been weak, and it has also been concentrated in nonsalary fields such as retail.

We saw more of this in the latest jobs report. Nearly 1 out of every 13 jobs is now in ''food services and drinking places.'' These are the kinds of places saying they are going to have to limit hiring and cut back shifts to less than 30 hours. Why? Because of the health care law; otherwise, they could go bankrupt trying to pay for expensive Washington-mandated insurance—insurance much more than is actually needed by their workers but insurance that is mandated by the law.

It is not just bars and restaurants. Let's look at the city of Long Beach in California. The Los Angeles Times reports the city of Long Beach is limiting most of its 1,600 part-time employees to less than 27 hours a week, on average. The city says if it doesn't cut the hours, the new health benefits would cost up to $2 million more next year. The extra expense would trigger layoffs and cutbacks in city services.

It may be, in the end, that not every one of those 1,600 people will have his or her hours cut. Some of the city employees are probably already under the 30-hour limit. But for everyone else there is the uncertainty of whether their hours are going to be cut and when. The uncertainty is part of what is causing employers to hesitate or to cut now because nobody knows how bad this train wreck will actually be.

That is just one of the negative side effects of the President's health care law, but it is having ripple effects throughout our entire economy. We have seen wages continue to stagnate. We have seen awful economic growth. The new numbers for the first quarter GDP growth came out a few days ago. They show the economy grew at an annual rate of just 2½ percent. It has been nearly 4 years since the recession ended. We should have seen a much more robust economic recovery by now. The economy can't grow until we can get Americans back to work. People cannot get back to work if there are not more jobs, and employers cannot create enough jobs because of the health care law.

Here is a third thing the President said. He said: ''Even if you do everything perfectly, there will still be glitches and bumps.''

These are not glitches. These are people's jobs. These are people's lives. This is the health care of the American people. For a lot of American families, the President's health care law is not headed for a train wreck, it has already gone off the rails. They are not worried about what the health care law is going to do to them, they are busy worrying about what the health care law has already done. They know this law and the uncertainty it has created is an anchor on our economy. Here is how the Chicago Tribune put it in an editorial the other day. They asked the question:

> Glitches or a train wreck?

Then they said:

> Bet on the wreck. We're hurtling toward this massive restructuring of the health care insurance market, and no one has confidence about what will happen. There will be massive consequences, intended and unintended.

That is what the Chicago Tribune said.

The President says 90 percent of the American people have nothing to worry about from the health care law. He just doesn't get it. When I ask groups that I meet with back in Wyoming, I hear nearly 100 percent of the people say they expect to pay more under the President's health care law, and the care they get—they expect lower quality and less available health care as a result of the law.

People are very concerned about what is going to happen, and they do not think it is going to be good for them or for their families.

A new poll just came out from the Kaiser Family Foundation. It found that only 35 percent of Americans have a favorable view of the President's health care law. It is less popular now than it was when it first passed. It has gone down, actually, 8 percentage points since just last November's election. More and more people are realizing what is in this law and how it will hurt them personally and they are not happy about it. For the President to say otherwise is absurd. He is either not paying attention to what the American people are trying to tell him or he is intentionally misrepresenting the facts.

The health care law is headed for a train wreck. Saying it is going fine is just the President's Washington spin. The American people deserve better than that. They deserve for the President to tell them the truth. They deserve to hear from the President, to have him come clean on how much his health care law is costing and how much damage it is doing to our economy.

The American people deserve a vote in Congress to repeal this disastrous law. Until this law is repealed, we are going to continue to see weak economic growth and the American people are going to continue to pay the price.

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

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

The bill clerk proceeded to call the roll.

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

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

THE SEQUESTER

Mr. FRANKEN. Mr. President, on March 19 of this year, the Minneapolis Star Tribune reported that Minnesota's tribal school districts were making plans to cut the school year short, increase class sizes, and let staff vacancies go unfilled. The White Earth Reservation is planning to consolidate its sixth, seventh, and eighth grades into a single class starting in the fall. This is happening because of the sequester.

On April 11, WDAZ, Channel 8 in Grand Forks, reported that special education programs in my State of Minnesota were going to be hit by a $90 million cut. This is particularly painful in the Crookston, MN, school district, where 20 percent of students benefit from special education programming. This is happening because of the sequester.

On April 17, Minnesota Public Radio reported that budget cuts were affecting our court system. Across the country, access to public defenders, a constitutionally guaranteed right, is becoming more difficult. This is happening because of the sequester.

It is not just happening in Minnesota, it is happening around the country. To take just two examples from the many I could cite from every State in the Nation, on March 13, the AP reported that an Indiana Head Start program was forced to use a random drawing to determine which 36 children would be cut from their program. On March 31, the Portland Press Herald in Maine reported that a local Meals on Wheels program, which had never before turned away a senior in need, was now using a waiting list and reducing the number of meals delivered to existing participants.

Then, on April 25, the Senate passed a bill to allow the Department of Transportation to shift funds from one account to another, therefore exempting DOT from the strict across-the-board cuts mandated by the sequester. The funding shift was needed to prevent the furlough of air traffic controllers, which was beginning to cause a significant inconvenience to American travelers and could have had harmful effects on our economy. The House passed the bill the next day and it has now been enacted into law.

I am pleased American travelers were spared this inconvenience, but as the reports I just cited from Minnesota and from elsewhere would suggest, there are a lot of people suffering needlessly because of the sequester.

A case-by-case approach is not the right way to handle the impacts of the sequester. The sequester, in fact, was designed to affect every government function equally, with just a few exceptions, and the extreme across-the-board nature of these cuts is the very definition of a thoughtless approach to deficit reduction. The sequester was designed to be replaced and that is what we must do. Just as the sequester affects every government function equally, our response to the sequester should be complete and inclusive, not piecemeal. We must replace the entire sequester with a mix of new revenues and smarter targeted cuts that do not inflict needless pain on those who can least bear it and that do not harm our ongoing fragile economic recovery.

There are both moral and economic consequences of allowing the sequester to continue. As Hubert Humphrey said:

> The moral test of government is how that Government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadow of life, the sick, the needy and the handicapped.

If we ignore the effects of sequester cuts on the voiceless and address only the sequester cuts that are the most visible—in the form of longer lines at the airport, for example—we will have failed that moral test.

In April I received a letter from a family service worker with Head Start from Onamia, MN. She wrote:

> The families I work with have no idea what it means to have trillions of dollars cut from the budget. They are trying hard to keep $10 in their pockets or checkbook. . . . These cuts would be particularly catastrophic to the poor children and families we serve. . . . Congress and the Administration need to act quickly to restore fiscal stability and maintain funding for our at-risk children. Our nation's budget simply cannot be balanced on the backs of poor children.

Here is a letter I received from a mother in Hoffman, a rural community in West Central Minnesota. She wrote:

> My heart was saddened today when I learned that due to a sequester, my 4 year old daughter's Head Start program was to end 2 weeks ahead of schedule, that 2 of her amazing teachers will be looking for work come May 30th and her head teacher will be having to take on a 2nd job to compensate for a pay cut she took to continue with the program. Our Head Start program is an amazing program. My daughter has benefited from this program in ways a mother can only dream of and only a classroom environment can provide. The fear that it maybe not be there for her next year sickens me. We may not have the numbers that are looked at when these kinds of decisions are made, but our program is one of a kind with teachers that are so special they deserve awards. My daughter wants them to come to her birthday party. The people making these decisions need to actually go to the class rooms, see what goes on. Visit again and see the difference this program and these women are making in these kids' lives. The decision makers need to see what it is they are choosing to take away from these young people. I will be writing a letter to all of my local reps, and I'm committed to send them letters once a week until my pleas are heard and our government stops taking money and the education that comes with that from our rural school!

That is a story from a mother based on her experience with her daughter.

Economists agree and studies have demonstrated that high-quality early education programs can produce anywhere from $7 to $16 in benefits for every dollar of Federal investment. The return on investment comes from the long-term savings associated with a quality early childhood education.

A child who has a quality early childhood education is less likely to be in special education, less likely to be left back a grade, has better health outcomes, and girls are less likely to get pregnant before they graduate high school. They are more likely to graduate from high school, more likely to graduate from college, more likely to have a better paying job, pay taxes on that job, and much less likely to go to prison.

If we care about the long-term sustainability of our debt, we should be putting more money into quality early childhood education, not less, as we are doing because of the sequester.

Here is a letter from Columbia Heights, MN:

> As someone who has worked with seniors my entire career and now volunteers to deliver meals on wheels, I would encourage your support of this program and discourage cuts. This program is one that allows seniors and disabled adults to remain in their home and still receive proper nutrition. For many it is also the only contact they may have with someone during any given day. While providing a service it is also a means to check in on these individuals' well-being. By eliminating or making significant cuts to this program we would be turning our backs on many of our citizens.

I am sure every Member of the Senate has received similar letters—letters begging us to protect funding that assists poor children and the elderly in their communities. It is not just Head Start and Meals on Wheels which suffer as a result of the sequester, it affects so many other critical programs.

HUD estimates that sequester cuts could result in 100,000 formerly homeless people, including veterans, being removed from their housing and shelter programs and putting them back at risk for homelessness. The USDA estimated that it will result in 600,000 fewer participants in WIC, the nutrition program for mothers and their children.

Replacing the sequester is the right thing to do. The sequester is a perfect example of the moral test of government Hubert Humphrey talked about, and replacing it is the only conceivable response to it we can have as Americans. But apart from failing to protect our most vulnerable, the sequester cuts also do direct harm to our economy and prevent us from making the critical investments in education, infrastructure, and innovation that have always been what has made America great and prosperous.

As Secretary Arne Duncan wrote in a letter to Chairwoman BARBARA MIKULSKI about the effects of the sequester:

> Education is the last place to be reducing our investment as the nation continues to climb out of the recent recession and to prepare all of its citizens to meet the challenges created by global economic competitors in the 21st century. Indeed, I can assure you that our economic competitors are increasing, not decreasing, their investments in education, and we can ill afford to fall behind as a consequence of indiscriminate, across-the-board cuts that would be required by sequestration.

Secretary Duncan goes on to explain that the sequester will create particular hardships for recipients of Impact Aid, which includes schools that serve the Native American students and children of military families.

In addition to investing in education, we should be building up and repairing our Nation's infrastructure. Cuts to the Economic Development Administration will hinder the ability to leverage private sector resources to support infrastructure projects that spur local job creation—likely resulting in 1,000 fewer jobs created nationwide. The Department of Interior has warned that the sequester will delay high priority dam safety modifications.

Finally, America has always been at the cutting edge of global technologies, but the sequester may change that. Cuts to the National Institute of Standards and Technology will force

NIST to end its work on the Manufacturing Extension Partnership, which helps small manufacturers innovate in their business practices and develop market growth at home and abroad.

The Department of Education is the operator of 10 world-class national laboratories that specialize in developing advanced commercial technologies. DOE's Advanced Research Projects Agency, ARPA, has achieved several remarkable breakthroughs in recent years, such as doubling the energy density of lithium batteries, increasing the capacity of high-power transistors, engineering microbes that can turn hydrogen and carbon dioxide into transportation fuel. Sequester cuts are going to slow and curb our Nation's progress toward a 21st century energy sector.

Not only does the sequester fail to invest in things that make America great and make America grow, the sequester is also costing the government more money for the same product in the long run. There are certain weapon systems that DOD knows it needs and will purchase in the future; however, because of sequestration, they have canceled the contract order for the time being. As a result, the manufacturer has shut down that production line and possibly terminated jobs. Restarting that process is expensive, and those costs are ultimately passed on to us, the government—the American people.

I urge my colleagues to rethink the current strategy of addressing the sequester crisis by crisis and whatever is on the front page of the news. It ultimately is not equitable. It disadvantages our Nation's most vulnerable and it is harming our economy.

In February, CBO's Doug Elmendorf testified that the effects of sequestration would reduce employment by 750,000 jobs this year. That is the opposite direction we need our job numbers to go during our economic recovery. I have not even been able to touch on the risk the defense sequester poses to our military readiness in my remarks here today.

The bottom line is we need to address every facet of the sequester together with a mix of new revenues and smarter targeted cuts. We should meet every new, high-visible consequence of the sequester with the same response. It is more evidence that we need to replace the entire sequester.

Democrats have put forward a plan to address the most immediate consequences of the sequester with a mix of new revenues and targeted cuts to replace the first year of sequestration, and it garnered a majority in the Senate. But because a majority is not enough to pass legislation in today's Senate when the minority chooses to obstruct, that plan failed to pass.

What we have passed in the Senate is a budget that proposes to replace the entire sequester in a balanced way that would also spare the most vulnerable pain and protect our economic recovery and our economic future. That is the kind of approach we need to take.

I hope in the days ahead we can begin a dialogue about fixing this problem so kids in Minnesota, Indiana, and in the Presiding Officer's State of Hawaii—kids all around the country—can return to Head Start. We need to help the senior citizens in Maine so they can get off the Meals on Wheels waiting list. We address this issue so that Minnesota's tribal school districts can finish out the school year as scheduled.

When we hear about the next highly visible problem the sequester has caused, we should think about all the problems the sequester has caused, and that is what I will be doing. We need to fix the problem in a comprehensive and balanced way.

I stand ready to work with my colleagues and achieve that comprehensive and balanced fix for the sequester.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF DAVID MEDINE TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

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

The bill clerk read the nomination of David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate equally divided in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I oppose the nomination of David Medine to be the Chairman of the Privacy and Civil Liberties Oversight Board, which is commonly referred to as the PCLOB.

Mr. Medine was nominated for this position during last Congress and the Judiciary Committee, where I serve as the ranking member, held a hearing on his nomination in April 2012.

At the hearing, I asked a number of questions about the various national security statutes that the Board is tasked with overseeing. This included questions about the Foreign Intelligence Surveillance Act and the PATRIOT Act.

Specifically, I asked for his views on these laws. Unfortunately, the responses I received failed to provide his views. He simply stated that he would balance the views of the government against the Board's mandate to review privacy.

I also asked Mr. Medine about his views on the use of law enforcement versus military authorities for combatting terrorism.

I was disappointed that he failed to answer a basic yes-or-no question about national security law: ''Do you believe that we are engaged in a war on terrorism?''

Instead, of a simple yes or no, he opted for a more limited answer that military power is permissible in appropriate cases.

This technical answer gives me pause especially in light of the continued threat we face from international terrorist organizations.

Perhaps the most concerning response he provided was to another simple constitutional law question. I asked all the Board nominees an important question about the use of profiling based upon country of origin for immigration purposes.

The Constitution provides broad discretion to the government for purposes of immigration. Each year the government places quotas or caps on how many and what types of visas are allowed for each particular country.

For example, if we face a threat from an unfriendly nation, it is important that we have the ability to limit immigration from that country. At the least, immigration and customs agents and consular officers should be able to make decisions of admissibility solely on country of origin.

I asked this same question to the other four current members of the Board—two Democrats and two Republicans. They all answered the same way, that foreign nationals do not have the same constitutional or statutory rights as citizens and therefore U.S. officials should be able to use this as a factor in admissibility determinations.

In contrast to the other four nominees, Mr. Medine argued that use of country of origin as the sole purpose was ''inappropriate.''

Specifically, Mr. Medine noted that it would be ''inappropriate'' for the Federal Government to profile foreign nationals from high-risk countries based solely upon the country of origin. This is troubling.

As the other four nominees noted, foreign nationals do not have the same constitutional or statutory rights as U.S. persons and the government may, lawfully and appropriately, use country of origin as a limiting factor for purposes of admission to the United States.

I think this is especially concerning given the recent attacks in Boston and the concerns surrounding potential holes in our immigration system related to student visa overstays.

What if our government learns of a terrorist plot undertaken by individuals from a specific country. Under the view advocated by Mr. Medine, excluding all individuals from that nation, even for a defined period of time, would be ''inappropriate.''

Instead, under his view, even faced with this threat, it would only justify ''heightened scrutiny of visitors from that country'' when the individual was ''linked to other information about the plot.'' This is a dangerous view of our government's authority to control admission into the country.

Terrorism is fresh on everyone's mind following the recent attacks in Boston, but the need to remain vigilant against a terrorist threat should not rise and fall based upon our proximity to an attack.

The terrorist attacks on 9/11 changed the way the government viewed terrorism and those who want to kill Americans.

We are now nearly 12 years released from 9/11. Some may believe that we now have the means in place for restricting admission based only upon specific intelligence of a plot. But that view is the type of thinking that allows us to let down our guard.

Those who seek to kill Americans are not letting down their guard and are always looking for ways to attack Americans and our way of life.

We can see this with the new tactics that they use, such as the failed underwear bombing, the attempted Times Square bombing, and the recent attacks in Boston.

It is through this lens that I view Mr. Medine's answer and why I oppose his nomination to a board overseeing critical national security laws.

While I agree we should always work to ensure that intelligence information is utilized in a manner most likely to achieve the desired result, there are scenarios where we may need to block entry to all members of a certain country.

For example, would Mr. Medine's view apply to wartime situations?

Would we have to admit those whose country was at war with the U.S.?

I think his answers point to a dangerous worldview that is out of touch with the threat we face from global terrorist organizations that seek to kill Americans.

It is thinking that deviates from basic constitutional principles our government was founded on; namely, the ability to protect our citizens by limiting entry into the country.

This is a very serious matter given the Board's oversight of national security law.

Given these concerns, I joined my colleagues in opposing Mr. Medine's nomination when the Judiciary Committee voted on him in February. That party-line vote mirrored the same party-line vote from the previous Congress—even though the committee now has different members.

Above all, I fear that a nomination that is as polarizing as this could cloud the legitimate work of the Board.

This Board is tasked with reviewing some of the most sensitive national security matters we face.

If the Board issues a partisan decision, led by Mr. Medine, it will be discredited because of these controversial fundamental beliefs Mr. Medine holds.

These national security issues are already polarizing—just look to any debate in Congress on FISA or the PATRIOT Act. Adding partisan fueled reports to the fire would only exacerbate these difficult matters.

Given these concerns, I oppose Mr. Medine's nomination and urge my colleagues to do the same. A vote against this nominee is a vote to preserve the legitimate tools to help keep America safe.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. 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.

PREVENTION AND PUBLIC HEALTH FUND

Mr. HARKIN. Mr. President, I was deeply disturbed several weeks ago to learn of the White House's plan to strip $332 million in critical funding from the Prevention and Public Health Fund and to redirect that money to educating the public about the new health insurance marketplaces and other aspects of implementing the Affordable Care Act.

No one is more interested in ensuring the successful implementation of the health insurance exchanges than I am. I chair that committee. I was working with both Senator Kennedy and Senator Dodd in formulating these aspects of the Affordable Care Act. But it is ill-advised and shortsighted to raid the prevention fund, which is making absolutely critical investments in preventing disease, saving lives, and keeping women and their families healthy.

Last year they took $5 billion from the prevention fund. I will get to that in a moment. So, again, in their raiding of this prevention fund, not only is it a case of misplaced priorities, it is frankly an outrageous attack on an investment fund that is saving lives by advancing wellness and prevention initiatives in communities all across America.

A major purpose of the Affordable Care Act is to begin to transform our current sick care system into a genuine health care system, one that is focused on saving lives through a greater emphasis on wellness, prevention, and public health. I have been saying for 20 years or more that we do not have a health care system in America, we have a sick care system.

When you think about it, if you get sick, you can get pretty good care in America. We have the best surgeons and best cancer clinics. If you are sick, there is probably no better place in the world to be than in America to get cured. But what we are lousy at is keeping you healthy in the first place and preventing illness, preventing diseases, preventing chronic conditions.

Every expert acknowledges that we will never reduce health care costs or have a healthier and more productive society until we have a major focus on prevention. However, I have no choice but to conclude that when it comes to prevention and wellness, some people in this administration just do not get it.

The prevention fund already has been a giant step forward for public health in our Nation. Typically, prevention and public health initiatives have in the past always been an afterthought. This means that important community-based interventions often go unsupported. The prevention fund, as part of the Affordable Care Act, is making it possible for us to make national investments in evidence-based programs that promote physical activity, improve nutrition, and reduce tobacco use.

This is not the time to mention all of the many ways this fund is already making Americans healthier. I want to mention several representative investments that are happening right now.

The prevention fund is already investing $226 million to reduce chronic diseases, including diabetes and heart disease. Heart disease disproportionately affects women. In fact, it is the No. 1 cause of death for women in this country. Some 42 million women in America are currently living with some form of heart disease.

The World Health Organization estimates that a staggering 80 percent of heart disease, diabetes, and stroke could be prevented as a result of changes in smoking, nutrition, and physical activity alone.

Moreover, this investment by the prevention fund is not only saving lives, it is also saving money. Right now, heart disease costs our Nation about $440 billion a year—$440 billion a year in health care costs from heart disease alone.

Cigarette smoking kills an estimated 173,000 women a year. If current smoking rates persist, more than 6 million kids living in the United States today will ultimately die from smoking.

This year the fund is supporting a second round of the highly successful media campaign called ''Tips From a Former Smoker.'' It is estimated that last year's campaign will save $70 million annually based on just the smokers who successfully quit in reaction to this 12-week ad campaign. These ads are extremely powerful and effective. Within 2 days of the first ad appearing last year, the number of calls to our quit lines tripled. So mark my words, these ads are going to save lives. In fact, the second phase of this ad campaign is expected to inspire half a million quit attempts and to help at least 50,000 Americans quit smoking forever.

Now, that is the $93 million for the anti-tobacco education and support campaign. As I pointed out, over 6 million kids—if we do not do something about it, 6 million kids today in America will die from smoking.

Let's talk about the immunization program. The prevention fund is investing in immunization programs that protect kids and save billions of dollars in downstream costs. For every dollar spent on childhood immunizations, Americans save $16 by avoiding the costs of treating preventable diseases. Furthermore, by ensuring that all adults get recommended routine vaccines, we can prevent 40,000 to 50,000 deaths annually. So the $82 million that was cut for immunizations in the prevention fund by the action by the White House could have saved our Nation up to $1.3 billion in unnecessary health care costs. Again, this is the very definition of penny wise and pound foolish budgeting.

Investments from the prevention fund are not just at the national level, they are also at the community level. The fund is helping States, cities, and towns to implement evidence-based programs that meet their particular local needs.

For example, the State of Illinois has made improvements to its sidewalks and has marked crossings in order to increase levels of student physical activity for students going to school. Because of these improvements, the number of students who are walking to school has doubled. Not only is this good for their health, it is expected to save the school system about $67,000 a year on bus costs.

In Florida, the school board of Miami Dade County will soon implement the Play, Eat, Succeed project in order to reduce the prevalence of childhood obesity among students with disabilities and children in the Head Start Program. The project will focus on improving nutritional habits, increasing physical activity levels, and achieving a healthy weight.

In California, the Los Angeles County Department of Health has worked with more than 100 clinical teams to provide accessible clinical preventive services to control high blood pressure and cholesterol, reaching approximately 200,000 adults just in Los Angeles County alone.

In my State of Iowa, the Black Hawk County Board of Health is working with the local agency on aging to implement the Better Choices, Better Health Program. This initiative is designed to help individuals who are living with chronic conditions to find practical ways to self-manage pain, fatigue, and to make healthier nutrition and exercise choices, to set realistic goals, to understand treatment options and communicate with family and health care providers about their condition.

I mention all of these to show that the prevention fund is not just top-down from Washington; we are trying to encourage communities, cities, towns, counties, and, yes, some States to do work on their own, to come up with innovative ideas on how to encourage people to live healthier lives, to prevent smoking, to, for instance, get more kids to walk to school. And this is a big problem. A lot of kids in America can walk to school, but they do not have sidewalks, they do not have safe passages to school, so they take a bus. Simple things like that are done at the local level with the prevention fund, and when local levels experiment and do things like this and they find that they work, then other people adopt it. To me, this is one of the key elements of the prevention fund. It is sort of letting a thousand flowers bloom, getting more ideas out there from people at the local level on what they can do, how they can buy into this.

What can they do, and how can they buy into this to have a good prevention and wellness program on the local level?

Let's look at the return on investment. We always wonder about the return on investment for the kind of money we spend in government. The prevention fund all across America is investing in proven locally developed programs, as I mentioned, that promote health and wellness, and they save lives. Not only is this improving our health outcomes but it will save us money.

According to a study by the Centers for Disease Control and Prevention, the National Diabetes Prevention Program to prevent or delay nearly 885,000 cases of type 2 diabetes would save our health system about $5.7 billion over the next 25 years. The National Diabetes Prevention Program is a public-private partnership of health organizations that work together to prevent type 2 diabetes to life style change programs right in our home communities. Given that in 2007 diabetes alone accounted for about $116 billion in direct medical costs, it is all the more critical that we continue to invest in proven programs such as this.

I want to point out that for these investments, for every dollar we put in a childhood immunization series, it has been proven we saved $16.50. Yet if I am not mistaken, the White House is taking about $85 million out of this fund—penny wise and pound foolish.

Tobacco control programs: For every $1 we invest, we are saving $5. Chronic disease prevention: For every $1 we spend, we save $5.60. For workplace wellness programs: $3.27 for every $1 we spend. Any way you look at it, in all of these programs, just the return alone—not mentioning the productivity of people who are healthier, who don't smoke, who don't have chronic illnesses—their productivity is much higher than those who have chronic illnesses.

The list goes on and on. The Trust for America's Health released a study showing that a 5-percent reduction in the obesity rate could yield more than $600 billion in savings on health care costs over 20 years. Again, this is from the Trust for America's Health. A 5-percent reduction in the obesity rate, 5 percent only, could yield more than $600 billion in savings on health care costs over 20 years.

Studies such as this confirm what common sense tells us. Your mother was right; prevention is the best medicine for our bodies and for our budgets alike. That is why nearly 800 organizations have spoken against misguided efforts to slash or eliminate the prevention fund.

Despite ill-advised efforts to cut or eliminate the prevention fund, most Americans understand what is at stake. Prior to creation of the prevention fund, for every dollar spent on health care, 75 cents went to treating patients with chronic diseases, while only 4 cents was spent on efforts to prevent those diseases. Again, before the Affordable Care Act, 75 cents of every health care dollar was spent on treating you after you got sick. Only 4 cents was spent on preventing those diseases.

This chronic underinvestment has had devastating consequences. Nearly half of American adults have at least one chronic condition. Two-thirds of the increase in health care spending between 1987 and 2000 was due to increased prevalence of chronic diseases.

We had a briefing from three highly acclaimed medical practitioners 2 or 3 weeks ago, and they pointed out that two-thirds of the money we spend in Medicare goes for treating chronic illnesses—two-thirds.

When we talk about the money we are spending on Medicare and how do we control Medicare costs, some people say we have got to make it tougher for people to get Medicare or you have got to cut down on Medicare, when the answer is staring us right straight in the face: prevention and wellness programs. For elderly people who do have a chronic condition, there are interventions that will save us money and make their lives better through prevention and wellness programs. We know that. There are evidence-based programs which are proven to work.

The prevention fund gives us an unprecedented opportunity to bend the cost curve by jumpstarting the transformation of America into a true wellness society, a society that focuses on preventing disease, saving lives and saving money.

As I said, the fund is doing both; it is saving lives and saving money. To slash this fund as the White House intends to do is bad public policy and bad priorities. To take money from the prevention fund is to cannibalize the Affordable Care Act in ways that will both cost us money and lives. I think it is a violation of both the letter and the spirit of this landmark law. Again, one more time, we know prevention saves lives.

Cancer deaths: About 567,000 people die from cancer annually in the United

States. Fifty percent of those are preventable and much cheaper than all the long-term care costs, not to mention the devastation that happens in families' lives when a parent is lost to cancer.

Preventable diseases, heart disease, diabetes, and stroke: About 796,000 people die from heart disease, diabetes, and stroke annually in the United States. Eighty percent of those are preventable. Yet we are going to cut money from the prevention fund? It doesn't make sense.

Prior to the Senate adjourning for this last recess, I put a hold on Ms. Marilyn Tavenner's nomination to serve as the Administrator for the Centers for Medicare and Medicaid Services. Ms. Tavenner, in her role as Acting Administrator, signed a directive in March that channeled critical funds away from prevention. I must say, as the chairman of the committee, and as the author of the prevention fund in the Affordable Care Act, I was never notified until the decision had been made. I was not consulted. No one was. It was just sort of signed away.

Again, I want to make it very clear the hold I put on Ms. Tavenner was not a secret hold. In fact, I don't believe in secret holds. Too often people put on secret holds and you don't know who is doing it. I would never do that. I issued my hold publicly. Why? In order to heighten public awareness of this administration's ill-advised policy decision to cut prevention money and hopefully to get the White House to start to reconsider. I wanted to give people in the White House the chance to understand that their assault on the prevention fund is shortsighted, destructive, and perhaps suggests other sources of funding for implementing and overseeing the marketplace.

Last year the administration, as I said, approved a $5 billion—and I am correct here—a $5 billion cut to the fund as part of the middle-class tax bill. That was last year. I thought after that we had an agreement that was not going to happen again, the clearer cut agreement.

Now the administration has made it clear they intend to move forward with even more cuts—$332 million this year—to the prevention fund. What we are seeing from the administration is, at best, mixed signals and, at worst, a betrayal of the letter and spirit of the Affordable Care Act.

I repeat, these are bad policy choices. This choice to take money out of the prevention fund will have negative serious consequences for the future health of the American people.

Again, I don't know and I am unsure as to who is giving advice to the President, but I want to say to President Obama, I think you are getting bad advice, bad advice on where the money is coming from and how it is affecting the prevention fund, and there are other sources of funding for the marketplace other than the prevention fund.

I want to make it clear I don't want to interfere with the important work of the Centers for Medicare and Medicaid Services. I also happen to believe Ms. Tavenner is very well qualified and strongly qualified to be the next Administrator. I believe it is urgent to have an effective leader at the helm of CMS as we enter a critical stage in implementing the Affordable Care Act.

Accordingly, I am removing my hold on her nomination. However, as I do so, I repeat, it is deeply disappointing and disturbing that the White House once again is raiding the Prevention and Public Health Fund.

I would hope Ms. Tavenner, in her future role as the head of the CMS, will understand that while she works for the President, advice and consent of the U.S. Senate might be something worth considering in her future actions. I hope and expect again that the White House will respect the intent of Congress in creating the prevention fund, not as an afterthought but as a critical feature of the Affordable Care Act—every bit as critical as the exchanges, the marketplace, and everything else.

I hope the administration will join us in fighting for the prevention fund and in making smart, evidence-based investments in prevention and wellness. This is what real health reform is about. It is not about how you pay the bills. If all we are going to do in the Affordable Care Act is jiggle around on how we pay the bills, we are sunk. Real health reform is about changing our society away from a sick-care system to a true health care system, keeping people healthy, promoting wellness, having prevention programs at every level of society, in our schools, in our workplaces, and in our communities from the earliest moments of life, immunization programs. This is for those who are elderly, who may have a chronic condition but who can control that, at less cost and with healthier lives through good prevention and wellness programs. That is what true health reform is about, and it is our best bet for creating a healthier and more prosperous Nation. To that important end, the Congress and the White House should not be working at cross purposes. We should be working together. I say we must rededicate ourselves to the great goal of creating a reformed health care system that has a major focus on prevention and wellness, not just for a few but for all Americans. That is what the intention was of the Prevention and Public Health Fund.

As I say again, and I say very clearly, I don't know who is advising the President, but I think the President is getting bad advice. I understand the President has a lot on his plate, everything from Syria to Afghanistan—a lot. I understand that.

I hope that those in the White House who are advising the President would take a closer look and find some way of replenishing that $332 million and hopefully making some ironclad agreements that they are not going to raid the fund again next year.

I thought we had an agreement that last year was it, that $5 billion was it. I thought we had that agreement. I was operating under that assumption. Will we take more money out of the prevention fund again next year too to meet some exigency that may come up? That is what has been wrong with our sick-care system in the past. We are so focused on paying today's bills we don't focus on the future and how to keep people healthy. We just pay today's bills, keep paying the bills and paying the bills. Like clueless dodos, we wonder why health care costs are skyrocketing. It is because we don't focus on keeping people healthy in the first place.

So I will remove my hold on Ms. Tavenner, but I hope the administration will find a way to replenish that $332 million this year and make a firm commitment to not raiding this fund in the future.

Mr. LEAHY. Mr. President, I am glad the Senate is finally confirming David Medine as Chairman of the bipartisan Privacy and Civil Liberties Oversight Board, PCLOB. The confirmation of this nominee is a significant victory for all Americans who care about safeguarding our privacy rights and civil liberties. The American people now have a Privacy and Civil Liberties Oversight Board that is at full strength. This Board should help ensure that we honor our fundamental values as we implement a strategy to keep our Nation safe. Today's victory is also a reminder of the challenges we face, and the commitment we must keep, to protect personal privacy as new technologies emerge. Last month, the Judiciary Committee unanimously reported bipartisan legislation that Senator LEE and I authored to update the Electronic Communications Privacy Act. I hope that the Senate will promptly consider and pass this good privacy bill, as well.

The Judiciary Committee favorably reported this nomination last May along with a bipartisan group of nominees to serve as members of the Board. This nomination should not have taken a year to be considered and confirmed by the Senate. The Senate finally confirmed all of the other individuals, those nominated to serve as members of the Board, last August. Republican Senators refused to vote on the chairman's nomination. This was a needless delay and prevented the Board from functioning at full strength. This is reminiscent of how they have obstructed this President's nominees to the National Labor Relations Board and the Consumer Financial Protection Bureau, as well as so many of his judicial nominees. Now, after a year of obstruction, the Senate will finally vote on the nomination, and the Privacy and Civil Liberties Oversight Board we in Congress worked so hard to establish will finally be able to begin to carry out its important work on behalf of the American people.

The Privacy and Civil Liberties Oversight Board is a guardian of Americans'

privacy rights and civil liberties as well as an essential part of our national security strategy. When we worked to create this Board in the wake of the Nation's response to the terrorist attacks on September 11, 2001, we did so to ensure that our fundamental rights and liberties would be preserved as government takes steps to better secure our Nation. In the digital age, we must do more to protect our Nation from cyber attacks. But we must do so in a way that protects privacy and respects our fundamental freedoms.

Protecting national security and protecting Americans' fundamental rights are not in conflict. We can—and must—do both. The Privacy and Civil Liberties Oversight Board should help ensure that we do now that the Senate has finally been allowed to act on the nomination of Chairman Medine.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board?

Mr. GRASSLEY. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from West Virginia (Mr. MANCHIN) are necessarily absent.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 114 Ex.]

YEAS—53

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

NAYS—45

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

NOT VOTING—2

Lautenberg	Manchin

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Washington.

UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Mrs. MURRAY. Madam President, I just wish to talk for a moment. I have heard a lot from my constituents that they are very tired of the dysfunction in Washington, DC. They are tired of political gridlock that impacts their businesses, their children's schools, and their paychecks. After spending last week with families and businesses that are impacted by sequestration in my home State of Washington, I know this is especially true right now.

When I became chair of the Senate Budget Committee, I said I hoped Democrats and Republicans would be able to work together to end the cycle of governing from crisis to crisis and the attempts to negotiate budget policy through brinkmanship, which we have seen far too much of in recent years.

I believe this goal is just as important today—and is, in fact, more attainable—but we need Republicans to meet us at the table and proceed to conference under regular order.

We are at a unique moment in our debate about the country's fiscal and economic challenges. Following the 2 years that the bipartisan Budget Control Act took the place of a congressional budget, the Senate returned to regular order this year and we passed a budget resolution. The House has also passed their budget, and the President weighed in with a proposal for his path going forward.

We now have an opportunity to move through regular order to try to get a bipartisan budget agreement, and we should seize it.

Democrats and Republicans have different perspectives on a wide variety of issues. But just a few months ago, it seemed that Democrats and Republicans did agree on at least one thing: the budget debate should proceed through regular order.

Democrats chose to move forward with a budget resolution through committee and said that an open process through regular order was the best way to reach a bipartisan agreement. And Republicans agreed. They said once the Senate and the House passed budgets ''the work of conferencing must begin.'' They said a conference was—and I quote—the ''best vehicle'' for the budget debate ''because we're doing it in plain sight.'' They said we needed the open public debate that regular order requires.

In fact, Senator MCCONNELL said Senate Democrats should ''return to regular order and transparency in the legislative process.'' The Obama administration has also said regular order is the way to proceed. But Senate Republicans have now blocked our efforts to move to conference, not once but twice.

Some Republicans said they want to negotiate a ''framework'' behind closed doors before going to conference. But that is what a budget is; it is a framework that lays out our values and our priorities and helps us plan for the country's future. I think that framework is exactly what we ought to be debating in a formal and public conference, and there is no reason to wait.

Now, I know this is not going to be easy. There are vast differences between the Senate and House budgets and the visions we each present. But I believe we will be most effective at resolving these differences if we have time for open debate and discussion and opportunities to identify common ground.

Waiting until the last minute is not a good option. The uncertainty that is caused in the lead-up to every manufactured crisis over the past 2 years has hurt our businesses, it has hurt our economy, and it is threatening our fragile economic recovery. It keeps us from planning and investing in our future, and it makes Americans question whether their government is capable of solving any problems that confront us.

I know—and we all know—there are extreme elements in our political system that think ''compromise'' is a dirty word. I know some Republicans think they do not have the political space to make a bipartisan deal until the very last minute of a crisis. But I believe many of our colleagues on both sides of the aisle want to return to regular order and move us away from the constant crises.

I am hoping the voices of reason win because American families and our businesses expect us to do better than running down the clock.

So I urge my Republican colleagues to join us now in proceeding to conference through regular order, as they have said we should. That is the best way to reach a deal that is the best and most responsible path for our country to move forward on.

So, Madam President, 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.

Ms. LANDRIEU. Madam President, would the Senator yield for a question? Is a question in order?

Mrs. MURRAY. There is a UC before the Senate. If no one objects, I would be happy to answer a question.

Ms. LANDRIEU. Reserving the right to object—which I am not going to do, but I just want to clarify the Senator's motion—the Senator is simply asking us to move the budget which she passed after a heroic effort on the part of many to pass a budget so we could move to regular order. The Senator's consent is only asking us to move with all due speed to a conference to resolve the differences between the House budget and the Senate budget. Is that the Senator's understanding?

Mrs. MURRAY. The Senator from Louisiana is correct. The UC I am requesting simply takes us to conference so the House and the Senate Members can agree—Republicans and Democrats alike—to work toward a bipartisan solution.

Ms. LANDRIEU. One more question: Are not there Republicans represented on that committee? In fact, would the Republicans have the majority representation from the House?

Mrs. MURRAY. The Senator is correct.

Mr. McCONNELL. Parliamentary inquiry: Are we making a speech?

Ms. LANDRIEU. No. I am asking a question.

Mr. McCONNELL. Or are we considering objecting to a consent request?

The PRESIDING OFFICER. Is there objection to the request?

Mr. McCONNELL. Reserving the right to object, I would ask consent that the Senator modify her request so 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 ceiling.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Madam President, reserving the right to object, and I will in a moment, we considered over 100 amendments on the Senate floor. All of those kinds of amendments were brought up, debated, and considered as part of the resolution, as we do on any debate. So there is no need to go back and redo all of our amendments again. So I object and ask simply again our UC to move forward to conference so we can discuss all of these issues in regular order.

The ACTING PRESIDENT pro tempore. Objection is noted.

Is there objection to the original request?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, can I be heard for 3 minutes on this subject?

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

Ms. LANDRIEU. Madam President, this is very disturbing that the minority leader has objected to taking the budget to conference because the only way to get a compromise on the budget is to take it to conference, as the chair of the Budget Committee has asked us to do, to work out the differences between the Republican version of the budget and the Democratic version of the budget.

Right now, President Obama has some ideas about what his budget would look like. The Democrats and Republicans passed a budget here. The Republicans have passed a budget on the House side. The only way to work that out is following the leadership of the chairman of the Budget Committee, who is a senior Member now of this body, who understands regular order, understands the art of compromise, understands that there is a Democratic-controlled Senate, a Republican-controlled House, and a Democratic President—all who have legitimate but varying views about how the budget should be worked out may I say, a very important subject for the people of the United States because we are running deficits as far as the eye can see. While we have made some progress in cutting substantially—and we have raised some revenues—it is important to get our budget better in balance so we can grow this economy, keep this recovery going, stop throwing cold water on the recovery that is underway, and help Americans get jobs and create business.

I am flabbergasted to hear that the minority leader has just said no to that plan—said no, we are not going to conference. We object unless you do X, Y, and Z.

It is always an objection, a ''but.'' Democrats could come to this floor and say the same thing: I do not want to go to conference unless we decide we cannot, under any circumstance, even talk about Medicaid or Social Security or cutting education or health care; we will not go to conference unless we put that on the table.

We will never get to conference if both sides dig in before the discussions can even begin. That is where we are. I can understand the majority leader's frustration, and I most certainly appreciate the leadership of the Budget Committee chair. I am just so sorry to see that the chairman of the Budget Committee cannot even get the budget to conference to begin the debate on compromise because of this nonregular order status, because of the Republican minority, led by the Senator from Texas, of course, but reiterated by the Senator from Kentucky.

Mrs. MURRAY. Madam President, I thank the Senator from Louisiana. I just have to say I am frustrated and shocked at the reaction of our Republican counterparts who have repeatedly—repeatedly—said to the Senate: You need to pass a budget. We did so under regular order. Everyone will remember the night we spent here until 5 a.m. going through hundreds of amendments—the ones the minority leader just objected to that he wanted guarantees on before we went to conference. We voted on all those amendments. That is what this process is all about.

How can I, as Budget chairman, now do what the country is asking us to do, which is to compromise, move forward, and solve our problems rather than managing by crisis? If we cannot go to conference, how are we going to get a budget agreement moving forward? Everyone in this country knows this debate. It has gone on for several years. It went through the supercommittee. It went through an election where people's voices were heard. Now, after just berating us for not having a budget, the Senate Republicans are saying: Well, that did not matter. We do not care if you have a budget. We are just going to sit here.

That kind of chaos is exactly what this country does not need when it comes to our fragile economy today and people are trying to get back on their feet. I am ready to go to work. I am ready to sit down with the Republican leadership from the Budget Committee in the House and their conferees, to put our ideas on the table, and to make some tough choices. But I cannot do it until the Senate Republicans quit objecting to us moving to conference to get that done.

So this is the third time we have asked, the third time we have been turned down. We are going to keep trying to get this done. I am committed to solving one of the biggest problems facing our country—give us certainty, get us back on track—but I cannot do it when the Republicans are objecting to allowing us to go to conference. So I am very disappointed.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

WATER RESOURCES DEVELOPMENT ACT OF 2013

The PRESIDING OFFICER. Under the previous order, the motion to proceed to S. 601 is agreed to and the clerk will report the bill by title.

The assistant bill 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.

The Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2013''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCE PROJECTS

Sec. 1001. Purposes.
Sec. 1002. Project authorizations.
Sec. 1003. Project review.

TITLE II—WATER RESOURCES POLICY REFORMS

Sec. 2001. Purposes.
Sec. 2002. Safety assurance review.
Sec. 2003. Continuing authority programs.
Sec. 2004. Continuing authority program prioritization.
Sec. 2005. Fish and wildlife mitigation.
Sec. 2006. Mitigation status report.
Sec. 2007. Independent peer review.
Sec. 2008. Operation and maintenance of navigation and hydroelectric facilities.
Sec. 2009. Hydropower at Corps of Engineers facilities.
Sec. 2010. Clarification of work-in-kind credit authority.
Sec. 2011. Transfer of excess work-in-kind credit.
Sec. 2012. Credit for in-kind contributions.
Sec. 2013. Credit in lieu of reimbursement.
Sec. 2014. Dam optimization.
Sec. 2015. Water supply.
Sec. 2016. Report on water storage pricing formulas.
Sec. 2017. Clarification of previously authorized work.
Sec. 2018. Consideration of Federal land in feasibility studies.
Sec. 2019. Planning assistance to States.
Sec. 2020. Vegetation management policy.
Sec. 2021. Levee certifications.
Sec. 2022. Restoration of flood and hurricane storm damage reduction projects.
Sec. 2023. Operation and maintenance of certain projects.
Sec. 2024. Dredging study.
Sec. 2025. Non-Federal project implementation pilot program.
Sec. 2026. Non-Federal implementation of feasibility studies.
Sec. 2027. Tribal partnership program.
Sec. 2028. Cooperative agreements with Columbia River Basin Indian tribes.
Sec. 2029. Military munitions response actions at civil works shoreline protection projects.
Sec. 2030. Beach nourishment.
Sec. 2031. Regional sediment management.
Sec. 2032. Study acceleration.
Sec. 2033. Project acceleration.
Sec. 2034. Feasibility studies.
Sec. 2035. Accounting and administrative expenses.
Sec. 2036. Determination of project completion.
Sec. 2037. Project partnership agreements.
Sec. 2038. Interagency and international support authority.
Sec. 2039. Acceptance of contributed funds to increase lock operations.
Sec. 2040. Emergency response to natural disasters.
Sec. 2041. Systemwide improvement frameworks.
Sec. 2042. Funding to process permits.
Sec. 2043. National riverbank stabilization and erosion prevention study and pilot program.
Sec. 2044. Hurricane and storm damage risk reduction prioritization.
Sec. 2045. Prioritization of ecosystem restoration efforts.
Sec. 2046. Special use permits.
Sec. 2047. Operations and maintenance on fuel taxed inland waterways.
Sec. 2048. Corrosion prevention.
Sec. 2049. Project deauthorizations.
Sec. 2050. Reports to Congress.
Sec. 2051. Indian Self-Determination and Education Assistance Act conforming amendment.
Sec. 2052. Invasive species review.
Sec. 2053. Wetlands conservation study.
Sec. 2054. Dam repair study.

TITLE III—PROJECT MODIFICATIONS

Sec. 3001. Purpose.
Sec. 3002. Chatfield Reservoir, Colorado.
Sec. 3003. Missouri River Recovery Implementation Committee expenses reimbursement.
Sec. 3004. Hurricane and storm damage reduction study.
Sec. 3005. Lower Yellowstone Project, Montana.
Sec. 3006. Project deauthorizations.
Sec. 3007. Raritan River Basin, Green Brook Sub-basin, New Jersey.
Sec. 3008. Red River Basin, Oklahoma, Texas, Arkansas, Louisiana.
Sec. 3009. Point Judith Harbor of Refuge, Rhode Island.

TITLE IV—WATER RESOURCE STUDIES

Sec. 4001. Purpose.
Sec. 4002. Initiation of new water resources studies.
Sec. 4003. Applicability.

TITLE V—REGIONAL AND NONPROJECT PROVISIONS

Sec. 5001. Purpose.
Sec. 5002. Northeast Coastal Region ecosystem restoration.
Sec. 5003. Chesapeake Bay Environmental Restoration and Protection Program.
Sec. 5004. Rio Grande environmental management program, Colorado, New Mexico, Texas.
Sec. 5005. Lower Columbia River and Tillamook Bay ecosystem restoration, Oregon and Washington.
Sec. 5006. Arkansas River, Arkansas and Oklahoma.
Sec. 5007. Aquatic invasive species prevention and management; Columbia River Basin.
Sec. 5008. Upper Missouri Basin flood and drought monitoring.
Sec. 5009. Northern Rockies headwaters extreme weather mitigation.
Sec. 5010. Aquatic nuisance species prevention, Great Lakes and Mississippi River Basin.

TITLE VI—LEVEE SAFETY

Sec. 6001. Short title.
Sec. 6002. Findings; purposes.
Sec. 6003. Definitions.
Sec. 6004. National levee safety program.
Sec. 6005. National levee safety advisory board.
Sec. 6006. Inventory and inspection of levees.
Sec. 6007. Reports.
Sec. 6008. Effect of title.
Sec. 6009. Authorization of appropriations.

TITLE VII—INLAND WATERWAYS

Sec. 7001. Purposes.
Sec. 7002. Definitions.
Sec. 7003. Project delivery process reforms.
Sec. 7004. Major rehabilitation standards.
Sec. 7005. Inland waterways system revenues.
Sec. 7006. Efficiency of revenue collection.

TITLE VIII—HARBOR MAINTENANCE

Sec. 8001. Short title.
Sec. 8002. Purposes.
Sec. 8003. Funding for harbor maintenance programs.
Sec. 8004. Harbor Maintenance Trust Fund prioritization.
Sec. 8005. Civil works program of the Corps of Engineers.

TITLE IX—DAM SAFETY

Sec. 9001. Short title.
Sec. 9002. Purpose.
Sec. 9003. Administrator.
Sec. 9004. Inspection of dams.
Sec. 9005. National Dam Safety Program.
Sec. 9006. Public awareness and outreach for dam safety.
Sec. 9007. Authorization of appropriations.

TITLE X—INNOVATIVE FINANCING PILOT PROJECTS

Sec. 10001. Short title.
Sec. 10002. Purposes.
Sec. 10003. Definitions.
Sec. 10004. Authority to provide assistance.
Sec. 10005. Applications.
Sec. 10006. Eligible entities.
Sec. 10007. Projects eligible for assistance.
Sec. 10008. Activities eligible for assistance.
Sec. 10009. Determination of eligibility and project selection.
Sec. 10010. Secured loans.
Sec. 10011. Program administration.
Sec. 10012. State and local permits.
Sec. 10013. Regulations.
Sec. 10014. Funding.
Sec. 10015. Report to Congress.

TITLE XI—EXTREME WEATHER

Sec. 11001. Study on risk reduction.
Sec. 11002. GAO study on management of flood, drought, and storm damage.
Sec. 11003. Post-disaster watershed assessments.

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 Report of the Chief of Engineers has been completed and a referral by the Assistant

Secretary of the Army for Civil Works has been made to Congress as of the date of enactment of this Act for 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, 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 new funding level needed to complete 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) 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.

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

(B) 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 redesginating 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 may—

''(A) be developed on a regional, ecosystem, watershed, or statewide scale;

''(B) encompass multiple environmental resources within a defined geographical area or focus on a specific resource, such as aquatic resources or wildlife habitat; and

''(C) 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.

''(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 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, 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 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 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 note) is amended by inserting '', or construction of design deficiency corrections on the project,'' after ''construction on the project''.

(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) DEFINITIONS.—In this section:

(1) OTHER RELATED PROJECT BENEFITS.—The term ''other related project benefits'' includes—

(A) 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;

(B) increased water supply storage;

(C) increased hydropower generation;

(D) reduced flood risk;

(E) additional navigation; and

(F) improved recreation.

(2) WATER CONTROL PLAN.—The term ''water control plan'' means—

(A) a plan for coordinated regulation schedules for project or system regulation; and

(B) such additional provisions as may be required to collect, analyze, and disseminate basic data, prepare detailed operating instructions, ensure project safety, and carry out regulation of projects in an appropriate manner.

(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, including—

(A) the review of project operations on a regular and timely basis to determine the potential for operational changes;

(B) carrying out any investigation or study the Secretary determines to be necessary; and

(C) the revision or updating of a water control plan or other modification of the operation of a water resource 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 ON EXISTING AGREEMENTS.—Nothing in this section 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.

(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 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.

(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 striking subsection (d) and inserting the following:

''(d) CONGRESSIONAL APPROVAL OF MODIFICATIONS OF RESERVOIR PROJECTS.—Congressional approval shall be required for any modification that provides storage for municipal or industrial water supply at a reservoir project that has been authorized, surveyed, planned, or constructed if, when considered cumulatively with all previous modifications of the project, the modification would—

''(1) seriously affect the purposes for which the project was authorized, surveyed, planned, or constructed;

''(2) involve major structural or operational changes; or

''(3) involve an allocation or reallocation of storage that is equal to or exceeds 5 percent of the conservation storage pool of the project.''.

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 restore components of federally authorized and federally constructed flood and hurricane storm damage reduction projects to authorized levels of protection for reasons including settlement, subsidence, sea level rise, and new datum, if the Secretary determines the necessary work is feasible.

(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 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, and coastal harbor and channel and inland harbor navigation 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 planning, management, and operational decisionmaking process of the Corps of Engineers.

(c) ADMINISTRATION.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall—

(A) identify a total of not more than 12 projects for flood risk management, hurricane and storm damage reduction, including levees, floodwalls, flood control channels, water control structures, and coastal harbor and channel and inland harbor navigation, that have been authorized for construction prior to the date of enactment of this Act that—

(i)(I) have received Federal funds prior to the date of enactment of this Act; or

(II) 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;

(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 full funding capability, 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 the Secretary for the technical assistance 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 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 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, ecosystem restoration, and coastal harbor and channel and inland harbor 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 harbor navigation; and

(D) 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.—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.—Before the end of the 50-year period referred to in subsection (a)(1), the Secretary of the Army, acting through the Chief of Engineers—

''(1) 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

''(2) shall submit to Congress any recommendations of the Secretary relating to the review.''.

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 resources 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 resources 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 resources project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) 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 this section.

''(b) POLICY.—The benefits of water resources projects are important to the economy and environment of the United States, and recommendations to Congress regarding those projects should be accelerated by coordinated and efficient review and cooperative efforts to prevent or quickly resolve disputes during the development and implementation of those water resources projects.

''(c) APPLICABILITY.—

''(1) IN GENERAL.—The project development procedures under this section apply to the development of 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 resources 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 development of a water resources 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 resources 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 resources project, guidance documents that describe the processes that the Secretary will use to implement this section, in accordance with the civil works program of the Corps of Engineers and all applicable law.

''(d) WATER RESOURCES PROJECT REVIEW PROCESS.—The Secretary shall develop and implement a coordinated review process for the development of water resources projects.

''(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to the development of each water resources 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 project;

''(2) be required by law to conduct or issue a review, analysis, or opinion for the project; or

''(3) be required to make a determination on issuing a permit, license, or approval for the project.

''(f) STATE AUTHORITY.—If the coordinated review process is being implemented under this section by the Secretary with respect to the development of a water resources 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 project;

''(2) are required to conduct or issue a review, analysis, or opinion for the project; or

''(3) are required to make a determination on issuing a permit, license, or approval for the 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 resources 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.), 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 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 required in support of any action or approval by the Secretary if—

''(I) the Corps of Engineers provides guidance in the preparation process and independently evaluates that document; and

''(II) 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 if changes to the water resources project become 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.

''(5) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any water resources 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 resources project; and

''(B) to prepare or ensure that any required environmental impact statement or other environmental review document for a water resources 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 AGENCIES.—

''(1) INVITATION.—

''(A) IN GENERAL.—The lead agency shall identify, as early as practicable in the environmental review process for a water resources project, any other Federal or non-Federal agencies that may have an interest in that project and invite those agencies to become participating agencies in the environmental review process for the water resources project.

''(B) 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 PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a water resources project shall be designated as a participating 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) has no jurisdiction or authority with respect to the water resources project;

''(B) has no expertise or information relevant to the water resources project;

''(C) does not intend to submit comments on the water resources project; and

''(D) does not have adequate funds to participate in the water resources project.

''(3) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

''(A) supports a proposed water resources project; or

''(B) has any jurisdiction over, or special expertise with respect to evaluation of, the water resources project.

''(4) CONCURRENT REVIEWS.—Each participating 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 to allow for 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 participating agencies, including the creation of a list of all data that is needed to carry out an environmental review process; and

''(D) is consistent with—

''(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(ii) 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 establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a water resources project or a category of water resources 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 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 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 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 participating 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, 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 shall reduce any time period provided for public comment in the environmental review process under existing Federal law (including regulations).

''(k) ISSUE IDENTIFICATION AND RESOLUTION.—

''(1) COOPERATION.—The lead agency and the 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 project under applicable laws.

''(2) LEAD AGENCY RESPONSIBILITIES.—

''(A) IN GENERAL.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the 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) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

''(4) INTERIM DECISION ON ACHIEVING ACCELERATED DECISIONMAKING.—

''(A) IN GENERAL.—Not later than 30 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 project.

''(B) DEADLINES.—

''(i) IN GENERAL.—The deadlines referred to in subparagraph (A) shall be those established by the Secretary, in consultation with 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 participating 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 project;

''(IV) the overall schedule for and cost of the project; and

''(V) the sensitivity of the natural and historical resources that could be affected by the 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 REFERRAL.—

''(A) AGENCY ISSUE RESOLUTION MEETING.—

''(i) IN GENERAL.—A participating 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 participating agencies and the non-Federal interest, as applicable, to resolve issues that could—

''(I) delay completion of the environmental review process; or

''(II) result in denial of any approvals required for the project under applicable laws.

''(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 participating agencies of the request, including the issue to be resolved and the date for the meeting.

''(v) DISPUTES.—If a relevant participating agency with jurisdiction over an approval required for a 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) certifies that—

''(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 participating 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) REFERRAL OF ISSUE RESOLUTION.—

''(i) REFERRAL 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 refer 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 referral 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 participating agencies and the non-Federal interest.

''(ii) REFERRAL TO THE PRESIDENT.—If a resolution of the issue is not achieved by 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 refer the matter directly to the President.

''(6) FINANCIAL PENALTY PROVISIONS.—

''(A) IN GENERAL.—A Federal agency with jurisdiction over an approval required for a project under applicable Federal laws (including regulations) shall complete any required approval on an expeditious basis using the shortest existing applicable process.

''(B) FAILURE TO DECIDE.—

''(i) IN GENERAL.—If an agency described in subparagraph (A) fails to render a decision under any Federal law relating to a project that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, or other approval by the date described in clause (ii), an amount of funding equal to the amounts specified in subclause (I) or (II) shall be transferred from the applicable office of the head of the agency, or equivalent office to which the authority for rendering the decision has been delegated by law to the agency or division charged with rendering a decision regarding the application 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 project requiring the preparation of an environmental assessment or environmental impact statement; or

''(II) $10,000 for any 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 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 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.

''(D) NO FAULT OF AGENCY.—A transfer of funds under this paragraph shall not be made if—

''(i) the applicable agency described in subparagraph (A) certifies 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; or

''(II) significant new information or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application; or

''(III) the agency lacks the financial resources to complete the review under the scheduled timeframe, 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

''(ii) if the applicable agency makes a certification under clause (i)(III), 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.

''(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) AUDITS.—In any fiscal year in which any funds are transferred from a Federal agency pursuant to this paragraph, the Inspector General of that agency shall—

''(i) conduct an audit to assess compliance with the requirements of this paragraph; and

''(ii) not later than 120 days after the end of the fiscal year in which the transfer occurred, 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 the reasons why the transfers were levied, including allocations of resources.

''(G) 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 resources 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 resources 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, 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, or interferes with—

''(1) any statutory requirement for seeking public comment;

''(2) any power, jurisdiction, or authority that a Federal, State, or local government agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project;

''(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the regulations issued by the Council on Environmental Quality to carry out that Act or any other Federal environmental law;

''(4) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;

''(5) any practice of seeking, considering, or responding to public comment; or

''(6) any power, jurisdiction, responsibility, or authority that a Federal, State, or local governmental agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project or any other provision of law applicable to water resources development 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 resources projects since 2005;

''(B) publish a review of the survey that includes a description of—

''(i) the types of actions categorically excluded; 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 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 RESOURCES 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.''.

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 transfer to the non-Federal interest the responsibility for the operation and maintenance of any water resources project for which operation and maintenance is required of the non-Federal interest or separable element or functional portion of that water resources project on such date that the Secretary determines that the project is complete.

(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.

(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 determine whether the applicable water resources project or separable element or functional portion of the water resources 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 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''.

(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 project for which amounts are expended, including the type of project and cost of the project; and

(B) how the Secretary has restored or intends to restore the project to the design level of protection for the 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 feasible 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, establish, or restore habitats of national significance; or

(C) preserve 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.

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 Office of the Assistant Secretary of the Army for Civil Works 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 REPAIR STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a study to evaluate repairs made at dams on the Cumberland River as compared to similar repairs made by the Corps of Engineers at other dams.

(b) CONTENTS.—The study under subsection (a) shall compare—

(1) how the repairs were classified at each dam; and

(2) the Federal and non-Federal cost-sharing requirements for each dam.

(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 the recommendations of the Comptroller General on whether the repairs carried out at dams on the Cumberland River should have been classified as repairs carried out under the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

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, to the maximum extent practicable, 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 (as amended) (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 (as amended) (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).

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.

TITLE IV—WATER RESOURCE STUDIES

SEC. 4001. PURPOSE.

The purpose of this title is to direct the Corps of Engineers to study and recommend solutions for water resource issues relating to flood risk and storm damage reduction, navigation, and 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, 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 areas of responsibility 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 2018.

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. 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) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000.

SEC. 5010. 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.

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, or removal of a levee that is carried out to 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 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 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 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 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.).

(j) LEVEE REHABILITATION ASSISTANCE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary 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 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.

(a) IN GENERAL.—The Secretary shall develop a methodology for applying standard accounting principles when classifying activities as major rehabilitation projects.

(b) EVALUATIONS.—The Secretary shall evaluate the effect of applying the methodology developed under subsection (a) to not less than 3 qualifying projects.

(c) REPORT.—The Secretary shall submit to Congress a report on the evaluation under subsection (b).

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.

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; and

(4) to ensure United States ports are prepared to meet modern shipping needs, including the capability to receive large ships that require deeper drafts.

SEC. 8003. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

(a) HARBOR MAINTENANCE TRUST FUND GUARANTEE.—

(1) IN GENERAL.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year. Such amounts may be used only for harbor maintenance programs described in section 9505(c) of such Code.

(2) GUARANTEE.—No funds may be appropriated for harbor maintenance programs described in such section unless the amount described in paragraph (1) has been provided.

(b) DEFINITIONS.—In this section, the following definitions apply:

(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 defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177; 99 Stat. 1092) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(c) ENFORCEMENT OF GUARANTEES.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for harbor maintenance programs described in subsection (b)(1) for such fiscal year to be less than the amount required by subsection (a)(1) for such fiscal year.

SEC. 8004. HARBOR MAINTENANCE TRUST FUND PRIORITIZATION.

(a) 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) IN GENERAL.—Of the amounts made available under this section to carry out projects described in subsection (a)(2), the Secretary of the Army, acting through the Chief of Engineers, shall give priority to those projects in the following order:

''(A) 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 successor regulation) are not maintained to their authorized width and depth, the Secretary shall prioritize amounts made available under this section for those projects that are high-use deep draft.

''(B) In any fiscal year in which the projects described in subparagraph (A) are maintained to their constructed width and depth as of the date of enactment of the Water Resources Development Act of 2013, the Secretary shall prioritize not more than 20 percent of remaining amounts made available under this section for projects—

''(i) that have been maintained at less than their authorized width and depth during the preceding 5 fiscal years; and

''(ii) for which significant State and local investments in infrastructure have been made at those projects.

''(2) 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)).

''(3) APPLICATION.—The prioritization criteria under paragraph (1) shall not be implemented in any fiscal year in which the guarantee in section 8003 of the Water Resources Development Act of 2013 is not fully enforced.''.

(b) 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, subparagraph (A) shall only apply if all operation and maintenance activities that are eligible for the Federal cost share under paragraph (1) in a State described in clause (ii) have been funded.

''(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 rate of funding from the Harbor Maintenance Trust fund in the previous 3 fiscal years.''.

(c) 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. CIVIL WORKS PROGRAM OF THE CORPS OF ENGINEERS.

(a) POINT OF ORDER.—

(1) IN GENERAL.—Subject to subsections (b) and (c), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would result in making the amounts made available for a given 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)).

(b) EXCEPTIONS.—Subsection (a) shall not apply if amounts made available for the civil

works program of the Corps of Engineers for a fiscal year is less than the amounts made available for the civil works program in the previous fiscal year if the reduction in amounts made available—

(1) applies to all discretionary funds and programs of the Federal Government; and

(2) is applied to the civil works program in the same percentage and manner as other discretionary funds and programs.

(c) WAIVER AND APPEAL.—

(1) SENATE.—

(A) IN GENERAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn.

(B) APPEAL.—An affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(2) HOUSE OF REPRESENTATIVES.—The Committee on Rules of the House of Representatives may not report a rule or order that would waive a point of order to a bill or joint resolution from being made under subsection (a).

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) 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.

(11) 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.

(12) 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).

(13) 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.).

(14) 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.

(15) 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.

(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.—The eligible project costs of a project shall be reasonably anticipated to be not less than $20,000,000.

(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, 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.

TITLE XI—EXTREME WEATHER

SEC. 11001. 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 historical extreme weather events and the ability of existing infrastructure to mitigate risks associated with those events;

(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. 11002. 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; and

(6) 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. 11003. 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, or ecosystem restoration 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.

Mr. COWAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mrs. BOXER. Madam President, what is the order at this time?

The PRESIDING OFFICER. The bill S. 601 is pending.

MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business for 30 minutes and that we then return to S. 601, with Senators permitted to speak for up to 10 minutes each.

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

The PRESIDING OFFICER. The Senator from Michigan.

THE BUDGET

Ms. STABENOW. Madam President, I would like to speak for a few minutes

today about the importance of getting a budget done today, all the way through the process. Senator REID, our majority leader, last evening spoke again about the fact that we have had 15 days now of trying to just come together to create a conference committee to work out differences between the House and the Senate on a budget. For some reason, after talk for the last 3 years that I can remember from colleagues on the other side of the aisle saying that we need regular order, we need regular order, we need to get a budget done, they now are objecting to getting a budget done, which is extraordinary. The fact is that we cannot get a budget done if the House and the Senate do not appoint conferees and sit down and negotiate differences.

There are huge differences, I might add, between the House and the Senate. It is true that we will not accept, in the Senate, eliminating Medicare as an insurance plan for seniors and the disabled in this country, which the House does in their plan, turning it into a government voucher, putting seniors back into the private sector to try to find insurance. We certainly will not accept that, it is true. There are other areas of that budget we absolutely will not accept, but we know the first step in coming together to find something we can accept is to sit down and talk. I mean, I am very proud of what we were able to do in March. We had 110 amendments. We all remember. We were here until the wee hours of the morning. We got a budget done in regular order.

We have been hearing from colleagues across the aisle that we need to have regular order. I support that. In fact, I was proud of the fact that last year we did a farm bill in regular order and plowed through 73 amendments and worked together and passed a bipartisan bill. We hope we are going to be bringing a bill to the floor very soon as well to do it again.

I am a huge supporter of giving people an opportunity to state their differences, to be able to work out amendments, and to be able to get a bill done. We did that with 50 hours of debate on the budget, 110 amendments that we took up. We got it done. Now, all of a sudden, colleagues on the other side of the aisle do not want regular order anymore. They have decided somehow that actively blocking us from actually getting a budget for the Nation is more advantageous to them for some reason or something that appeals to them more than actually getting the budget done.

I urge our colleagues on the other side of the aisle to take another look at this, to look at their own words over the last number of years. Our colleague from Texas who objected to the majority leader's motion to actually do the next step and get a budget done said back in January on national television: We have a crisis. Well, what was the crisis he was talking about?

There is no doubt the Senate has not done its job. The Senate should pass a budget.

Well, we did. We passed a budget. It may not be something my colleague from Texas supported. That is the democratic process. The majority of people agreed in this body, and we passed a budget. He may be more inclined to support the House budget, which eliminates Medicare as an insurance plan and does a number of other things that I think go right to the heart of middle-class families and so on. That is his right. That is a right we all have, to have a position as to which budget we support. But we also know that in the democratic process under our Constitution—and we all talk about the Constitution and the democratic process—the way we actually get to a final budget is to get folks in a room to talk, to negotiate, and to see if there is some way to work issues out. We are now being blocked from being able to get in the room to talk to each other.

The American people want us to talk, want us to negotiate, want us to work things out. That is what we ought to be doing. So I would strongly urge that we move to conference. I do not know why in the world anyone would be objecting to putting together a group of people, Democrats and Republicans in the Senate, Democrats and Republicans in the House, to sit down and work out the priorities for our country.

Will we have different perspectives on Medicare, whether we should have Medicare? Yes, we will. Will we have different perspectives on where the brunt of the cutbacks should be and whether middle-class families have been hit enough, which I believe they have? Yes, we will have a disagreement on how to balance the budget. But we all know that we need to get the job done. We have done our part in passing a Senate budget. The House passed a House budget. It is a very different vision of the world, different vision of what should happen in terms of innovation, education, and investing in the future of our country—very different views. But those views deserve to be aired sitting around a conference table to try to work out some way to come together to pass a budget.

I urge colleagues to stop obstructing, stop stalling, allow us to move forward in a balanced way, and give us the opportunity to do what everyone in the country wants us to do, which is to come up with a bipartisan, balanced, fair budget for the country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Madam President, I ask unanimous consent that I speak in morning business, followed by the Senator from New Hampshire, Ms. AYOTTE.

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

(The remarks of Mrs. MURRAY and Ms. AYOTTE pertaining to the introduction of S. 871 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

WATER RESOURCES DEVELOPMENT ACT OF 2013—Continued

Mrs. BOXER. Madam President, what is the order?

The PRESIDING OFFICER. S. 601 is now pending.

Mrs. BOXER. Madam President, I want to speak now on a bill that Senator VITTER and I are very proud of. But, first, I ask unanimous consent to withdraw the committee-reported substitute amendment.

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

AMENDMENT NO. 799

(Purpose: In the nature of a substitute)

Mrs. BOXER. Now I call up the Boxer-Vitter substitute amendment No. 799 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. VITTER, proposes an amendment numbered 799.

Mrs. BOXER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mrs. BOXER. Madam President, I will make an opening statement and then turn it over to my colleague, Senator VITTER, for his opening statement.

I want to just say this is a good day for the Senate to get on a bill that is a bipartisan bill, where we have had unanimous support in the Environment and Public Works Committee. This is a bill that will create or save half a million jobs for our Nation, and it has been a long time in coming. The last WRDA bill—the Water Resources Development Act—was in 2007. It took a lot of work to get here. The reason for that is we had to deal with changing the culture of the Senate away from earmarks in a bill like this where projects were named and figure out a way we could move forward with these projects without earmarks. It was difficult.

Senator VITTER and I and our staffs have worked hard to get to this point. I particularly want to say to both staffs that we couldn't have done it without your amazing focus. We are so appreciative.

Our bill did make it through EPW without a single ''no'' vote. Since then we have been working with almost every Senator to hear their ideas, to get their reactions, and to see if there were ways we could change the bill. This substitute Senator VITTER and I have put forward incorporates the

views of a whole array of Senators, and they know who they are. There are many of them, and we are very happy we were able to work with them. Of course, we will continue to work with them if there are ways we can improve this bill even more.

So this is long past time. As I said, it was 2007 when the last WRDA bill became law, so we have an infrastructure that is critical, and part of it is the water infrastructure. That is what we deal with.

Now, what does this bill do? We focus on flood control. We focus on ports and environmental restoration projects where the corps has completed a comprehensive study. Then we also incorporate authorizations for projects that need modifications, and the modifications don't add to the overall cost of the project. For the future, we have developed a system that allows local sponsors to make their case directly to the corps because we are fearful that as new needs come up, there is no path forward. So we do all that in this bill.

I am proud of a lot of provisions in this bill, but one of them is what we call WIFIA—the Water Infrastructure Finance and Innovation Act. It is a way to assist localities in need of loans for flood control or wastewater and drinking water infrastructure to receive these loans upfront.

Let me explain that. We expanded a program called TIFIA in the Transportation bill dealing with transportation infrastructure. We said where a local government or a region came forward with, say, a sales tax or bond for a series of transportation projects, and they wanted to move quickly and build them in a shorter timeframe, as long as they had that steady stream of funding, the Federal Government, with virtually no risk, could advance these funds and let them build these projects quicker, creating jobs and improving the infrastructure quicker.

So we did this same thing with water. It is a small project, and it is not a replacement for our existing funding through the corps and EPA, but it is a supplement. It is a supplement that would help existing programs leverage more investment in our infrastructure. So WIFIA will allow localities an opportunity to move forward with water infrastructure projects in the same way TIFIA works.

This bill is critical. I mean, let's just say what it is. I know there are people who will offer amendments on subjects ranging—well, let's just say broad-ranging subjects. And it is their right to do it. Senator VITTER and I know that, and it is what it is. It is the Senate and people will come forward. But we hope we will not get bogged down on these nongermane amendments because so much is at stake.

I think this would be a good time for me to mention some of the supporters of our bill: the American Association of Port Authorities, the American Concrete Pressure Pipe Association, the American Council of Engineering Companies, the American Farm Bureau, the American Foundry Society, the American Public Works Association, the American Road and Transportation Builders Association. This list goes on and on.

I ask unanimous consent to have printed in the RECORD the list of these supporting organizations.

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

NATIONAL ORGANIZATIONS SUPPORTING S. 601

American Association of Port Authorities, American Concrete Pressure Pipe Association, American Council of Engineering Companies, American Farm Bureau Federation, American Foundry Society, American Public Works Association, American Road and Transportation Builders Association, American Society of Civil Engineers, American Soybean Association, Associated General Contractors of America, Association of Equipment Manufacturers, Clean Water Construction Coalition, Concrete Reinforcing Steel Institute, Construction Management Association of America, International Liquid Terminals Association, International Propeller Club of the United States.

International Union of Operating Engineers, Laborers International Union of North America, Management Association for Private Photogrammetric Surveyors (MAPPS), NAIOP, the Commercial Real Estate Development Association, National Grain and Feed Association, National Ready Mixed Concrete Association, National Retail Federation, National Society of Professional Surveyors (NSPS), National Stone, Sand & Gravel Association, National Waterways Conference, Inc., Plumbing Manufacturers International, Portland Cement Association, The American Institute of Architects, The Fertilizer Institute, U.S. Chamber of Commerce, United Brotherhood of Carpenters and Joiners of America, Waterways Council Inc.

Letter signed by 160 organizations to Members of the United States Senate (April 29, 2013).

Mrs. BOXER. I will say that we are looking at the U.S. Chamber of Commerce supporting this bill, the United Brotherhood of Carpenters and Joiners of America, the Waterways Council, Inc., and the Plumbing Manufacturers, International. Wherever we look, whether it is business or labor, whether it is governmental entities—even the American Farm Bureau Federation, as I said, and Laborers International Union of North America—it is a really important bill. Even the Commercial Real Estate Development Association. Why? Because they know if you are going to sell a house in an area that gets flooded, you need to address the flooding problems. So we do address flooding problems.

We do address port deepening. Believe me, without these port deepenings in a lot of our ports—not all our ports need to do it—commerce could come to a halt, and I would say almost a screeching halt. There may be better terminology, but you have to dredge those ports to a certain depth so those vessels can move in and out.

Let me talk about just one area in my home State. Senator VITTER and I often say we see the world a little differently—or a lot differently when it comes to a lot of issues, but when it comes to infrastructure, we have a lot in common. He had to face the horrific catastrophic situation during and after Katrina, and I look at that issue and say: Oh, my Lord, if we had something like that happen in Sacramento, what would happen? We have so many more people than they have in his State. We have more commerce there. We have the seat of the State government in the Natomas Basin. So we have to strengthen the levees, and we are talking about $7 billion in property. So we are talking about a need to prevent terrible flooding.

Now, that is just one area of my State—and I want to thank Congresswoman DORIS MATSUI for all the work she has done over on the House side, and the many others who have helped her over there. I just mention her name because she has been so involved in representing Sacramento.

Our bill provides lifesaving flood protection for more than 200,000 residents of Fargo, ND, and Moorhead, MN, who have been fighting rising waters in recent weeks, just as they do most years after the spring thaw. The bill will restore the viability of the levee system that protects Topeka, KS. These levees protect thousands of homes and businesses, and this project will return over $13 in benefits for every dollar invested.

I know our current Presiding Officer is a fiscal conservative. We are talking about a bill that invests $1 and gets $13 back. So flood control and flood protection are critical. All we have to do is look at Sandy to see what happened and look at the cost—one event, $60 billion. So if we were to invest a portion of that into trying to mitigate these problems before they start, that is what the WRDA bill is all about and why it is so important and essential. So I hope it doesn't get bogged down in extraneous amendments.

I talked about the ports. One of those projects is in Texas, to widen and deepen the Sabine-Neches Waterway, which will have over $115 million in annual benefits. It transports 100,000 tons of goods every year. It is the top port for the movement of commercial military goods.

Whether you are in a red State, whether you are in a blue State, whether you are in a purple State or, frankly, any other State if there are any, you are protected in this bill. You are covered in this bill.

Look at Florida, the Port of Jacksonville, with safety concerns there for ships entering and exiting this port because of dangerous cross currents. This bill will make it possible to protect that port.

Critical ecosystem restoration: The Florida Everglades. If you have never been to the Everglades, you should go to the Everglades. It is a miraculous place, a God-given treasure. We have to restore it. It needs our attention. We definitely have four new Everglades restoration projects that will move forward in this bill.

For the Chesapeake Bay and the Columbia River Basin, we enable the Corps to work with States along the North Atlantic coast to restore vital coastal habitats from Virginia to Maine, and allow the Corps to implement projects to better prepare for extreme weather in the northern Rocky Mountain States of Montana and Idaho.

In addition—this is important. I talked a little bit about Superstorm Sandy—we have a new extreme weather title I am very proud of. This will enable the Corps to help communities better prepare for and reduce the risks of extreme weather-related disasters. How does it do it? For the first time, the Boxer-Vitter bill allows the Corps to conduct immediate assessments of affected watersheds following extreme weather events. For example, if this had been operational right after Katrina, the Corps would have gone right in there. They would not have had to wait for an authorization. They would not have had to wait for an emergency supplemental. They would have identified and constructed small flood control projects immediately, such as building levees, flood walls, restoring wetlands, and would not have to go through the full study process and receive authorization.

After an extreme weather event—Senator VITTER and our whole committee believe it is an extraordinary circumstance—if you can move in there and mitigate the damage right away, you should do that with these smaller type projects. In this extreme weather title we also require the Corps and the National Academy of Sciences to jointly evaluate all of the options for reducing risks, including flooding and droughts, including those related to future extreme weather events because as far as we can tell, there is no specific study that looks at the future.

The cost of this bill comes in well below the last WRDA bill and we move toward a better use of the harbor maintenance trust fund. Let me be clear. Senator VITTER and I both believe it is a critical issue to use the harbor maintenance trust fund for harbor maintenance. It seems to me to be fair and it seems to him to be fair. But what has happened over the years, because we have these budgetary problems, is the harbor maintenance trust fund is used for other uses. We wanted to totally take that fund away and save it for harbors. It was not going to happen. There was too much controversy around it.

What we were able to do, though, is to make sure the appropriators knew our concerns. Senator MIKULSKI and Senator SHELBY worked with us on a letter and it commits to helping us move toward the new authorization levels in this bill which ratchet up spending on the ports.

We also make sure that some of our ports that are donor ports—let's say the one in LA and Long Beach, that do not have issues of deepening of the channel, that need to use those funds for other uses—get a chance, when those moneys come in, to get it back. Some of my people are paying in pennies on the dollar. It is not fair.

We do try to address the issue of the larger ports, even the smaller ports, Great Lakes, the seaports that are large donors to the fund. We make important reforms of the inland waterways system, which is critical for transporting goods throughout the country. Expediting project delivery is something we do.

I want to take a moment here. I want to be unequivocal on this project delivery piece. I stand here with credentials going back forever. In my case it is a long time. I can say very proudly that every single environmental law stays in place in this bill. As a matter of fact, we have a savings clause which specifically says all these laws stay in place.

Senator VITTER and I have a little disagreement over environmental laws. We have to work together. He stepped up and said: Look, some of these agencies are holding up projects for years and we are not getting our projects done. I thought he had a point. So together we worked on a compromise. It is not everything he wanted; it is not everything I wanted. But we are moving forward while saving all the environmental laws by making sure that when the Corps has a project and they complete their work, they issue something called a ROD, a record of decision. We make sure all the agencies now are involved in setting the timetable for that ROD. Then the agencies have an additional 6 months after the date they approved of to get their comments in. If they do not, yes, they will get a penalty.

Frankly, I think that is important. We do cap those penalties, but the fact is we are here to do the people's business. As long as we protect everyone's rights, which we do, and we bend over backward to make sure all the agencies are involved, making sure the timeframes around a ROD are fair and they are involved, we say, yes, you have to step to the plate.

I have examples in my State where the agencies have taken such a long time—whether, frankly, it is an environmental project or a construction project, flood control—where agencies are not talking to each other. Senator VITTER and I believed it was important to send a message.

Look, the administration doesn't love this and we understand it. But that is why we have separation of powers here. We say it is only right to work together. Our bill is not perfect, we know that, but I will tell you we support 500,000 jobs, we protect people from flooding, we enable commerce to move through our ports, we encourage innovative financing and leveraging of funds, and we begin the hard work of preparing for and responding to extreme weather. I defy anyone to tell us another bill that does those things—protects jobs, protects people from flooding, enables commerce to move through our ports, encourages innovative financing, even more jobs, and preparing for and responding to extreme weather.

I want to talk about a couple of people by name here. I will do more people later. I want to mention, of course, first and foremost Senator VITTER, who has been a pleasure to work with. We have had our moments where we have not agreed. Our staffs had their moments when they did not agree. We never got up in anger. We never walked away from the table. We stayed at the table. To me that is so important. We did it on this bill. I wish we could do it on others, but that is another day. But we are certainly doing it on this bill. First and foremost, I thank him.

Next, I thank Senators MIKULSKI and SHELBY for writing a letter to us. It is not all we want but it is a show of good faith and I think it is precedent setting, that we have this letter saying they are going to do everything in their power to help.

I thank Senator VITTER's colleague, Senator LANDRIEU. She has worked behind the scenes with me since Katrina, and I know the two of them have worked together. I think her efforts matched with Senator VITTER's are very important for Louisiana.

I have been to Louisiana many times. I have warm relationships there. I certainly helped when it came to the RESTORE Act, and I certainly intend to remember everything the people there went through and to follow through on my commitments to them.

In this bill we are fair to Louisiana, we are fair to California, we are fair to the Great Lakes, we are fair to the small port States, we are fair to the medium port States. We have done everything. We are fair to the States that have ports that now have competition from international ports. I do believe if we can get through some of the sticky wicket of some amendments that don't have anything to do with this, if we can get through with that, we will have a very good, strong, bipartisan bill. I honestly also believe Chairman SHUSTER in the House will move forward as well. He is a terrific person to work with and I enjoy working with him as well. If we produce this work product and we can get it done this week—which I hope we can—it will make a big difference.

Before I turn it over to Senator VITTER, let me say for the interests of all Members, we are working on an agreement that will allow us to go to a couple of amendments a side. One of them will be the Whitehouse amendment. A couple will be by Senator COBURN. We are looking at other amendments. We hope we can have votes this afternoon. We don't know at this point. That is certainly the hope of Senator VITTER and myself. We would very much like to proceed.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Louisiana.

Mr. VITTER. Mr. President, I join my colleague in rising in support of this strong, bipartisan, reform-oriented Water Resources Development Act bill. In doing so, I thank and salute Senator BOXER for her leadership. More than anyone else, she got us to the floor today with a strong, solid bill.

As Senator BOXER mentioned, very early on in our discussions about the work of the EPW Committee in this Congress, we set a good, solid, bipartisan, reform-oriented WRDA bill as our top immediate goal in terms of something the committee could produce and actually pass into law. In fact, those discussions even started between her and myself, in particular, before the start of this Congress. Of course they continued and they ramped up in a meaningful and substantive way. Through that give-and-take and through that real commitment to work in a bipartisan fashion on infrastructure, on jobs, on issues on which we can agree, this bill resulted.

Again, as she mentioned, we do not agree on everything. We do not agree on everything in the committee, and that committee is often very contentious and divided along ideological lines. But this is a subject where we can agree and work productively together because this bill is about infrastructure and jobs. Certainly we can come together around that. That is what it is fundamentally about—water infrastructure, commerce, and jobs. That is why the Alliance for Manufacturing said almost 24,000 jobs will be created for every $1 billion invested in levees, inland waterways, and dams. This bill does several billion dollars of that. That produces jobs because it is building the necessary infrastructure we need for waterborne commerce. Ultimately that core, that theme, that common goal is what brought us effectively together.

The proof of that is seen in the committee consideration of this bill. As you may know, the EPW Committee is a divided committee. On many key issues before us we are very divided between Republicans and Democrats. Yet because of this focus in the bill on maritime commerce, jobs, infrastructure, we won an 18-to-0 committee vote to report the bill out favorably and bring it to the floor.

Let me talk for a few minutes about exactly what is in the bill. I want to go through the highlights. I think they can best be summarized by focusing on 10 specific points, what is in the bill, what the bill does, sometimes, just as importantly, what is not in the bill and what the bill does not do.

First of all, the bill does not increase deficit and debt in any way. There is no negative impact on deficit and debt. Related to that, No. 2, there are no earmarks in the bill. The current rules of both conferences are not to support and sponsor earmarks. There are no earmarks in the bill.

What does the bill affirmatively do? No. 3, it authorizes 19 significant projects for flood protection, navigation, and ecosystem restoration. Yet at the same time, even on the authorization side, we create a mechanism—I thank Senator BARRASSO for contributing this important element to the bill—we create a BRAC-like commission to deauthorize some old projects which are not being acted upon, which are not getting built. Because of that new BRAC-like deauthorization commission, even on the authorization side, we should have a net-neutral impact on authorizations. The way we have structured it, we should not be increasing overall net authorizations.

No. 4, we have made substantial progress and reforms to the Harbor Maintenance Trust Fund and spending on dredging and other Harbor Maintenance Trust Fund projects.

As Senator BOXER mentioned, it has been an enormous frustration to many of us that this so-called trust fund is raided every year so that even in a good year, half of the supposedly dedicated revenue from the industry in those trust funds is used for other purposes. Again, this is revenue from the maritime industry. It is supposed to be protected and dedicated for dredging and other delineated purposes, but even in a good year, half is used for other things, with deficit spending.

We have negotiated with all Members of the Senate, including the leaders of the Appropriations Committee, and I think we have made substantial progress. I think we have made a big move in the right direction so we ramp up harbor maintenance trust fund spending for dredging and other delineated purposes.

In a few years—between now and roughly 2019, 2020—we have a steady ramp-up. We spend more of that trust fund on the agreed-upon delineated purposes every year. We are building toward full spend-out of the trust fund. Again, this is a product of a lot of discussion and goodwill negotiation with other Members of the Senate, including leaders of the Appropriations Committee, which is a major and positive element of this bill.

No. 5, we also made important reforms and changes to the Inland Waterways Trust Fund. Again, there has been real frustration that those inland waterways trust fund projects have been languishing and have not properly received the resources they need to be completed and get off the books. We have made real reforms on the Inland Waterway Trust Fund side that will have important and positive impacts to get those important projects built.

No. 6, we provide non-Federal sponsors of many of these projects more project management control in both the feasibility study and the construction phases of projects. This has been an idea in a stand-alone bill of Senator BILL NELSON of Florida and myself. We incorporated that reform—that pilot project—into this WRDA bill.

In several significant cases, on a sort of experimental basis, we are going to ask the non-Federal sponsors to take over project management control. We think that is going to allow these projects to get built quicker and more efficiently for less money.

No. 7, we require more accountability of the Corps of Engineers on project schedules. We increased public disclosure of internal Corps decisions, and we actually penalized the Corps for the first time ever when they missed significant deadlines. Again, Senator BOXER mentioned this.

We had discussions right out of the box and came to the agreement that we are not going to lower the bar about environmental review; we are not going to substantively change any environmental or other requirements. What we are going to do is make sure that agencies which are involved do their work in a timely and expeditious way, and that has to start with the Corps of Engineers in terms of these projects. We do that with much heightened Corps accountability.

No. 8, in a similar vein, we accelerate the NEPA and project delivery process to ensure that projects are not endlessly held up by government bureaucracy, tangles, and redtape. Again, it is exactly the same approach and agreement I mentioned with regard to point No. 7. We are not changing standards or lessening our requirements. We are appropriately streamlining the process and saying: Everybody works on deadlines, and the Federal agencies involved have to work on and respect those deadlines as well. If they miss them over and over and over, there will be negative consequences, and that is an important reform element to this bill.

No. 9, as Senator BOXER mentioned, we provide an innovative financing mechanism for water resource projects as well as water and wastewater infrastructure projects. It is called WIFIA because it is modeled on the TIFIA Program on the transportation side, and it is very much the same basic idea. TIFIA has long been a model to build public-private partnerships and has helped to finance important transportation infrastructure projects.

On the last highway bill last year that I helped work on and Senator BOXER led on, we expanded the TIFIA Program. Here we are using the same positive model for a WIFIA program.

Finally, No. 10, we provide more credit opportunities for non-Federal sponsors either in lieu of financial reimbursement or cross-crediting among projects so they can more reasonably meet their wetlands mitigation and other needs.

Wetlands mitigation requirements have grown much more onerous and expensive over time in a lot of places of the country, including Louisiana. This is simply intended to give people, local government, private industry, and others, more options. It is not to lower the standard for that mitigation, but it allows for more options to meet the standard and goals in a more efficient

and less costly way. So we do that through these credit opportunities.

Those are the important and 10 key highlights of the bill. Again, I think it is a genuine bipartisan reform-oriented effort that is, at its core, about water infrastructure, waterborne commerce, jobs, and hurricane and flood protection.

As I mentioned at the beginning, the clearest proof of that is committee consideration and committee vote. There are not many things that ever get an 18–0 vote in the Senate EPW Committee, but this did. Strong conservatives and strong liberals voted with a result of 18–0. I am very proud of that, and I think that gives us a very productive path forward.

Speaking of the path forward, let me underscore and emphasize what Senator BOXER has laid out. We want to have votes; we want to process amendments. There is no goal here to frustrate that in any way by me or Senator BOXER or anyone. In my opinion, to get that ball rolling, the best way to get there is to start taking up amendments and having votes so we can build on that momentum. What we are going to propose in the very near future is that our substitute amendment be adopted by unanimous consent to be the underlying bill. It is noncontroversial. It incorporates the ideas and suggestions of dozens of Senators. There is nothing controversial in it. In fact, the only thing it does is remove some potential controversy in the bill. So we are going to ask the full Senate allow us, by UC, to adopt that as the underlying bill.

We are also going to immediately ask to have debate and votes on three or four beginning amendments. I believe those, in fact, are going to be nongermane amendments. I think that underscores and illustrates our goodwill about processing amendments, getting it going, taking amendments, having votes, and getting through this process.

I would suggest, as Senator BOXER did, that we try to continue to focus on the important subject matter of the bill and not endlessly or needlessly go far afield. But I do think that proposing these amendment votes straight out is an important gesture of goodwill to set the right precedent and tone for a full and open debate on the floor, and so that is what we are going to do.

As soon as that UC request is drafted and ready, I will come to the full Senate with that. If we can gain consent for that, I think it will start us on a very productive path, both to consider the bill and to process amendments and have votes.

Clearly those amendments would not be the end of it, by far. We are already keying up some amendments to come forward right after that so we can debate those maybe tonight. If we do that, we can vote on those as soon as possible, perhaps in the morning, and go from there. That is my goal and expectation in terms of the near future, which Senator BOXER shares. Hopefully we will return to the full Senate quickly with that request.

Thank you, Mr. President.

I yield to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, let me thank the distinguished Senator from Louisiana for his hard work, along with Chairman BOXER, to get us to this point, which I think is a very auspicious point with a very bipartisan bill on the floor and with the Senate on the cusp of an agreement that will allow us to implement the managers' amendment and call up the first tranche of Senate amendments.

I thank him and the Chairman for agreeing that an amendment of mine will be one of that first tranche of amendments. I am not going to call it up now because the agreement is not finalized, but I will discuss it so we can save time later on once the bill is pending.

My amendment would establish a national endowment for the oceans, coasts, and Great Lakes. Our oceans and our coasts face unprecedented challenges. Our coastal States, including our Great Lakes States, badly need this endowment. Water temperatures are increasing, the sea level is rising, and ocean water is growing more acidic.

Right now, we as a country and we as States and local communities are ill prepared to engage in the research, restoration, and in the conservation work that is necessary to protect our coastal communities and our coastal economies.

The noted ocean explorer Bob Ballard, who famously discovered the wreckage of the Titanic at the bottom of the Atlantic, has said:

> a major problem . . . is the disconnect between the importance of our oceans and the meager funds we as a nation invest not only to understand their complexity, but to become responsible stewards of the bounty they represent.

Just how large is that bounty our Nation reaps from our oceans? Well, in 2010, marine activities such as fishing, energy development, and tourism contributed $258 billion to our U.S. gross domestic product and supported 2.8 million jobs. Along our coasts, shoreline counties, which actually include many of our biggest cities, generated 41 percent of our GDP, which is $6 trillion.

Coastal communities are the engines of our economy, and changes in the oceans put that economy at risk. We must find ways of using these vital resources without abusing them.

Last month the Democratic Steering and Outreach Committee heard from scientists and industry leaders from across the country who are deeply worried about threats to our oceans. On the Pacific Coast, ocean acidification is killing off the oyster harvest—a major cash crop for that region. They are being killed off by sea water too acidic for the larval oysters to form their shells.

Live coral in some Caribbean reefs is down to less than 10 percent, which is bad news for Florida, which usually sees over 15 million recreational dives every year. Think of what those 15 million dives mean for Florida's economy. This not only affects the dive boats and trainers who take people out for scuba diving, but for hotels, restaurants, and retailers.

Evan Matthews, the port director for the Port of Quonset in my home State of Rhode Island, spoke on behalf of America's port administrators to tell us that rising sea levels make port infrastructure more vulnerable to damage from waves and storms.

Virtually all of our economy is touched by what goes through our network of coastal ports, and damage to any of them—since they work as a network—could disrupt the delivery of vital goods not only to coastal States but to inland States as well. So it affects all of us.

But for the coastal States, this is very big. We have work to do preparing for changes in our oceans and preventing storm damage such as we saw in Superstorm Sandy. We need to reinforce natural coastal barriers such as dunes and estuaries that help bear the brunt of storm surges as well as acting as nurseries for our bounty of fish. We will need to relocate critical infrastructure such as water treatment plants and bridges, which are increasingly at risk of being washed away. We need to understand how ocean acidification and warming waters will affect the food chain and our fishing economies. We need to know where the high-risk areas are so coastline investors can understand the geographical risks.

These are coastal concerns, but they have implications for all 50 of our States. If you eat seafood or take a beach vacation in the summer, this concerns you. If you have purchased anything produced outside the United States and imported through our network of coastal ports, this concerns you. According to 2011 data from the National Oceanic and Atmospheric Administration, 75 percent of U.S. imports arrived on our shores through our ports, so they probably should concern you.

The National Endowment for the Oceans, Coasts, and Great Lakes can help coastal States and communities protect more habitat and infrastructure, conduct more research, and clean more waters and beaches. The need is great and we must respond.

This amendment will just authorize the National Endowment for the Oceans, Coasts, and Great Lakes. We will have to figure out how to fund it later. When we have figured out how to fund it, the endowment would make grants to coastal and Great Lakes States, to local governments, to planning bodies, to academic institutions, and to nonprofit organizations to learn more about and do a better job of protecting our coasts and oceans.

It would allow researchers to hire technicians, mechanics, computer scientists, and students. It would put people to work strengthening or relocating endangered public infrastructure. It would help scientists, businesses, and local communities work together to protect our working oceans, and it would protect jobs by restoring commercial fisheries and promoting sustainable and profitable fishing.

How great is the need for these projects? We know because a few years ago NOAA received $167 million for coastal restoration projects through the American Recovery and Reinvestment Act. When they asked for proposals, more than 800 proposals for shovel-ready construction and engineering projects came in—projects totaling $3 billion, seeking that $167 million in funding—projects from Alaska to Florida to the Carolinas to Maine. But NOAA could only fund 50 of the 800. The National Endowment for the Oceans will help us move forward with more of these key projects to help protect our oceans and drive our economy.

We will continue to take advantage of the oceans' bounty, as we should. We will trade, we will fish, and we will sail. We will dispose of waste. We will extract fuel and harness the wind. We will work our working oceans. Navies and cruise ships, sailboats and supertankers will plow their surface. We cannot—we will not—undo this part of our relationship with the sea. But what we can change is what we do in return.

We can, for the first time, give a little back. We can become stewards of our oceans—not just takers but caretakers—and we must do this sooner rather than later, as changes to our oceans pose a mounting and nationwide threat.

Let me quote Dr. Jeremy Mathis of the University of Alaska, who said this recently:

> This is going to be a shared threat. . . . [I]t's not unique to any one place or any one part of the country. And so we're going to have to tackle it as a nation, all of us working together. . . . Whether you live along the coast of Washington or Rhode Island, or whether you live in the heartland in Iowa, this is going to be something that touches everybody's lives.

So today I urge my colleagues to join me in supporting this amendment to authorize the National Endowment for the Oceans, Coasts, and Great Lakes. It will not obligate any funding. We will figure out later an appropriate way to fund it. But at least help our Nation take this important step protecting our oceans and coasts; protecting the jobs they support through fishing, research, and tourism; protecting the stability of our national economy, which depends on ports and maritime activity; and, of course, protecting the property and the lives of the millions of Americans who live and work near the sea.

Colleagues, you can help us become, as Dr. Ballard said, ''responsible stewards of the bounty [the oceans provide].''

For those who are not sure, let me add one further consideration for my colleagues, a Senate consideration. This endowment, together with funding—indeed, permanent and directed funding—was part of a negotiated package with billions of dollars in benefits to America's gulf States. For reasons that are not worth discussing and are no one side's fault, that agreement was broken and this part of that deal fell out. If you believe people should keep their word around here, if you believe agreements forged in the Senate should stick, then I would ask my colleagues, just on those grounds, to support this partial repair of that broken agreement.

I look forward, for that and other reasons, to having bipartisan support for this amendment, and I hope we can make a strong showing in this body to carry it forward as part of this important water resources development legislation.

With that, I will take this opportunity to yield the floor. Seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. BOXER.) Without objection, it is so ordered.

Mr. BLUNT. Madam President, I would like to talk about an amendment to this bill that could be offered later. I am not offering it at this time. I am being joined in this amendment by my good friend from Florida, Senator NELSON.

This amendment would be a suggestion about what we can do to be sure the things we build have a better chance of lasting, construction that meets real stress.

In both of our States, in Missouri and Florida, we have some significant experience with weather conditions that are damaging to people and property. On May 22, 2 years ago, 2011, in Joplin, MO, right on the Arkansas and the Oklahoma border, we had an EF5 tornado hit that community. It killed 61 people. It destroyed 7,000 homes, 500 businesses, and damaged others. This was a huge impact on people and the homes they had, the businesses they had. As they rebuilt, the cities tried to focus on rebuilding in a way that would protect lives and save money if something like that happens again by creating structures that can withstand the most severe storms there and in other places in our State.

We have had many stories over the years. There are people who literally got in the freezer in the garage or in the utility room or people who got in the bathtub and then pulled a mattress on top of themselves and tried to ride out the storm, and they would just as soon not do that.

I think the term that is used that we are going to be talking about is ''resilient construction''—construction that has the potential to substantially reduce property damage and loss of life resulting from natural disasters, homes and businesses that can withstand disasters, that can protect people during storms. As more disaster resilient building is done, there is less to clean up, there is less property damage, and the insurance rates are impacted in not as big a way because not so much has to be rebuilt because not so much was destroyed.

Those techniques, those resilient building techniques, can be as simple as just using longer nails or strapping down the roof so it has that one added level of security to the roof before the shingles go on. There are many simple and easy steps builders can take to ensure that a home or a business has the best chance to withstand these disasters.

This amendment that we would hope would be offered at the appropriate time later would simply add resilient construction to the list of criteria the National Academy of Sciences and the Government Accountability Office are directed to study. This adds this one thing to it from a commonsense perspective. It is obvious why knowing what building techniques work and what building techniques do not work makes a difference—the ones that minimize damage, that prevent the loss of life, that reduce the government disaster aid that has to be expended in these disasters, that are too big for families and communities and States to handle on their own.

While we are unable to predict when and why a storm might occur next, we do know there will be other problems that need to be dealt with. So studying the impact of construction techniques in storm situations is something I believe we should do. I think this would be an added benefit to this bill. At the appropriate time, I look forward to calling the actual amendment up or asking someone else to see that this amendment is called up so that my colleagues have a chance to vote on it.

I know my cosponsor, Senator NELSON, is here on the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, indeed I want to talk about this amendment and why it is a good thing, but I first want to compliment the chairman of the Environment and Public Works Committee, who is not seated at her desk in the Chamber, but she is seated as the Presiding Officer.

I want the chairman of that committee to know that she must be Merlin the Magician because in rapid fashion she brings the bill out of her committee and to the floor, along with her ranking member, the Senator from Louisiana, Mr. VITTER. This water bill is so important to the future of this country, and it is so important to infrastructure in this country. I commend the chairman and the ranking

member for the rapidity with which they have worn out the leadership in order to get the leadership's attention to bring it to the floor.

What Senator BLUNT and I are sponsoring is common sense. Anybody who has been through a hurricane, tornado, or any other kind of natural disaster knows what new building codes have done. There is a fancy new term now called ''resilient construction,'' and the resilient construction is making it more resilient in withstanding a natural disaster.

I will never forget flying in a National Guard helicopter after a monster hurricane in 1982—Hurricane Andrew—that hit a relatively unpopulated part of Miami-Dade County, the southern end, and it ended up being a $20 billion-insurance-loss storm. Had it turned 1 degree to the north and drawn a line on northern Dade County-Southern Broward County—in other words, north Miami and south Fort Lauderdale—it would have been, in 1992 dollars, a $50 billion-insurance-loss storm. That would have taken down every insurance company that was doing business in the path of the storm.

We had that warning, and we saw the results of the lack of attention to resilient construction—in other words, the building codes.

As I flew over that area of Homestead, FL, in the National Guard helicopter, everything was wiped out in homeowner areas, completely wiped out. They were gone. They were a bunch of sticks. As a matter of fact, the trees were sticks. There were no leaves and limbs left. In downtown Homestead, there were two things that were left standing: one was the bank, and the other one was an old Florida cracker house built back in the old days when they built to withstand hurricanes.

I will never forget going through and meeting the head of Habitat for Humanity. He told us stories about how he had a ''Habitat for Humanity'' sign on his briefcase, and when he walked through the airport, people would come up and say: Oh, you are with Habitat. I want you to know that all of your homes survived.

They would ask him: How did your homes survive?

He would answer and say: Inexperience.

They would say: Inexperience? What do you mean?

He would say: Well, since our homes are built by volunteers, instead of driving 2 nails, they would drive 10 nails.

This is resilient construction—extra straps on the rafters, building to the codes that will withstand the wind.

Senator BLUNT was talking about some of his constituents in Missouri and this tornado. Well, my wife Grace and I were in our condominium in Orlando, and all of a sudden—did you know that the new smartphones beep when there is a national weather warning, and you pick up—I mean, I haven't turned it on, and it will beep anyway. It says: Severe weather warning. A tornado is en route. Take cover. And I look at our condo, and it has all these glass windows, and I am thinking, what inner room can I go in? Since we have a two-story, what I decided to do was go into the elevator and put it down to the bottom floor as a place for taking cover. In Missouri, there are plenty of basements that are specifically built for the purpose of taking cover. This is what we want the construction industry to do.

What the Senator from Missouri and I are doing is saying to the National Academy of Sciences: We want you to come up with additional studies on how our people can save lives and save property with resilient construction. That is simply what this amendment does.

I would conclude by saying, my goodness, do we need another reminder of Katrina? Remember, the Katrina problem was not the wind; the Katrina problem was the wind on the back side coming across Lake Pontchartrain that caused the water to rise. The levees weren't there, and it breached the levees, and that became a multiple hundreds of billions of dollars storm. We should have learned our lessons there. Sometimes resilient construction is not only about people's homes, but it is about dikes and levees as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I thank my colleagues from Missouri and Florida for this very worthwhile amendment. I will certainly be supporting it. The plan is to have this in the second set of amendments for votes, absolutely, as soon as we can proceed to votes. That is the plan, which I fully expect to be executed. I thank them for their work and for their contribution.

In the same vein, we are expecting Senator INHOFE to join us on the floor to also present without formally calling up his germane amendment. That way, we will have that discussion ahead of time, and that also will be all teed up for the second set of amendments we hope to have on this bill.

I hope what this underscores is that we have a pretty good plan to move forward quickly, to start having votes. Sometimes around here we want to settle every possible discussion about every possible amendment vote out there. In my opinion, it is more productive to start because you can't finish unless you start. I think we want to start having important votes, including nongermane votes, and get to absolutely every amendment we can. I think we are on that path. Hopefully we will be doing that today and then formally presenting and voting on the Blunt-Nelson amendment as well as the Inhofe amendment and other amendments tomorrow.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. PRYOR. 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. PRYOR. Mr. President, I ask unanimous consent there be a period for debate only until 5:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I want to mention a couple of things. First of all, the Senator from Arkansas and I have a very significant amendment, and one we will want to talk about. In fact, it is an amendment we had during the discussion on the amendments for the budget bill at something like 4 o'clock in the morning. At that time we were able to get it passed without a dissenting vote, so it is one we should be able to get through.

I will yield to the Senator from Arkansas in a moment, but before doing that I want to mention we have a set-aside amendment I am very concerned with. I certainly think the Senator in the Chair, as well as the Senator from Arkansas will both be very appreciative of this and supportive of it since they have a lot of small communities in their States, as I do in my State of Oklahoma. It uses the threshold of 25,000 people—any community that has 25,000 people or less—in order to take advantage of this set-aside money that would come within the WRDA bill.

Now, here is the problem we have. A lot of the small communities in my State of Oklahoma—and I would suggest the States of West Virginia and Arkansas are in the same situation—are not large enough to have an engineer or someone who is going to be able to put grants together. So we take 10 percent of the total amount and put it in there as a set-aside for these small communities.

This is a formula we have used before. We used the 25,000 benchmark before in the Transportation bill, in the WRDA bill, and in the farm bill, so it is one that is fairly well-accepted, and it provides a pot of money—it doesn't cost us; it is not scored—from the overall money to be reserved for the small communities, such as my communities in the State of Oklahoma.

I understand we are not to call up amendments right now, and that is fine with me, but that is one we will be offering. As I said, in just a moment I will be yielding to the Senator from Arkansas. In the meantime, I would call on the memories of those in this body back to when we had our all-night session about a month ago and the amendments that were there on the budget bill.

One of the amendments we passed was an amendment that would allow the SPCC to have farms exempt from the SPCC—the Spill Prevention Containment Control Act—so that the

farms in my State of Oklahoma and throughout America would not be treated as refiners.

Spill prevention is a very expensive process. It is one that would require double containers for farms. This is a good example.

This happens to be a container on one of the farms in my State of Oklahoma, where you have a total amount of gallons of fuel from gas or oil or other fuels. If they are less than 10,000 gallons, they would be exempt. If they are less than 42,000 gallons, they would allow them to not do it through a professional engineer but do it just within their own resources—in other words, set their own standards.

This is my State of Oklahoma. This happens to be the well-discussed pipeline that goes through Cushing, OK. This is one of the central points where oil comes in and then goes out. It comes from the north and goes back down to Texas. But these are containers that should be subject to the jurisdiction that is prescribed for refiners for the containment of oil and gas. That is what that is about. This is not what that is about. This is just a typical farmer.

I have talked to farmers, and after that amendment passed—and the occupier of the Chair will remember this because he was a very strong supporter of this particular amendment—we had phones ringing off the hook from the American Farm Bureau and all the others saying this is something that is reasonable. But here is the problem. That would have expired on May 30, and all we did with that amendment was extend that exemption to the end of the fiscal year.

So if that passed without one dissenting vote, and if it is that popular, why not go ahead and have the same type of exemption put permanently in our statutes. That is what our plan is—to do that with the Pryor-Inhofe amendment.

Our amendment is supported by the American Farm Bureau, the National Cattlemen's Beef Association, the National Council of Farmer Cooperatives, the National Wheat Growers Association, the National Cotton Council, the American Soybean Association, the National Corn Growers, and USA Rice. So almost everyone having to do with agriculture is very supportive.

It doesn't totally exempt all farmers because it establishes three categories: one with farms where, if you add the aggregate and it is less than 10,000 gallons, they would be exempt; if they are in the next level up, between 10,000 and 42,000 gallons, they would be required to maintain a self-certified spill plan; and anything greater than 42,000 would have the total requirement, which means they would have to hire an engineer and go through all this expense.

I see the prime sponsor of this amendment is on the Senate floor, so I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank my colleague and friend from Oklahoma. He was doing such a good job of explaining the amendment, I didn't want to interrupt him. But I thank him so much for yielding.

Later this week, all farms in the United States will have to comply with the EPA's spill prevention, control and countermeasures rule known as SPCC. That takes effect on May 10. But farms are not like other regulated entities in the SPCC realm. Farms are unlike other SPCC entities the agency has dealt with since 1973. They do not have, by and large, environmental manager personnel ready to follow through on these regs and to make sure they are in compliance with all the EPA stuff; whereas, other businesses with larger financial resources tend to have more resources and more people devoted to making sure they comply with all the EPA regulations.

Agriculture actually has a very good track record on fuel spills. Row crop farms, ranches, livestock operations, farmer cooperatives and other agribusinesses pose a very low risk for spills when we look at the statistics. Many of these tanks are seasonal, and they stay empty for large parts of the year. But they allow farmers to manage the high fuel costs they have to endure. In my State, it is mostly diesel—and probably mostly diesel in most parts of the country. In fact, when we look at the data, spills on farms are almost nonexistent.

This is a commonsense amendment, and I want to thank Senators INHOFE, FISHER, and LANDRIEU for joining me in this effort and taking this burden off of farmers and ranchers in implementing the SPCC rule.

Let me cite specifically what the amendment will do. It will provide realistic threshold sizes for tank regulation at the farm level and allow more farms to self-certify, thus saving time and money that would otherwise be spent in hiring professional engineers to develop and sign SPCC plans.

EPA's unusual 1,320 gallon regulatory threshold under the SPCC rule is not a normal tank size for agriculture. That may be normal in other contexts but not in agriculture. A 1,000-gallon size is much more common, and raising the threshold to 10,000 gallons in aggregate is a much more reasonable level for farmers and ranchers all over the country. So my amendment would allow most Arkansas farms—most farms in Oklahoma, and, in fact, most farms throughout the country—to use the aggregate storage capacity between 10,000 and 42,000 gallons to self-certify rather than going through the expense and time of hiring a professional engineer.

I look forward to working with the bill managers on this amendment.

I also have another amendment. I know these amendments would be objected to right now if we brought up the amendments—this is amendment No. 801—but at the appropriate time I would like to ask that it be made pending.

Mr. INHOFE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator yields.

Mr. INHOFE. I think some people might have an objection to this amendment if they thought there were some bad actors out there who, in the past, have violated or done something, in which case they would still have to comply as if they had over 42,000 in storage. This was called to my attention, and I think in the drafting of this amendment the Senator took care of that problem, I do believe.

We discussed this, I remember, the last time at 4 o'clock in the morning when we had the amendment for the budget bill, and at that time we made it very clear. The SPCC was designed for refiners. It was designed for the big operations, such as that big operation we had a picture of from Oklahoma. It doesn't affect them. They still should be and do have to comply. But the literally thousands of farms that are out there that are just trying and barely getting by, they are the ones we are speaking of.

I know the Senator from Arkansas has them as well as we do in Oklahoma, and before the Senator moves to another amendment I just wanted to be sure that part of the amendment was included in this discussion because that would offset some of the opposition that might be there to this amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. I thank the Senator from Oklahoma for pointing that out. I think he is exactly right. I am unaware of any real opposition to this amendment. There may be a little bit of opposition, but I am not aware of it. But I know we do have at least one Senator—maybe more—who is, temporarily at least, objecting to all amendments until his or a group of them can be agreed to or made pending.

I don't think any objection right now would be specific to this amendment. I also have another technical amendment that I want to call up at the appropriate time. It is not the right time now, but at the appropriate time I do have another technical amendment.

I thank my colleague from Oklahoma for his leadership and thank him for his effort, along with Senators FISCHER and LANDRIEU. This has been a team effort. It was bipartisan. We want to help American farmers. Again, the risk of spill on farms and ranches is just minuscule, almost nonexistent. If we look at the track record, there is a very good track record.

This is a good amendment, something we have been working on for a long time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I again thank my colleagues from Arkansas and Oklahoma. I support their measure. I thank them for coming down and

laying out the argument explaining their measure even before it is formally presented because that will help expedite the process. We are absolutely working on that formal consideration and vote as soon as possible, just as we are on the amendment we talked about a few minutes ago, the Blunt-Nelson amendment.

I thank them for their work. I thank them for coming to the floor to expedite debate. We are absolutely working on proceeding to get to formal consideration of their amendment and a vote.

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

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

THE BUDGET

Mr. CRUZ. Mr. President, I rise in praise of Majority Leader HARRY REID. He said the following:

> My friend from Texas . . . is like the schoolyard bully. He pushes everyone around and is losing, and instead of playing the game according to the rules, he not only takes the ball home with him but he changes the rules.

Today Leader REID continued his demonstration of civility by referring to me as the ''very junior Senator from Texas.''

As I noted yesterday, the Senate is not a schoolyard. Setting aside the irony of calling someone a bully and then shouting them down when they attempt to respond, today I simply wish to commend my friend from Nevada for his candor.

Yesterday I expressed my concern that sending the budget to conference could be used to pass tax increases or a debt ceiling increase through reconciliation—a backdoor path that would circumvent the longstanding protections of the minority in the Senate. And I observed that I would readily consent to the leader's request if he would simply agree that no such procedural tricks would be employed. It is perhaps rare for a so-called bully to offer to waive all objections if the other side will simply agree to abide by the rules, but I commend the majority leader for his response.

He did not disagree that he hoped to use reconciliation to try to force through tax increases or a debt ceiling increase on a straight party-line vote. He did not pretend that his intentions were otherwise. When the economy is struggling so mightily, as it is now—for the past 4 years our economy has grown at just 0.9 percent a year—it would be profoundly damaging to millions of Americans to raise taxes yet again, on top of the $1.7 trillion in new taxes that have already been enacted in the last 4 years. And with our national debt approaching $17 trillion—larger than the size of our entire economy—it would be deeply irresponsible to raise the debt ceiling yet again without taking real steps to address our fiscal and economic crisis.

If done through reconciliation, the majority could increase taxes or the debt ceiling with a 50-vote threshold rather than needing 60 votes. The American people already saw ObamaCare pass through backroom deals and procedural tricks. It should not happen again.

The majority leader could have claimed that he had no intention of trying to undermine the protections of the minority or of forcing through tax increases or yet another increase in the debt ceiling. But, in a refreshing display of candor, he did not do so, and I commend him for his honesty, so that our substantive policy disagreement can be made clear to the American people.

Let me be explicit. We have no objection to proceeding to conference if the leader is willing to agree not to use it as a backdoor tool to raise the debt ceiling. If not, he is certainly being candid, but the American people are rightly tired of backroom secret deals to raise the debt ceiling even further. And we should not be complicit in digging this Nation even further into debt on merely a 50-vote threshold.

Finally, I would note that the leader made a plea to regular order, and yet he was seeking unanimous consent to set aside regular order, granting that concept could open the door to even more tax increases and crushing national debt, and in my judgment the Senate should not employ a procedural backdoor to do so.

For reasons unknown, the majority leader deemed my saying so out loud as somehow ''bullying.'' Speaking the truth, shining light on substantive disagreements of our elected representatives, is not bullying; it is the responsibility of each of us. It is what we were elected to do. All of us should speak the truth and do so in candor. All of us should work together to solve the crushing economic and fiscal challenges in this country. All of us should exercise candor, and I commend the majority leader and thank him for his willingness to do so.

I yield the floor.

The PRESIDING OFFICER (Ms. WARREN). The Senator from California.

Mrs. BOXER. Madam President, just for the interest of all Senators, we are looking at some amendments which hopefully we can vote on tonight or early in the morning. It is one of those surprises to the American people that we are on a water infrastructure bill that deals with building absolutely necessary flood control projects and making sure our commerce can move through our ports—and we have money to deepen the channels and make sure our ports are working; they take those imports, they get those exports; it all works; critical infrastructure—and the first two Republican amendments are about guns.

Let me say it again. We are working on a critical infrastructure bill, and the first two Republican amendments are not about jobs, not about business, not about commerce—about guns. So we will deal with that. We will deal with those amendments.

But I think the American people have to listen. When our colleagues on the other side of the aisle get up and talk about the economy, straight from the heart: This economy is not creating enough jobs, oh, my goodness, the first two amendments they offer on a critical infrastructure bill—that is so critical to business that the chamber of commerce has endorsed it, that every business that is involved in construction has endorsed it, that every worker organization has endorsed it, the National Governors Association has endorsed it—the first two amendments are not about jobs, they are not about commerce; they are about guns. So let's understand what we are dealing with.

BUDGET CONFERENCE

Now, I want to say to my friend from Texas—and I welcome him to the Senate—for 3 years his party has been following Democrats all over the country, yelling at us: Where is your budget? Get your budget done. For shame on you; no budget.

And what has he done, starting from yesterday? Objected to this country having a budget because he thinks maybe—he does not know this; he is guessing—that in a conference, where we try to negotiate the differences between the sides, something might happen that he does not like. Maybe we will wind up saying: Yes, there ought to be a penalty on companies that ship jobs overseas. Maybe we will tighten some tax loopholes that allow the most successful companies to pay nothing in taxes while the middle class pays through the nose. Maybe he does not like the fact that Warren Buffett—one of the most successful entrepreneurs in our Nation—got up and said: You know what, I am embarrassed. I pay a lower effective tax rate than my secretary. Maybe he thinks that is good. Fine. But do not stop us from getting a budget.

Anyone who knows how a bill becomes a law—whether they are here 15 minutes or more than 20 years, as I have been—everyone knows that the way we operate here is that the House does a budget, the Senate does a budget.

We did a budget. Republicans demanded it, and we did it for sure. And we took care of 100 amendments. We remember being in until 5 in the morning. I certainly remember that. Now the next step is that you go to conference.

So I am saying here that I will be on my feet. Every time the good Senator from Texas comes, I will come and I will say: Senator, let the process work, do not be fearful of the process, because, you know what, when you have power—as the Senator does and as I do—do not be afraid of the process. If you want to make the point that the

Buffett rule does not make sense, make your point, but do not stop us from getting a budget.

I do not understand how any conservative could stop us from getting a budget, but yet that is what we have.

So I would urge my friend to work with his colleagues on both sides of the aisle. Let's get to the conference. Let's make sure the chairman of the House Budget Committee, Mr. RYAN, who I am sure is very competent, and our chairman, Senator MURRAY, who I know is very competent—get them in the room with their conferees, and let's let democracy work. This is the way a bill becomes a law.

They have stopped us from appointing conferees for a budget conference. I could tell you, having been here for a while, it is essential that we get to conference—whether it is the WRDA bill that we are so anxious to do because it is so important for jobs or whether it is the budget or whether it is an appropriations bill. Do not be afraid of the process. This is a democracy. We take our differences into a conference room, and we work together. If you do not like the outcome, that is fair enough. I could truly say I have not liked the outcome of a number of conferences, but I do not stop people from going to the conference because that is stopping democracy. That is a dictatorship. I decide something is going to happen in conference that I do not like. Now, what if I say that what could well happen in the conference is they make the sequester permanent. That could happen in the conference. I think that is devastating, to make the sequester permanent. I want to stop the sequester. I do not like the fact that 70,000 kids cannot get Head Start. I do not like the fact that people cannot get their chemotherapy. I do not like the fact that Meals on Wheels is being cut back and senior citizens who cannot afford meals are not getting them. I do not like the fact that people are not getting HIV screenings or breast cancer screenings. That is what is happening. So I do fear, frankly, that if there is a conference, the Republicans will prevail and they may come out of this with a permanent sequester. So I could stand here and say: I object to the process because I am fearful that they will get in there and they will make the sequester permanent, and that would hurt my people in California. But you know what, I have more faith in us. I have more faith in the American people. I have more faith in the process.

So I would urge my friend to stand down on this—and his allies. I know he is sincere, but I am saying that it is against progress. We do not know if there will be a tax increase or a tax decrease. Frankly, I have some really great ideas for tax decreases that I would like to see—decreases for the middle class, decreases for the working poor. I would like to see that in a conference. But I do not know what our colleagues will come back with.

But I use this time as the manager of the water infrastructure bill to tell colleagues that we should come together, not only on this bill. Instead of offering controversial amendments on guns to a water infrastructure bill, why cannot we just focus on what is before us? Finishing this WRDA bill—getting it done for the 500,000 jobs that rely on this, getting it done for the thousands of businesses that rely on it, getting it done for organized labor and the chamber of commerce coming together here. Get it done. And on the budget front, get it done.

With that, I ask unanimous consent that there be a period of debate only until 6:30 p.m. and that at that time the majority leader or his designee be recognized.

The PRESIDING OFFICER. Is this objection?

Without objection, it is so ordered.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BUDGET CONFERENCE

Mr. LEE. Madam President, what the majority leader requested yesterday was not regular order. What would be consistent with regular order would be to send the Senate-passed budget over to the House of Representatives. And what the majority leader requested unanimous consent to do yesterday did not involve sending the American people to conference; it involved sending a small number of people to conference. And what the majority leader requested unanimous consent to do yesterday did not involve simply getting to a budget on which both Houses could agree. I do not think there is anyone here who would object to that—not one of us whom I am aware of.

What we do object to—what I strongly object to—is any procedural trick that could be used to negotiate, behind closed doors in a backroom deal, an agreement to raise the debt limit or to raise taxes. The American people do not want that. They will not accept it, and frankly they deserve better.

I have to admit I stood in a state of disbelief for a moment yesterday as I heard the majority leader say something to my friend, my colleague, the junior Senator from Texas. I at first assumed I must have misunderstood him because I thought I heard him utter words consistent with the suggestion that my friend, the junior Senator from Texas, was a schoolyard bully. I was certain the majority leader could not have meant that. He probably did not say that.

Unfortunately, as I reviewed news accounts later on yesterday, I discovered that is exactly what he had said. Only the majority leader can tell us exactly what the majority leader meant by that. It is not my place to malign his motives. If I were do so, it would run me up against Senate rule XIX. Part 2 of Senate rule XIX says that no Senator in debate shall directly or indirectly by any form of words impute to another Senator, or to other Senators, any conduct or motive unworthy or unbecoming a Senator.

Certainly that would have been in violation of rule XIX, part 2, had the majority leader actually said that and intended to do that, because when you accuse a colleague of being a schoolyard bully, it certainly is not a compliment. It is, in fact, accusing them of doing something or being something unbecoming. I, therefore, will leave it to the majority leader to tell us what exactly he meant. Things happen on this floor. Things happen in the legislative process. Things happen when we get into heated discussions about matters of important public policy that probably should not happen. Sometimes we say words we did not intend to say. Sometimes we say things that in the moment of weakness, perhaps we intended to say but should not have said.

If, in fact, the majority leader slipped and said something he did not mean to say or recognizes now that he should not have said, then I invite him to come forward. I am confident my friend, the junior Senator from Texas, will promptly and frankly accept his apology.

If, on the other hand, this was something else, then I think we need to examine this more closely. It is important to reiterate there certainly could not have been any legitimate basis for making this accusation about the junior Senator from Texas. All the junior Senator from Texas was asking is that if, in fact, we are being asked to give our consent, our unanimous consent, that means the consent of every Senator present, to send this budget resolution to conference committee, that it carry one important but simple qualification; that is, that this conference committee not be used as a ruse, whereby we create an environment in which you could develop a secret backroom deal for raising the debt limit or raising taxes without going through the regular order.

That is the furthest thing that I can think of from being a schoolyard bully, simply making a very reasonable request that we go by the normal regular order rules of the Senate in order to do that. If there is any reason why my friend, the junior Senator from Texas, could ever be accused of being a schoolyard bully, I am not aware of it. It certainly was not evident in yesterday's debate and discussion on the floor. We are owed an explanation, to the extent that anyone was making the suggestion and, in fact, meant that.

At the end of the day, I do not think any of us can dispute the fact that we face very difficult challenges in our country and that many of those challenges weigh heavily on us as Senators.

That is why sometimes people say things they later regret, but that is what apologies are for.

At the same time, we can speak with absolute certainty and unmistakable clarity in saying that while different Americans might approach this issue differently, while different Americans might take a different approach to raising taxes or raising the debt ceiling, one issue on which almost all Americans are united is the fact that these things ought to be debated and discussed in open and not through a secret backroom deal.

The dignity of this process, the dignity of this body, our commitment to honor the constitutional oaths we have all taken as Senators demands nothing less.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Madam President, I ask unanimous consent to speak as in morning business.

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

SEQUESTRATION

Mr. CARDIN. Madam President, I think 2 weeks ago the American public understood one of the consequences of the sequester cuts, these across-the-board, mindless cuts, when they saw what was going to happen with furloughs with the air traffic controllers and the air traffic service in this country.

I never supported sequestration. These are mindless across-the-board cuts. I certainly did not want to see what would have happened to the FAA happen. That was mindless across-the-board cuts. We provided system flexibility to be able to avoid that circumstance. But what we need to do is replace sequestration for all agencies that are affected because similar occurrences are happening in other agencies.

The reason is these are across-the-board mindless cuts. They are deep cuts. To the agencies that are affected, it is equivalent to about a 10-percent cut. This is on top of 3 years of reduced appropriations for these agencies. So it is affecting the core mission of the agencies. They have no flexibility, and therefore they have to cut back on their mission. That is what happened at the FAA. Of course, we provided some flexibility so they can do some other things. But we have not done that as far as providing relief from these across-the-board cuts in other agencies.

So we are going to see many Federal agencies having to fundamentally change what they do. Let me give a couple of examples. I was recently at the National Institutes of Health and saw firsthand the great work they are doing. I could tell the Presiding Officer many of the missions they are doing are critically important to our health.

I was briefed on the work they are doing for an influenza vaccine that will help us deal not with every season having to deal with a different type of influenza and not knowing whether we get it right but looking at one that will work for multiple years. That is the type of work that is done at the National Institutes of Health, the kind of work in dealing with finding the answers to cancer. I remember when I was young, if you got cancer, it was a death sentence.

Now we reduce the fatalities of cancer. The survival rates are much higher. That is the work that is done at the National Institutes of Health, NIH. That work is being compromised by these across-the-board cuts that affect the grants NIH can give to the institutes around the country, including in Massachusetts and in Maryland.

What is happening with Head Start is 70,000 children who could benefit from Head Start will not be able to this fall. Why? Because of these across-the-board cuts. Head Start is a program that works. We know that. The children who have participated in Head Start do much better. We have waiting lists now. Do we want to tell 70,000 families they are not going to be able to send their children to Head Start this fall?

Senior eating together programs are being cut. Do we truly want to reduce our commitment to seniors in this country so they can get a nutritional meal? The border security protections we are going to be debating on the floor in a short period of time, how we can deal with comprehensive immigration reform. We want to do what is right, but we want to protect our borders. Do we truly want to cut back on border security in this country?

Food safety. The list goes on and on and on to basic missions that will be affected by these across-the-board cuts. Why? I have heard people say this is not such a big deal, about 2 percent of the budget. The difficulty is it applies to only a small part of the budget; that is, basically our discretionary spending accounts. These discretionary spending accounts have already gone through several years of freezes and cuts. They have been really stretched. So the cut is condensed into a short period of time. There is no flexibility that is given in order to deal with it. It is going to have a negative impact on our economy.

I used the example at a forum I had 2 weeks ago with a group of business leaders; that is, if you had trouble in your business, you knew you had to cut back, you would look at your budget, your money planned for rent or your mortgage payment, you have some money planned for your family for the food budget, maybe you had some money put aside for a weekend vacation or trip with your family.

You do not cut every category the same. You are going to save your house and make sure there is food on the table. We have to do the same at the Federal level. We have to make the tough decisions as to where the priorities of this country need to be. I saw the impact on our Federal workforce. I am honored to represent a large number of Federal workers who are very dedicated people working to provide services to the people of this country. Many are going to go through what is known as furloughs. Furloughs are nothing more than telling you you are going to get a pay cut.

Now, they have already had 3 years of a freeze. They have seen a lot of vacant positions go unfilled so they are being asked to do more with less. Now they are being told they have to go through furloughs. That is not right. We can do better than that. This country can do better than that. What we need to do is replace sequestration and we need to do it now.

The majority leader made a unanimous consent request. I am sorry it was not agreed to. What it said, very basically, is we can find other ways to get the budget savings, but let's not do this meat-ax, across-the-board approach that compromises the missions of this country. Unfortunately, that was objected to. I have spoken on the floor before about areas we can reduce spending.

I hear my friends on the other side of the aisle talking about mandatory spending. I agree. We can save money in health care. As the Presiding Officer knows, the work being done in Massachusetts, and I can tell you the work being done in Maryland, we see how we can reduce hospital readmissions, how we can deal with individuals with complicated illnesses and treat their conditions in a more comprehensive way, saving on less tests that need to be done, saving on hospitalizations.

We know how we can reduce hospital infection rates. There are ways we can cut back on health care costs that will reduce Medicare and Medicaid and health care costs. That is what we need to do. That will save money. Let's implement some of those cost savings.

I am honored to serve on the Senate Finance Committee. Our committee has jurisdiction over the Tax Code. We spend $1.2 trillion a year in tax expenditures. That is not touched at all by sequestration. We need to take a look at the Tax Code. There are parts of the Tax Code that are not efficient. Let's get rid of those provisions and we can save money and use that to help balance the budget without these across-the-board cuts.

Then we are bringing our troops home from Afghanistan. I hope we can do that at a more rapid rate for many reasons. But those savings can also be used to close the gap on the budget problems and to allow us to replace sequestration.

The bottom line is what my constituents want is for Democrats and Republicans to work together and to come up with a responsible budget plan for this

country. They want that for many reasons. First, that is the way business should be done. Secondly, it gives predictability; we know what the budget is going to be. People can plan if they know what the Tax Code looks like and they know what the Federal budget looks like. They can plan and our economy will take off. Predictability is very important.

Bottom line, what I urge us all to do: Let's get rid of these across-the-board cuts as soon as possible. We never should have been in this position. We have seen it in a couple agencies where the public was outraged and they flooded our phones. We are going to see that happen more and more because these are irrational cuts. We have a responsibility to act. The sooner we do, the better it is going to be for the American people, the better it is going to be for our economy. It is the responsible thing for the Senate to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

Mr. MURPHY. Madam President, let me first associate myself with the comments of the Senator from Maryland. We are engaging in a bit of theater of the absurd on the floor of the Senate, as we have been chided for years now that the Senate would not and could not adopt a budget.

Having finally done that, Republicans are refusing to allow us to move forward with the process that would finally get us out of this crisis-by-crisis mentality and do what the American people have wanted us to do for a long time, which is to sit across the table with Republicans, two parties in one room, with the TV cameras on, trying to find some settlements, somewhere where 70 percent of the American public can find agreement with us.

GUN CONTROL

I am here, though, to turn back the clock about 3 weeks to another day that I would argue is amongst the saddest this Chamber has seen in a long time. That was the day in which we went against the wishes of 90 percent of the American public and refused to adopt a measure that would have applied background checks to the vast majority of gun purchases in this country, that they also would have for the first time made gun trafficking, illegal gun trafficking, a Federal crime.

During those days I came down to this floor four or five times to tell the stories of victims, the victims of Sandy Hook, but also the victims of, frankly, countless other mass shootings and routine gun violence mainly in our urban corridors. I said no matter what happens on that vote that I wouldn't stop, that I would come down here and continue to tell the real stories that should matter.

We didn't get that bill passed, even though we had the support of 55 Members of the Senate. Our fight isn't over because the plight of gun victims and the surviving of relatives of gun victims are not over either.

This is an old chart. It is one I had up here for a number of hours during that week. It displays the number of people who have been killed by guns since December 14, 2012, when my State was witness to one of the worst mass shooting tragedies this country has ever seen.

We would have to now have two charts up here to simply display the same thing, because this number, which was somewhere in the 3,000s, has now easily cleared 4,000, maybe even up close to 5,000—the number of people who since Sandy Hook have been killed across this country by gun violence.

I wanted to come back down here to the Senate floor this week, as I will next week and the week after, to continue to tell the stories of who these people are, because they deserve an answer. The status quo is not acceptable to the mounting legions of families who have lost loved ones due to gun violence that could have been prevented if we had the courage to stand up and do something in this Chamber, if we had the courage to take on the gun lobby and make some commonsense changes the majority of Americans, the vast majority of Americans, support.

Let me tell you a few of these stories today, because I know we have other issues on the floor today to talk about. Let me tell you about Shamari Jenkins. She was 21 years old, and she lived in Hartford. About a week ago, on April 29, she was gunned down while driving in a car through the city of Hartford with her boyfriend. She was driving through the city when someone shot a couple of bullets through the back of the vehicle. It hit her and killed her. It went through her torso and her shoulder. She was 4 months pregnant when she was shot and killed. She was just a couple days away from that magical day many parents have experienced when they find out whether they are having a boy or a girl. That appointment was just a couple days away when she was killed. Close friends and family describe her as sweet and upbeat, with a lot of energy. Shamari was killed in Hartford at age 21 on April 29. Every single day in this country, on average, 30 people are killed by guns, many of them stories just like this.

The ages of all of the people I have been talking about on this floor—you get a couple who are in their forties or their fifties, a few, as I will talk about later, even younger—the majority of these kids are 17, 18, 19, 20, and 21 years old. It is a cruel moment to take somebody from this world, because when you are 21 you have a vision as to who this person is going to be. You can sort of see the greatness. Her friends described her as someone who always had a smile on her face. Yet you steal so much of their life. Shamari Jenkins, 21 years old, killed a week ago.

There are younger victims such as Caroline Starks, who, 1 day after Shamari Jenkins was killed, was killed in Cumberland County, KY, by her 5-year-old brother. She was 2 years old, and she was killed in an accidental shooting by her 5-year-old brother. She was killed by a .22 caliber Crickett rifle. They were messing around in the little bit of time that their mother had stepped outside onto the porch. Her brother picked up this little Crickett rifle, one he used to go hunting with his family. He was 5 years old, and he shot his 2-year-old sister. She died. It was a Crickett rifle. It is a cute name, right? It is a cute name because it is marketed to kids and sold as ''My First Rifle.'' It is made by a company that also makes another line of guns called Chipmunk rifles.

I certainly understand that in a lot of families there is a long history of hunting together as a family. The reality is that some of these shootings are malicious, with the number of guns that are out there. A gun lobby organization that used to spend a lot of time on gun safety now spends most of its time simply arguing for laws that perpetuate the number of guns in society. These accidental shootings are happening more and more.

Another one happened 3 days before Caroline Starks was killed. Michele Wanko of Parkside, PA, lost her husband William this year when she accidentally shot and killed him in the basement of their home. He was giving her lessons on how to use a semiautomatic pistol. As he demonstrated to her how to use one, she picked up another gun and accidentally fired it into his upper chest. Her screams awoke their 5-year-old son, who was sleeping alongside their 2-year-old son upstairs. It is not just mass shootings, it is not just urban violence, it is also this rash of accidental shootings taking the lives of mothers and children that we have seen as well.

We still should talk about these mass shootings because our inaction almost guarantees it is going to happen again. A lot of people said the law that we had on the floor of the Senate a couple of weeks ago had nothing to do with Newtown, so why are we talking about a piece of legislation that ultimately wouldn't have prevented an Adam Lanza from walking into that school and shooting 26 people.

That is true, but we know from experience that a better background check system could have prevented at least one mass tragedy in this country, and that is the Columbine tragedy. The guns that were used to perpetuate that crime on April 20, 1999, were bought at a gun show, the Tanner Gun Show, by a friend of the assailants. She bought the guns at a gun show because she knew if she bought them at a federally licensed dealer, she wouldn't have been able to do so. She would not have been able to walk out of that store with a gun. She went into a gun show where she wouldn't have to go through a background check.

Perhaps if we had a stronger background check system on the books on April 20, 1999, Rachel Joy Scott would still be with us today. Rachel was an aspiring actress. Her father said she was just made for the camera. She wasn't just acting, she was writing plays. She had written one already, and she was getting ready to write another one. She was a devout Christian and she kept diaries where she wrote about her hope for living a life that would change the world with small acts of compassion.

Maybe if we had had a better background check system in 1999, Daniel Lee Rohrbaough would still be alive today. He worked in his family's car and home stereo business. He loved electronics, and he had real talent for it. He would make a little bit of money working at the store, but he would never spend it on himself. He spent almost all of the money he earned on Christmas presents. His father remembers Danny's generosity by saying he didn't spend any of the money on himself, and he was upset because he came up $4 short on the last present for Christmas.

Maybe we would still have Daniel Conner Mauser with us today. He was a straight-A student. He was the top biology student in his sophomore class. He was shy, but he knew he was shy and he wanted to overcome it, so he joined the debate team to become more confident about public speaking. He was as compassionate as Daniel was. When a neighbor became ill, he went down there, raked leaves, and asked how he could help his neighbor. He loved swimming, skiing, and hiking. He was on the school's cross-country team, a straight-A student, and the top biology student in his class. We will never get to know what Daniel Conner Mauser would have been.

If we had a better background check system, maybe Matthew Joseph Kechter would still be alive today. He was another straight-A student but a student athlete as well. He was a starting lineman on Columbine's football team. He was a great student athlete but also a great older brother. His younger brother looked up to Matthew and would wait at the mailbox for Matthew to come home from school every day. Matt hoped to attend the University of Colorado where he wanted to study engineering—a straight-A student, a student athlete who wanted to be an engineer. Doesn't that sound like the type of kid we need in this country today?

These are another half dozen of the thousands of victims we have read about in the newspapers and watched news about on TV since December 14, 2012.

One of the arguments I have heard repeated over and over, both during the debate on the floor and since then, is that even if we passed these laws, it wouldn't matter. Sure, you say the guns were purchased outside of the background check system for the Columbine shootings. Even if the background checks were required, these kids would have found another way to get the guns.

Another way of putting the argument is criminals are going to violate the law, so why pass the law in the first place? That is as absurd an argument as you can muster in this place. Frankly, that is an argument not to have any laws at all. People drive drunk and they kill people. Republicans aren't coming down to the floor of the Senate and saying we should get rid of drunk driving laws because there are people who still go out and drink and drive. There are, unfortunately, other men out there who beat their wives, but nobody is coming down to the floor of the Senate or the House and arguing we should get rid of our domestic violence laws because some people don't follow them.

The fact is we make a decision as a country what standards we are going to apply to conduct. We trust that is going to funnel some conduct away from the kinds we don't want into the kinds we want. It is also going to allow us to punish those who act outside of the boundaries we have set. That is why we still have drunk driving laws and domestic violence laws, even if some people ignore them. It is why we should have an expectation that criminals in this country shouldn't have guns, even if some criminals are still going to ignore the law and get the guns anyway. That way we can punish those people who do wrong, and we can have some comfort in knowing that some people will choose to do right because of the consequence of the law being in place.

There was no consequence for that young lady, the friend of the Columbine shooters, when she went outside the background check system to get guns for her friends. We will never know if she would have made a different decision, but why not have the law to test out the theory. For the thousands of people who have died since December 14, they would take that chance that the law will work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I first of all thank my friend, the Senator from Connecticut, for his comments today and for his leadership on this issue which is of such enormous importance.

I have been a long-time supporter of the second amendment, but like so many other Americans after Newtown, the status quo just didn't cut it. The Senator and so many others have continued to come down and raise the issue. At least we ought to make sure we have a system in place in this country to prevent criminals and those with serious mental impairment from purchasing firearms. I think it is the most reasonable of all proposals. I thank the Senator for not letting us on the Senate floor forget that tragedy and that issue. I have a sense, and I am sure it is the same in Connecticut and it probably is the same in the Commonwealth of Massachusetts, the American people haven't forgotten. There is not a day that goes by when I don't have somebody coming up and saying, you have got to bring that back up.

I again thank the Senator for his good work. I think those of us who want to put in place appropriate, reasonable restrictions that the vast majority of law-abiding gun owners support will have another day in this hall.

THE BUDGET

Madam President, I note a lot of my colleagues have also been down today talking about the budget, an issue some would say I have been a little bit obsessed about in the 4 years I have been here.

I want to come and talk about that tomorrow, but at least tangentially I want to raise that same issue in my comments today.

TRIBUTE TO FEDERAL EMPLOYEES

TIMOTHY GRIBBEN, CHRISTINE HEFLIN, MICHELLE SILVER

Madam President, this week we celebrate Public Service Recognition Week to honor public servants at all levels of government for their admirable patriotism and contributions to our country. We talk about budgets sometimes and we forget that a lot of the resources we pay in taxes that go to budgets actually hire Americans who go to work every day trying to make our country a safer place to live and a better place to live. Quite honestly, the vast majority of folks who work in public service go about doing it with very little recognition for the work they do.

Since 2010, when I had the opportunity as a freshman Senator to preside more often than I would have liked to, I used to see then-Senator Ted Kaufman, who would come down to the floor almost every week and talk about a Federal employee. When Ted, who had served as staff director to JOE BIDEN for close to 30 years, left the Senate, I inherited that responsibility from him. While I have not been quite as conscientious as Senator Kaufman, I have tried to make certain to come down on a regular basis and call out Federal employees who deserve recognition, including even certain Federal employees who work in the Senate.

Today I want to take a moment to recognize three Federal employees who particularly are relevant to the debate we are having about budgets because one of the issues we all have to recognize is we have to find ways to make our Federal dollars go further. So I want to recognize three Federal employees who happen to be Virginians, who are working to make our government use data better to improve accountability and transparency. These are individuals whom, as chair of the Budget Committee's Government Performance Task Force, I have followed in some of their actions.

First, I want to recognize Timothy Gribben. Tim is the Director of Performance Management at the Small Business Administration, and in this role he developed SBA's quarterly performance review process that is now considered a best practice among other agencies. Because of Tim's commitment to transparent and accessible performance metrics—I know that doesn't get everybody's eyes shiny, but performance metrics is something I am pretty interested in—the American public can now more clearly track the support provided to small businesses from SBA to see where our tax dollars are headed.

Tim has been recognized by the White House's Performance Improvement Council and the American Association of Government Accountants for his leadership.

Next, I want to recognize Christine Heflin. Christine is the Director of Performance Excellence at the Department of Commerce and has established the Performance Excellence Council to bring together performance leaders from across the Department to exchange best practices. Because of Christine's expertise, she is sought by other agencies for advice, and she leads performance management 101 training across the Department to educate staff on the benefits of data-driven decision-making, the use of analytics, and performance improvement techniques.

Finally, I would like to recognize Michelle Silver. Michelle served as the program manager for the Bank Act IT Modernization Program. Under her leadership, the program was able to successfully modernize the Financial Crimes Enforcement Network's IT infrastructure. This significantly improved the ability of law enforcement, regulatory, and intelligence agencies to access and analyze financial data to detect and prevent financial crimes. It is important to note that Michelle's management ensured the modernization program was delivered on time and within budget. Because of people like Michelle and many other hard-working Federal employees at the Department of Treasury, our country's financial system is at least safer now than it was before from emerging threats.

I know performance metrics, data analysis, and IT improvements aren't necessarily the subject of debates every day on the floor of the Senate, but regardless of how we get our country's balance sheet back in order, I believe that will require both additional revenue and entitlement reforms so we don't keep coming back to the small portion of our budget which is discretionary programs. Even with all of that, we still need to make sure we use those dollars in the most effective and efficient process possible.

I hope my colleagues will join me in honoring Mr. Gribben, Ms. Heflin, and Ms. Silver, as well as all government employees at all levels around the country for their commitment to public service. Again, I remind all of my colleagues that as we debate budgets and we debate the future of our country, there are literally millions of folks at all levels of public service who go to work every day to make our country safer, to make our country more efficient, and to provide services for those who are in need.

A few minutes earlier today I was with seven DEA agents who had just received the Congressional Badge of Bravery. They had been recently deployed to Afghanistan. These are all people who represent the commitments we fight for on the floor of the Senate.

With that, Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Madam President, I ask unanimous consent that at 11:30 a.m. on Wednesday, May 8, the Senate resume consideration of S. 601 and the following amendments be the first amendments in order to the pending Boxer-Vitter substitute amendment No. 799: Coburn amendment No. 804 on ammunition; Coburn amendment No. 805 on Army Corps lands and guns; and Whitehouse amendment No. 803 on oceans; that there be no second-degree amendments in order to any of these amendments prior to votes in relation to the amendments; that the Coburn and Whitehouse amendments be subject to a 60-vote affirmative vote threshold; and that the time until 2 p.m. be equally divided between the two leaders or their designees for debate on their amendments; that Senator COBURN control 40 minutes of the Republican time; that at 2 p.m. the Senate proceed to votes in relation to the Coburn and Whitehouse amendments in the order listed; that there be 2 minutes equally divided in between the votes and all after the first vote be 10-minute votes; further, that upon disposition of the Coburn and Whitehouse amendments, the substitute amendment, as amended, if amended, be agreed to and be considered original text for the purposes of further amendment.

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

MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

WRDA

Mrs. BOXER. Madam President, I wish to take about 2 minutes—and I know Senator BROWN is here to speak—to explain what just happened because a normal person would never follow this, in my opinion. That is just me speaking.

Let me tell my colleagues what we did. Happily, we are moving forward with the first votes on amendments to the WRDA bill—the water resources bill—tomorrow. I have to thank so much Majority Leader REID because he worked very hard on making sure we could figure out a way to move these votes forward. Senator VITTER and I both wanted to see this happen, and we are very pleased.

So what will happen is we will first have a vote on an amendment by Senator COBURN dealing with a study about ammunition. Upon disposition of that amendment, we will move to another Coburn amendment that deals with people being able to carry guns on Corps of Engineers land that has levees and dams on it and so on. We will have debate and a vote on that. Finally, we will have a vote on the Whitehouse amendment which deals with an oceans trust fund. So those three votes will be in order, and following that we believe the Boxer-Vitter amendment will be pending.

I wish to thank everybody for their cooperation in moving forward. I don't understand why and how we would have gun amendments on a water infrastructure bill, but that is just me. This is about water infrastructure. It is about flood control. It is about making sure our ports are deepened so that commerce can flow in and out. It is about water conservation. It is about wetlands conservation and restoration. So I don't quite get why we are voting on guns, but it is the Republicans' desire that the first two votes be on guns, so that is what we are going to do. We will dispose of those.

I can only say to my colleagues, my friends, on both sides of the aisle, could we keep the amendments to the subject at hand? If we could keep the amendments to the subject at hand—I know there is a desire to have votes on lots of issues, but I think we all agree that for the economic well-being of our country, we need an infrastructure that is top-notch. I hate to say it but our infrastructure has been rated as a D-plus. That means our ports are not functioning as they should and our flood control projects are not handling the extreme weather we are facing. We need to get back to work here in regular order.

I know there are people here who think more gun votes is the way to go. That is a very controversial subject. It tears at the heart of the American people in many ways. But so be it. Let the country see what we are dealing with. The first two votes by the Republicans on a water infrastructure bill are about guns. Let the people decide if they think it is appropriate on a water infrastructure bill that deals with flood

control and the adequacy of our ports and our wetlands, and restoration, if that bill should be burdened with amendments about guns. I don't think so. That is how I am talking about it. We will see what happens tomorrow, but at least we have a path forward.

Again, I thank Senator VITTER for working with me today. I thank Senator REID and all of my colleagues for their indulgence. Frankly, I hoped we would have had a few relevant amendments disposed of, but at least we have a path forward together, and I look forward to seeing everybody then.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

WORKERS MEMORIAL DAY

Mr. BROWN. Madam President, this past week we observed in this country Workers Memorial Day—when we pause and remember those Americans who lost their lives on the job.

For generations hard-working people have left their homes every morning or for second or third shift to earn an honest living, to provide for loved ones, to put food on the table. For generations too many would leave for their jobs but return home from work injured or in far too many cases not return home at all; they died operating heavy machinery on late-night shifts; they died working in coal mines; they died building roads and bridges; they died in far too many cases from lack of basic fire safety, ventilation systems, and lighting.

I have shared with my colleagues before that over the years many times I will wear a depiction of a canary in a bird cage on my lapel that reminds me why we honor these workers and why honoring these workers' lives matters. One hundred years ago, a mine worker took the canary down in the mine in a cage. If the canary died from toxic gas or lack of oxygen, the mine worker quickly left the mine, understanding that he had no union strong enough to protect him nor a government that cared enough to protect him.

In those days 100 years ago, when they took the canary in the mine, the life expectancy for a child born in this country was only 45 or 46 years. Today we live three decades longer because we understand everything from Medicare, to civil rights, to Social Security, to workers' compensation, to minimum wage, to prohibition, to child labor, to auto safety, to safe drinking water and clean air laws.

This pin symbolizes people who work hard and play by the rules. We have taken significant steps in this country to keep American workers safe and to provide them with fair wages and benefits. We know more work needs to be done.

Since the National Labor Relations Act and the Fair Labor Standards Act were enacted into law in the 1930s, workers in this country were guaranteed the right to form a union and bargain collectively. They benefited from a minimum wage and from overtime pay.

Today we see vicious attacks on unions and collective bargaining from State legislatures at the behest of their corporate and far-right benefactors. We see obstructionists in this body who block even the most reasonable and clearly necessary nominations to the National Labor Relations Board.

Yes, there is more work to be done. Even as OSHA—the Occupational Safety and Health Administration—works to ensure safe working conditions, job fatality rates have not changed in the last few years. More than 4,600 workers—think about that: 4,600 workers—were killed on the job in 2011. That is more than 10 a day. And 4,600 American workers went to work and didn't come home that night. About 50,000 more died from occupational disease. That is almost 1,000 a week who died because of exposure to chemicals or something that happened to them in the workplace.

Given the progress we have made over the last several decades, nonetheless, Americans live longer and enjoy a better quality of life, but there is more work to be done because too many are still denied fair wages and benefits, and, equally important, too many are still at serious risk of injury or death on the job.

Just days ago, on May 4, two workers in Ohio were killed when part of a crane fell on them at a steel mill construction site in Stark County, OH, in Perry Township. Brian Black, Mark Tovissi, and their families and all the workers of the Faircrest plant deserve better and deserve answers.

So too do workers in McLennan County, TX, where a fertilizer plant exploded recently and was a major story in the national news. That facility in West, TX, had not had a health and safety inspection since 1985. This disaster shows the tragic consequences of not conducting regular workplace inspections.

Fewer American miners died or were injured in 2012 than ever before, but in the first 3 months of 2013, 11 miners were killed in accidents that the Mine Safety and Health Administration called ''preventable.''

Stephen Koff, a reporter at the Plain Dealer in Cleveland, documented some of the problems the government has faced—the agency in charge of protecting miners' safety—the problems they have in levying fines against coal mine owners who have violated public safety rules. Yet, in an interconnected, globalized society, we can't turn away from these workplace disasters—not just in our country but overseas. The struggle to ensure that workers are treated with the dignity and respect they deserve is an international, universal, fundamental right.

We have recoiled from the stories of hundreds of garment workers in Bangladesh who died in a factory that collapsed a few weeks ago and others who died in a factory fire last year. Several brand-name retailers contract work in Bangladesh. They have a responsibility, once the label of their retail establishment is sewn into these clothes, whether they own the factory or whether they are an American retailer or an American textile maker that owns the factory or whether they subcontract to others and try to wash their hands of responsibility, they have a responsibility to work with the Bangladesh Government, to work with nongovernmental institutions, and to work with the workers themselves to improve their working environment. Anything less is unacceptable.

The United States has a moral duty to lead by example. We should examine contracts with companies that sell products manufactured by workers who have been denied in these countries—similar to the way they used to be in the United States and occasionally still are—who are denied even basic worker protections.

Let's not forget the American rescue workers who put their own lives in jeopardy to save hundreds of people over the past few weeks in Texas and in the home State of the Presiding Officer, the Commonwealth of Massachusetts. First responders across our country deserve to know that we are doing everything we can to keep them and the people they protect as safe as possible. These are, generally, public employees. They generally carry a union card. While bystanders and others tend to run from disasters, they run toward those disasters.

Let us always remember those whom we have lost over the years. Whether they are public sector or private sector workers, we have lost them due to their labor. On Workers Memorial Day, particularly, remember them, but on every day.

Let us honor those workers who have died by renewing our commitment to protect hard-working American workers who get up, who go to work, who try to provide for themselves and their families.

I yield the floor.

MARKETPLACE FAIRNESS ACT

TAX ISSUES

Mr. ENZI. Madam President, the Marketplace Fairness Act is about States' rights and giving States the right to decide to collect or not collect taxes that are already owed. Critics have claimed that we are creating a new Internet sales tax, that businesses would have to remit sales taxes to 9,600 different tax jurisdictions, and that today's software simply isn't capable of helping businesses collect sales tax.

Nothing could be farther from the truth. On the issue of creating a new tax or imposing new taxes, we made it clear in section 3(d) of the legislation

that nothing in the bill encourages a State to impose sales and use taxes on any goods or services not subject to taxation prior to the date of enactment. This includes imposing sales and use taxes on financial transactions or services and any other good or service that a State may be considering.

We also made it clear that nothing in this legislation limits the existing authority of States to impose State and local sales and use tax on and collect such taxes directly from the purchaser. As a former mayor and State legislator, I strongly favor allowing States the authority to require sales and use tax collection from retailers on all sales for each State that chooses to do so. We need to implement a plan that will allow States to collect revenue using mechanisms already approved by their local leaders.

I would like to ask my friend Senator ALEXANDER to help me respond to some of these concerns because he has been vocal about States' rights and that this has nothing to do with taxing the Internet.

Mr. ALEXANDER. Madam President, I thank Senator ENZI for this opportunity, and in fact there is a Federal moratorium that prohibits State taxes on access to the Internet. I was in the middle of that debate several years ago, and when the Marketplace Fairness Act is enacted that ban will still be there. In other words, today there is a Federal ban on Internet access taxes, and after this law passes, there will continue to be a ban on Internet access taxes. This issue is not about taxing the Internet, it is about the collection of State sales and use taxes that are already owed.

The complexities raised by our critics are unfounded, and I would like to ask Senator DURBIN what his thoughts are on these claims.

Mr. DURBIN. Madam President, first, let me thank my colleagues Senator ENZI, Senator ALEXANDER, and Senator HEITKAMP for their work on this important issue.

Senator ALEXANDER is right about the Federal ban on Internet access taxes. I also want our colleagues to know that the Marketplace Fairness Act would dramatically simplify and streamline the country's more than 9,600 diverse State tax jurisdictions.

The bill provides States with two options that would allow them to begin collecting State sales taxes from online and catalog purchases. Both options would reduce the number of returns and audits businesses would have to file from 9,600 to fewer than 50.

The bill also exempts businesses with less than $1 million in online or out-of-State sales from collection requirements. This small business exemption will protect small merchants and give new businesses time to get started.

Critics of the bill should not get away with saying this type of simplification can't be done. The different tax rates and jurisdictions are no problem for today's software programs. When you order something online, you have to put in your zip code. The zip code will tell you exactly how much is owed in sales and use taxes. As Senator ALEXANDER has said, it is as simple as looking up the weather.

We also made it very clear in the bill that States cannot require remote sellers to collect sales and use taxes already owed under State and local law until the State implements sales and use tax simplification requirements and is able to provide software to sellers free of charge.

Our goal is to allow States to satisfy the requirement to provide software free of charge under section 2(b)(2)(D)(ii) of the Act either by developing the software themselves or by using the services of certified software providers. If a remote seller elects to deploy and utilize a certified software provider, the seller should be permitted to deploy and utilize a certified software provider of their choice per section 3(c) of the Act. It is not our intent to allow or encourage States to require remote sellers to use the software provided by the State or certified software providers or penalize remote sellers for not using such software or certified software providers.

Now I want to go back to an issue my colleague, Senator ENZI, mentioned earlier. This bill does not expand or enlarge the authority of States to impose sales and use taxes on products or services. And it does not urge States and localities to impose financial transaction taxes. The bill only applies to sales and use taxes, so financial transactions taxes are excluded from the authority under the Act.

In almost 200 years of sales and use tax history in the United States, no State or locality has imposed a sales or use tax on financial transactions and no State is proposing to do so today. The Marketplace Fairness Act simply authorizes States to require remote sellers to collect taxes that are already owed under current law. As my colleague said, the bill is very clear and states:

(d) NO NEW TAXES.—Nothing in this Act shall be construed as encouraging a State to impose sales and use taxes on any goods or services not subject to taxation prior to the date of the enactment of this Act.

I would like to ask my friend Senator ENZI if he agrees.

Mr. ENZI. Yes, we were deliberate by including language in the Marketplace Fairness Act to authorize States to require remote sellers to collect taxes that are already owed under current law. It was not our intention to urge States and localities to impose other taxes not associated with sales and use taxes.

Another issue that my colleagues and I want to make clear is the reason we included language in the perfecting amendment recognizing tribal sovereignty. Tribes that have adopted sales taxes have the same concerns as States about the collection of taxes on remote sales. During the drafting and consideration of this legislative concept in 2005, Senator Byron Dorgan of North Dakota and I began working with the National Congress for American Indians and the National Governors' Association to find common ground to allow tribal governments the opportunity to participate in the Streamlined Sales and Use Tax Agreement, SSUTA. After 2 years of deliberation, tribal government legislative language was included in the Main Street Fairness Act bill introduction in 2007.

Although not included in the introduced version of the Marketplace Fairness Act this year, tribal governments requested the ability to collect sales and use tax if they choose to participate in the alternative system, not the SSUTA. Those tribal governments who participate in a streamlined system would agree to the same rules as the States who participate in that system. At this time, the Senate bill includes tribal governments in the ''State'' definition. Although some may disagree, I do encourage my House colleagues working on the Marketplace Fairness Act to further review this specific policy issue when the bill is debated in the U.S. House of Representatives.

This is a very important issue that Senator HEITKAMP has experience with, and I would ask her to share her comments with our colleagues. I also want to say yet again how grateful, and lucky, we are to be working with Senator HEITKAMP on this issue. She has been working to solve this problem for even longer than I have, and I want to ask her for her thoughts on the legislation.

Ms. HEITKAMP. Madam President, I thank Senator ENZI, Senator DURBIN, and Senator ALEXANDER for their leadership on the Marketplace Fairness Act and am proud to join them to address an issue I have been working on for just over 20 years now.

Tribes that have adopted sales taxes are faced with the same situation as States with regard to the collection of taxes on remote sales. Tribal governments provide essential government services to their communities, and including them in the Marketplace Fairness Act simply gives them the equal footing that they deserve.

Tribal governments that attempt to collect sales and use taxes from remote sellers will have to follow the same streamlined requirements that all States must use, including software and audit compliance. Additionally, the software provided—free-of-charge—to remote sellers under this bill can easily calculate sales tax at the point of sale. Most tribal governments will negotiate agreements with their States to provide for the collection of sales and use taxes from remote sellers and remittance to the tribe. As a result, businesses will have no additional burden.

It is important to note that this bill does not authorize States to collect a

tax on sales to tribal members in Indian country. Under the bill's sourcing rules, read in conjunction with the definition of ''State,'' a sale within a tribe's jurisdiction would be subject only to the tribal tax, and not to a nontribal State or local tax. It is not the intent of the bill to subject such a sale to dual taxation—State and tribal—or to extend State taxation to tribal members residing in Indian country.

ADDITIONAL STATEMENTS

JEWISH COMMUNITY CENTER OF GREATER COLUMBUS

• Mr. BROWN. Madam President, today I wish to celebrate the 100th anniversary of the Jewish Community Center of Greater Columbus in Columbus, OH.

Since 1913, the JCC and its members have supported Ohioans through physical and mental well-being activities, early childhood initiatives, summer camps, and recreational sports programs.

I congratulate this vital organization on reaching this milestone and join many central Ohioans in expressing the deepest gratitude for JCC's service to the Greater Columbus community.

In 1913, Joseph Schonthal worked to help ensure Columbus's Jewish immigrant population had a place to come together in brotherhood.

He began providing meeting rooms for these newcomers and organizing activities for their children.

In 1918, he opened the Schonthal Center and the Jewish Infants Home of Ohio on East Rich Street in Columbus.

Nine years later, he purchased 25 acres of land in Union County for youth summer camps. In 1949, with the help of the United Jewish Fund, the JCC broke ground on its current home located on College Avenue.

Today's center is named in honor of Leo Yassenoff, the son of Russian immigrants, who made Columbus his home in 1912.

He graduated from The Ohio State University in 1916. After serving in World War I, Leo Yassenoff helped start F&Y Construction Company, which built many local drive-in theaters.

Yassenoff was a philanthropist throughout his life and donated a significant sum to the Jewish Center upon his death in 1971.

In 1983, the current home for the Columbus JCC was named in his honor.

In many ways, the stories of Leo Yassenoff and Joseph Schonthal are chapters in the larger American story—of neighbors coming together to make stronger communities.

Today, the Jewish Community Center has multiple locations throughout the Columbus Metropolitan area, which provide recreation facilities and preschool programs.

JCC also continues to host summer camps and educate both students and adults on Jewish cultural heritage. It remains a hub for education, the arts, and spiritual well-being.

It engages the Columbus Metropolitan area as a whole; transcending issues, cultures, ethnicities, races, and religions. JCC also provides classes to immigrants and new Americans.

It works with organizations like the United Way providing services and education opportunities for those with special needs.

Throughout the past century, the JCC has grown along with Columbus and remains focused on its goal: to serve its local community.

On behalf of the people of Ohio and the United States, I thank the JCC of Greater Columbus for all their efforts and wish them another one hundred years of success. Mazel Tov! •

CONGRATULATING JERRY TARKANIAN

• Mr. HELLER. Madam President, today I wish to congratulate former University of Nevada, Las Vegas, UNLV, Runnin' Rebel basketball coach Jerry Tarkanian for being selected for the Naismith Memorial Basketball Hall of Fame. Coach Tarkanian will be inducted into the Hall of Fame on September 8, 2013.

Jerry Tarkanian headed the Runnin' Rebels for 19 seasons with an aggressive and up-tempo style that captivated basketball fans in Las Vegas and across the Nation. Coach Tarkanian posted an impressive winning record at UNLV with a 509–105 winning record—in fact, he never had a losing season with UNLV. He led the Runnin' Rebels to four NCAA Final Four appearances, and a national championship in 1990 with a 103–73 runaway victory over Duke. The 1990 National Championship is still the highest margin of victory in NCAA tournament championship game history.

Not only did Jerry Tarkanian help bring UNLV basketball to national prominence, he aided the University of Nevada, Las Vegas, in gaining exposure and distinction in Nevada. It would be impossible to quantify the impact that Coach Tarkanian has had on the progress and success of UNLV, but his contributions to the State of Nevada certainly deserve our deep appreciation.

Although Coach Tarkanian has not nervously chewed on a towel in the 'Shark Tank' for more than two decades, he is still a beloved figure in the Silver State. Fans and the university community honored him when the court at the Thomas & Mack Center was named in his honor on November 26, 2005.

I ask my colleagues to join me in congratulating this great Nevadan and iconic figure in NCAA basketball history. He may now just be officially joining the Hall of Fame in Springfield, MA, but he has long been in the Hall of Fame in the minds and hearts of UNLV fans.•

CONGRATULATING CHRIS AULT

• Mr. HELLER. Madam President, today I wish to congratulate Hall of Fame Nevada football coach Chris Ault on his retirement after 28 seasons coaching the Nevada Wolf Pack football team. Not only has Coach Ault been an unparalleled football coach, but he was also an extremely talented student-athlete at the University of Nevada Reno, UNR, as the Wolf Pack's star quarterback from 1965 to 1967.

Coach Ault was inducted into the College Football Hall of Fame in 2002 after guiding the UNR football program from Division II to Division I-AA to Division I-A. Coach Ault restored championship-caliber football to the University of Nevada by taking the Wolf Pack to seven straight bowl appearances and two WAC Championships. In 2010, he coached the team to a nearly perfect 13–1 record and finished the season ranked No. 11 in the final top 25 polls. Throughout his career, Coach Ault was named by his peers seven times as the conference's Coach of the Year, and became the 54th coach in NCAA history to win 200 games, and the 30th to win 200 games at one school.

I ask my colleagues to join me in congratulating Coach Chris Ault for a distinguished coaching career in Nevada. It is my hope that he will serve as an example of what great things a person can accomplish when they work with commitment, determination, and persistence.•

ALASKA MARINE HIGHWAY SYSTEM

• Ms. MURKOWSKI. Madam President, today I wish to celebrate 50 years of the Alaska Marine Highway System as an essential means of transportation to the people of Southeast Alaska. The Marine Highway began with one ship in 1963 and has grown to 11 vessels serving more than 350,000 passengers and 30 communities a year, along routes that total more than 3,000 miles.

Growing up in Southeast Alaska like I did, or in other remote coastal communities, you grow to love the Marine Highway and depend on it. With 656,425 square miles of rugged wilderness, scenic beauty and abundant wildlife, Alaska is a large and diverse State. Naturally, traveling in Alaska presents some unique opportunities and challenges. Unlike the lower 48, many of our communities are not accessible by a land-based road system, and our only means of travel is by air or sea. The Marine Highway is a significant part of our highway system, and where traditional roads do not exist, it is our link to the rest of the State.

The Marine Highway began when the M/V Malaspina, a sleek blue and gold vessel named after a glacier in the panhandle of Southeast Alaska, docked in Ketchikan for the first time on January 21, 1963. Three days later it docked in Wrangell for the first time. My father, Frank Murkowski, whom at the

time was president of the Wrangell Chamber of Commerce, was aboard the Malaspina for its maiden voyage to Petersburg. In its first year of service, the Marine Highway added the Taku and Matanuska ferries, which broadened service from Ketchikan to Petersburg, Sitka, Skagway, Wrangell and Prince Rupert, British Columbia. During that inaugural year the fleet moved more than 15,000 vehicles and 80,000 passengers.

In 2005, I attended the designation ceremony to name the Marine Highway as a National Scenic Byway—All American Road, the highest recognition that can be received under the Byways Program. This designation recognized that for Southeast Alaska, the ferry system is a piece of history, a tourist attraction, and a way of life. It is the primary transportation link for many of the 30 communities it serves that populates Alaska's 35,000 miles from Bellingham, WA, up the Inside Passage, across the Gulf of Alaska and out along the 1,000 mile stretch of the Aleutian Chain to the Bering Sea. It also enables Juneau to serve as the only United States capital city not accessible by road.

The Marine Highway directly affects our school system in Southeast Alaska. Over 15 rural schools are given an economically feasible way to travel so that students may participate in competitive academic and sporting events. This allows young Alaskans opportunities that would otherwise be impossible, providing the chance to interact and identify with communities, families and other students from across the State.

To commemorate this special occasion, this summer the M/V Malaspina will sail a special voyage inspired by the 1963 inaugural sailing. The celebration will include community events across Southeast Alaska showcasing the unique culture and heritage of each community.

Much like the blue and gold of Alaska's state flag, the blue and gold ships on the Alaska Marine Highway System embody the spirit and fortitude of Alaskans. What was once called one of the most important and permanent achievements for Alaska since statehood, the Marine Highway has grown alongside the people it serves to improve life in Alaska. We share pride for our unique State, and pride in the Alaska Marine Highway System.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13338 OF MAY 11, 2004, WITH RESPECT TO THE BLOCKING OF PROPERTY OF CERTAIN PERSONS AND PROHIBITION OF EXPORTATION AND RE-EXPORTATION OF CERTAIN GOODS TO SYRIA—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency, unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions of the Government of Syria declared in Executive Order 13338 of May 11, 2004—as modified in scope and relied upon for additional steps taken in Executive Order 13399 of April 25, 2006, Executive Order 13460 of February 13, 2008, Executive Order 13572 of April 29, 2011, Executive Order 13573 of May 18, 2011, Executive Order 13582 of August 17, 2011, Executive Order 13606 of April 22, 2012, and Executive Order 13608 of May 1, 2012—is to continue in effect beyond May 11, 2013.

While the Syrian regime has reduced the number of foreign fighters bound for Iraq, the regime's brutal war on the Syrian people, who have been calling for freedom and a representative government, endangers not only the Syrian people themselves, but could yield greater instability throughout the region. The Syrian regime's actions and policies, including pursuing chemical and biological weapons, supporting terrorist organizations, and obstructing the Lebanese government's ability to function effectively, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions to address this national emergency.

In addition, the United States condemns the Assad regime's use of brutal violence and human rights abuses and calls on the Assad regime to stop its violent war and step aside to allow a political transition in Syria that will forge a credible path to a future of greater freedom, democracy, opportunity, and justice.

The United States will consider changes in the composition, policies, and actions of the Government of Syria in determining whether to continue or terminate this national emergency in the future.

BARACK OBAMA.
THE WHITE HOUSE, *May 7, 2013.*

MESSAGE FROM THE HOUSE

At 2:19 p.m., a message from the House of Representatives, delivered by Mr. Novtony, 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. 291. An act to provide for the conveyance of certain cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota.

H.R. 507. An act to provide for the conveyance of certain land inholdings owned by the United States to the Pascua Yaqui Tribe of Arizona, and for other purposes.

H.R. 588. An act to provide for donor contribution acknowledgments to be displayed at the Vietnam Veterans Memorial Visitor Center, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 32. Concurrent resolution authorizing the use of the Capitol Grounds for the National Honor Guard and Pipe Band Exhibition.

The message further announced that pursuant to section 672(b) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239), the Minority Leader appoints the following individuals to the Military Compensation and Retirement Modernization Commission: Mr. Christopher Carney of Dimock, Pennsylvania and General Peter W. Chiarelli of Seattle, Washington.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 291. An act to provide for the conveyance of certain cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota; to the Committee on Energy and Natural Resources.

H.R. 507. An act to provide for the conveyance of certain land inholdings owned by the United States to the Pascua Yaqui Tribe of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 888. A bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–9. A concurrent resolution adopted by the General Assembly of the State of Ohio urging Congress to maintain operation of the 179th Airlift Wing at Mansfield-Lahm Regional Airport in Mansfield, Ohio; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, The United States Air Force 179th Airlift Wing is a military airlift organization assigned to the Ohio Air National Guard and stationed at Mansfield-Lahm Regional Airport; and

Whereas, Due to its superior record, the 179th Airlift Wing received a mission to operate the C–27J Spartan aircraft, a twin turboprop aircraft with short takeoff and landing capabilities, ideal for the nation's current military needs and for providing rapid response support for homeland emergencies; and

Whereas, The United States Air Force has published proposed personnel actions associated with plans to retire more than 300 aircraft nationwide, including the C–27J; and

Whereas, The United States Air Force has plans to move personnel positions among states to mitigate the impact of the reductions; and

Whereas, The United States Air National Guard, including the 179th Airlift Wing, is responsible for homeland defense, and the C–27J is an important tool in accomplishing this mission; and

Whereas, The 179th Airlift Wing has made United States Air National Guard history by deploying the C–27J in Afghanistan in Operation Enduring Freedom; and

Whereas, Closing the Air National Guard Station at Mansfield-Lahm, relocating its personnel, and diverting or retiring its C–27J aircraft would create discontinuity and weaken national defense and homeland disaster readiness; now therefore be it

Resolved, That the Congress of the United States is urged to maintain operation of the 179th Airlift Wing at Mansfield-Lahm Regional Airport to ensure Ohio and our nation will continue to benefit from the unique experience and capabilities of its personnel and the region; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, to the President Pro Tempore and Secretary of the United States Senate, to the Speaker and the Clerk of the United States House of Representatives, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

POM–10. A joint memorial adopted by the Legislature of the State of New Mexico urging Congress to reauthorize the Water Resources Development Act of 2007, section 5056, and to appropriate sufficient funds to carry out the purposes of the act; to the Committee on Environment and Public Works.

HOUSE JOINT MEMORIAL NO. 7

Whereas, the Rio Grande basin spans the territory of three states, Colorado, New Mexico and Texas, and twenty-two Native American tribes and pueblos and is one of the most rapidly growing areas in the United States; and

Whereas, the Rio Grande runs the entire length of New Mexico, for more than four hundred fifty river-miles, and major tributaries to the Rio Grande are located in New Mexico, including the Pecos river, the Rio Chama, the Jemez river and the Rio Puerco, and many other smaller tributaries too numerous to list; and

Whereas, the Rio Grande mainstem and tributaries provide a renewable water supply for irrigation and drinking water and support nationally significant ecosystems for fish and wildlife and renowned tourism destinations; and

Whereas, the water quality of the Rio Grande and the Pecos river and other tributaries is impaired, in part, by high concentrations of dissolved salts and elevated levels of bacteria that can limit available water supply for municipal and agricultural use; and

Whereas, the Rio Grande and Pecos watersheds in New Mexico have the highest total number of New Mexico species of greatest conservation need across all taxa and are predicted to contain some of the greatest diversity of aquatic species of greatest conservation need; and

Whereas, water quality, supply, conveyance and delivery; ecosystem degradation; and flooding are major issues in the Rio Grande basin in New Mexico, and state and local funding to address these issues is inadequate; and

Whereas, while the United States army corps of engineers has nationwide watershed assessment and construction authorities to study problems, recommend solutions and construct projects to restore the health of rivers, all Rio Grande basin projects must compete nationally for these limited federal funds; and

Whereas, the United States congress and president of the United States established a Rio Grande basin-specific funding authority in the Water Resource Development Act of 2007 under Section 5056, called the Rio Grande environmental management program, which authorized federal funding of up to fifteen million dollars ($15,000,000) annually for the Rio Grande mainstem and tributaries and directed the secretary of the army to rehabilitate and enhance fish and wildlife habitat in partnership with local sponsors and to implement long-term monitoring, data collection and analysis, applied research and adaptive management; and

Whereas, the Rio Grande environmental management program authority expired in September 2011 before any funds could be appropriated to carry out the program, and congress is considering draft language for the next water resource development act; Now, therefore, be it

Resolved by the Legislature of the State of New Mexico that congress be requested to reauthorize Section 5056 of the Water Resource Development Act of 2007 and to appropriate sufficient funds to carry out work related to that legislation; and be it further

Resolved that copies of this memorial be transmitted to the president of the United States, the speaker of the United States house of representatives, the president of the United States senate, the members of the New Mexico congressional delegation, the commanding general of the United States army corps of engineers, the assistant secretary of the army (civil works), the district commander of the United States army corps of engineers, Albuquerque district, and the chair of the president's council on environmental quality.

POM–11. A joint memorial adopted by the Legislature of the State of New Mexico requesting Congress to continue funding its appropriate share of the costs associated with the benefits received by Indian tribes and the United States, as trustee, from settling Indian water rights disputes; to the Committee on Indian Affairs.

HOUSE JOINT MEMORIAL NO. 22

Whereas, the United States government has a trust responsibility to American Indians established through treaties and agreements with Indian tribes and affirmed by the United States supreme court; and

Whereas, Indian tribes gave up lands in return for goods, money and other resources promised by the United States government; and

Whereas, in exchange for taking Indian land and Indian resources, the United States made binding legal agreements that tribes would exercise sovereign authority within their reservation boundaries and be funded in perpetuity by the United States government; and

Whereas, pursuant to the trust responsibility, the United States has a legal obligation to protect Indian tribes' assets and provide needed services to Indian people; and

Whereas, the United States supreme court, in Winters v. United States, established that, when the United States government established reservations for Indian tribes, it also, by implication, reserved appurtenant water, then unappropriated, to the extent needed to satisfy both present and future needs of the reservations; and

Whereas, the United States government has supported settlement negotiations that are consistent with its trust responsibilities to Indian tribes in the Aamodt, Taos and Navajo Nation water rights settlements; and

Whereas, the Aamodt, Taos and Navajo Nation water rights settlements contain appropriate funding and cost-sharing by the United States government proportionate to the benefits received by all parties benefiting from the settlements; and

Whereas, continuing to provide adequate funding for pending Indian water rights disputes in the same cost-sharing proportions as past Indian water rights settlements provides certainty for all stakeholders; and

Whereas, the New Mexico legislature created the Indian water rights settlement fund to aid the implementation of the state's portion of Indian water rights settlements based on the cost-sharing proportions of the Aamodt, Taos and Navajo Nation water rights settlements; and

Whereas, the fund is used to pay the state's portion of the cost necessary to implement Indian water rights settlements approved by the legislature and the United States congress; and

Whereas, there are still pending Indian water rights disputes in New Mexico that need to be settled to satisfy both present and future water needs of the Indian tribes, nations and pueblos of New Mexico; and

Whereas, the New Mexico legislature requires continued full funding and cost-sharing by the United States government to reach settlements in the pending Indian water rights disputes in New Mexico; now, therefore, be it

Resolved by the Legislature of the State of New Mexico that congress be requested to provide full funding to cover the costs associated with the benefits received by Indian tribes and the United States, as trustee, in the same cost-sharing proportions as the Aamodt, Taos and Navajo Nation water rights settlements; and be it further

Resolved that copies of this memorial be transmitted to the speaker of the United States house of representatives, the president pro tempore of the United States senate, the New Mexico congressional delegation, the assistant secretary for Indian affairs of the department of the interior and the state engineer.

POM–12. A joint memorial adopted by the Legislature of the State of New Mexico requesting reauthorization of the Federal Violence Against Women Act 1994; to the Committee on the Judiciary.

HOUSE JOINT MEMORIAL NO. 34

Whereas, the federal Violence Against Women Act of 1994 recognizes the insidious and pervasive nature of domestic violence, dating violence, sexual assault and stalking and created comprehensive, effective cost-saving responses to these crimes; and

Whereas, domestic violence and sexual assault affect millions of Americans every year regardless of their age, economic status, race, religion or education; and

Whereas, nearly one in four women is beaten or raped by a partner during adulthood, and each year approximately two million three hundred thousand people are raped or physically assaulted by a current or former intimate partner; and

Whereas, New Mexico law enforcement identified twenty-one thousand three hundred sixty-eight victims of domestic violence in 2011 and six thousand two hundred nineteen children who were present and witnessed domestic violence; and

Whereas, New Mexico receives approximately one million two hundred thousand dollars ($1,200,000) in funding for domestic violence, teen dating violence, sexual assault and stalking program services through the Violence Against Women Act; and

Whereas, it has been more than two years since the Violence Against Women Act expired; Now, therefore, be it

Resolved by the Senate of the State of New Mexico that it encourage the New Mexico congressional delegation in Washington, D.C., to immediately vote in favor of reauthorizing the Violence Against Women Act of 1994 in a bipartisan manner to protect all victims of intimate partner violence; and be it further

Resolved that copies of this memorial be transmitted to each member of the New Mexico congressional delegation and to the chief clerks of the United States Senate and the United States House of Representatives.

POM–13. A joint resolution adopted by the General Assembly of the State of Tennessee urging the United States Congress to adopt a balanced budget; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 38

Whereas, with each passing year our nation falls further into debt as federal government expenditures repeatedly exceed available revenue; and

Whereas, the annual federal budget has risen to unprecedented levels, demonstrating an unwillingness or inability of both the Legislative and Executive branches of federal government to control the federal debt; and

Whereas, knowledgeable planning and fiscal prudence require that the budget reflect all federal spending and that the budget be in balance; and

Whereas, fiscal discipline is a powerful means for strengthening our nation; with less of America's future financial resources channeled into servicing the national debt, more of our tax dollars would be available for public endeavors that reflect our national priorities, such as education, health, the security of our nation, and the creation of jobs; and

Whereas, Thomas Jefferson recognized the importance of a balanced budget when he wrote: ''The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay for them ourselves.''; and

Whereas, state legislatures overwhelmingly recognize the necessity of maintaining a balanced budget; whether through constitutional requirement or by statute, forty-nine states require a balanced budget; and

Whereas, the federal government's unlimited ability to borrow involves decisions of such magnitude, with such potentially profound consequences for the nation and its people, today and in the future, that it is of vital importance to the future of the United States of America that a balanced budget be adopted on an annual basis; now, therefore, be it

Resolved by the Senate of the One Hundred Eighth General Assembly of the State of Tennessee, the House of Representatives concurring, that we hereby strongly urge the United States Congress to adopt a balanced federal budget on an annual basis, and be it further

Resolved, that an enrolled copy of this resolution be transmitted to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and each member of Tennessee's Congressional delegation.

POM–14. A resolution adopted by the Municipal Legislature of Toa Alta, Puerto Rico relative to urging the President and the Congress of the United States of America to act on the results from the November 6, 2012 plebiscite by the Commonwealth of Puerto Rico, which would assure democratic justice for 3.7 million U.S. citizens; to the Committee on Energy and Natural Resources.

POM–15. A resolution adopted by the Senate of the Legislature of the Northern Marianas Commonwealth requesting the Governor of the North Marinas Islands appoint a special representative for 902 Talks to discuss matters that are currently affecting the relationship between the Northern Mariana Islands and the United States; and for other purposes; to the Committee on Energy and Natural Resources.

POM–16. A resolution adopted by the Conservation Federation of Missouri relative to appropriating funds for the North American Wetlands Conservation Act; to the Committee on Environment and Public Works.

POM–17. A resolution adopted by the Council of the City of Monterey, California relative to supporting ratification of the United Nations Convention on the Elimination of All forms of Discrimination Against Women (CEDAW); to the Committee on Foreign Relations.

POM–18. A resolution adopted by the Senate of the Legislature of the Northern Marianas Commonwealth requesting the United States Congress to officially acknowledge the Chamorro and Carolinian people of the Commonwealth of the Northern Mariana Islands as Native Americans and to include the Chamorro and Carolinian people in definitions set forth under 25 U.S.C. Chapter 14, Subchapter II, Indian Self-Determination and Education Assistance, Section 450(b)(e); 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. HELLER (for himself and Ms. HIRONO):

S. 868. A bill to require the Secretary of Defense to establish a process to determine whether individuals claiming certain service in the Philippines during World War II are eligible for certain benefits despite not being on the Missouri List, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHELBY (for himself and Mr. SESSIONS):

S. 869. A bill to establish the Alabama Black Belt National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of New Mexico (for himself and Ms. HIRONO):

S. 870. A bill to authorize the Secretary of Education to make grants to promote the education of pregnant and parenting students; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Ms. AYOTTE, and Mr. BLUMENTHAL):

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; to the Committee on Armed Services.

By Mr. TOOMEY (for himself and Mr. PRYOR):

S. 872. A bill to amend the Securities Exchange Act of 1934, to make the shareholder threshold for registration of savings and loan holding companies the same as for bank holding companies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S. 873. A bill to amend title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. INHOFE, and Mr. COATS):

S. 874. A bill to prohibit universal service support of commercial mobile service through the Lifeline program; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY:

S. 875. A bill to amend title 38, United States Code, to require the reporting of cases of infectious diseases at facilities of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BLUMENTHAL (for himself and Mr. MURPHY):

S. 876. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend public safety officers' death benefits to fire police officers; to the Committee on the Judiciary.

By Mr. BEGICH:

S. 877. A bill to require the Secretary of Veterans Affairs to allow public access to research of the Department, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FRANKEN (for himself, Mr. LEAHY, Ms. WARREN, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. HIRONO, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. HARKIN, Mr. MENENDEZ, Mr. SCHATZ, Ms. HEITKAMP, Mr. BROWN, Mrs. BOXER, Mr. WYDEN, and Mr. LAUTENBERG):

S. 878. A bill to amend title 9 of the United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 879. A bill to support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market production of maple products, and greater access to lands containing maple trees for maple-sugaring activities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. FEINSTEIN, and Mrs. MCCASKILL)):

S. 880. A bill to amend title 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. GILLIBRAND (for herself and Mr. SCHATZ):

S. 881. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of certain infertility treatments, and for other purposes; to the Committee on Finance.

By Mr. REED (for himself and Mr. COCHRAN):

S. 882. A bill to amend the Workforce Investment Act of 1998 to integrate public libraries into State and local workforce investment boards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW:

S. 883. A bill to reform and modernize domestic refugee resettlement programs, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. COBURN, and Mr. ROCKEFELLER):

S. 884. A bill to require the Director of National Intelligence to develop a watch list and a priority watch list of foreign countries that engage in economic or industrial espionage in cyberspace with respect to United States trade secrets or proprietary information, and for other purposes; to the Committee on Finance.

By Mr. SANDERS (for himself and Mr. LEAHY):

S. 885. A bill to designate the facility of the United States Postal Service located at 35 Park Street in Danville, Vermont, as the ''Thaddeus Stevens Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEE (for himself, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. ENZI, Mr. CHAMBLISS, Mr. COATS, Mr. COCHRAN, Mr. COBURN, Mr. CORNYN, Mr. CRAPO, Mr. CRUZ, Mrs. FISCHER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. INHOFE, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. MCCONNELL, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SCOTT, Mr. SESSIONS, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER):

S. 886. A bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PAUL:

S. 887. A bill to repeal the violation of sovereign nations' laws and privacy matters; to the Committee on Finance.

By Mr. JOHANNS (for himself, Mr. TESTER, Mr. BLUNT, Mr. CRAPO, Mr. DONNELLY, Mrs. HAGAN, Ms. HEITKAMP, Ms. KLOBUCHAR, Mr. MORAN, Mr. SHELBY, Mr. TOOMEY, and Mr. WARNER):

S. 888. A bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934; read the first time.

By Mr. BOOZMAN (for himself, Mr. MANCHIN, Mr. MORAN, and Mr. TESTER):

S. 889. A bill to amend title 10, United States Code, to improve the Transition Assistance Program of the Department of Defense, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAUL (for himself, Mr. LEE, Mr. RUBIO, Mr. VITTER, and Mr. MCCONNELL):

S. 890. A bill to clarify the definition of navigable waters, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR (for herself and Mr. THUNE):

S. Res. 130. A resolution designating the week of May 1 through May 7, 2013, as ''National Physical Education and Sport Week''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. CASEY, his name was added as a cosponsor of S. 33, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 62

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 62, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate overpayments of tax as contributions and to make additional contributions to the Homeless Veterans Assistance Fund, and for other purposes.

S. 123

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 123, a bill to modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes.

S. 313

At the request of Mr. CASEY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors 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. 314

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. 314, a bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life.

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 314, supra.

S. 316

At the request of Mr. SANDERS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 316, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, to eliminate the requirement that the United States Postal Service prefund the Postal Service Retiree Health Benefits Fund, to place restrictions on the closure of postal facilities, to create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 323

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 323, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 382

At the request of Mr. SCHUMER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 382, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 403

At the request of Mr. CASEY, the names of the Senator from Connecticut (Mr. MURPHY), the Senator from Rhode Island (Mr. REED) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors 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. 413

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include human trafficking as a part 1 violent crime for purposes of the Edward Byrne Memorial Justice Assistance Grant Program.

S. 456

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 456, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in prekindergarten through higher education.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 479

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 479, a bill to amend the Internal Revenue Code of 1986 to clarify the

employment tax treatment and reporting of wages paid by professional employer organizations, and for other purposes.

S. 496

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 496, a bill to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms.

S. 545

At the request of Ms. MURKOWSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 545, a bill to improve hydropower, and for other purposes.

S. 554

At the request of Mr. ISAKSON, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 554, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 577

At the request of Mr. NELSON, the name of the Senator from Massachusetts (Mr. COWAN) was added as a cosponsor of S. 577, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 604

At the request of Mr. HELLER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 604, a bill to recognize Jerusalem as the capital of Israel, to relocate to Jerusalem the United States Embassy in Israel, and for other purposes.

S. 617

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 617, a bill to provide humanitarian assistance and support a democratic transition in Syria, and for other purposes.

S. 650

At the request of Ms. LANDRIEU, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 650, a bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers.

S. 679

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 679, a bill to promote local and regional farm and food systems, and for other purposes.

S. 717

At the request of Ms. KLOBUCHAR, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 717, a bill to direct the Secretary of Energy to establish a pilot program to award grants to nonprofit organizations for the purpose of retrofitting nonprofit buildings with energy-efficiency improvements.

S. 728

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 728, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 731

At the request of Mr. MANCHIN, the name of the Senator from Wyoming (Mr. BARRASSO) 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 names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors 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. 754

At the request of Mr. COWAN, his name was added as a cosponsor of S. 754, a bill to amend the Specialty Crops Competitiveness Act of 2004 to include farmed shellfish as specialty crops.

S. 772

At the request of Mr. NELSON, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 772, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 777

At the request of Mrs. GILLIBRAND, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 777, a bill to restore the previous policy regarding restrictions on use of Department of Defense medical facilities.

S. 790

At the request of Mrs. MCCASKILL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 790, a bill to require the United States International Trade Commission to recommend temporary duty suspensions and reductions to Congress, and for other purposes.

S. 798

At the request of Mr. KIRK, his name was withdrawn as a cosponsor of S. 798, a bill to address equity capital requirements for financial institutions, bank holding companies, subsidiaries, and affiliates, and for other purposes.

S. 809

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 809, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that genetically engineered food and foods that contain genetically engineered ingredients be labeled accordingly.

S. 813

At the request of Mr. BLUMENTHAL, his 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.

At the request of Mr. BROWN, his name was added as a cosponsor of S. 813, supra.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 813, supra.

At the request of Mr. COONS, his name was added as a cosponsor of S. 813, supra.

S. 815

At the request of Mr. MERKLEY, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Maryland (Mr. CARDIN), the Senator from Oregon (Mr. WYDEN) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 815, a bill to prohibit the employment discrimination on the basis of sexual orientation or gender identity.

S. 845

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 845, a bill to amend title 38, United States Code, to improve the Department of Veterans Affairs Health Professionals Educational Assistance Program, and for other purposes.

S. 850

At the request of Mr. ALEXANDER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 850, a bill to prohibit the National Labor Relations Board from taking any action that requires a quorum of the members of the Board until such time as Board constituting a quorum shall have been confirmed by the Senate, the Supreme Court issues a decision on the constitutionality of the appointments to the Board made in January 2012, or the adjournment sine die of the first session of the 113th Congress.

S. 865

At the request of Mr. WHITEHOUSE, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from

Maine (Ms. COLLINS) were added as cosponsors of S. 865, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. RES. 65

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 65, a resolution strongly supporting the full implementation of United States and international sanctions on Iran and urging the President to continue to strengthen enforcement of sanctions legislation.

S. RES. 126

At the request of Mr. CARDIN, his name was added as a cosponsor of S. Res. 126, a resolution recognizing the teachers of the United States for their contributions to the development and progress of our country.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Ms. AYOTTE, and Mr. BLUMENTHAL):

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; to the Committee on Armed Services.

Mrs. MURRAY. Mr. President, I come to the floor because I believe the great strength of our military is in the character and dedication of our men and women who wear the uniform. It is the courage of these Americans to volunteer to serve. That is the Pentagon's greatest asset.

I know it is said a lot, but take a minute to think about that. Our servicemembers volunteer to face danger, to put their lives on the line to protect our country and all of its people. When we think of those dangers, we think of IEDs. We think of battles with insurgents, many of whom are so cowardly and evil that they refuse to even wear a uniform themselves, and they seek to kill innocent civilians.

There are, unfortunately, other dangers as well, dangers that cannot be expected and none of our courageous servicemembers should ever have to face. That is what I am speaking about, sexual assault. That continues to plague the ranks of our military services.

It is absolutely unconscionable that a fellow servicemember, the person whom you rely on to have your back and be there for you, would commit such a terrible crime. It is simply appalling that they could commit such a personal violation of their brother or sister in uniform.

Even worse is the prevalence of these crimes. Just today, we are hearing the alarming statistic that the number of cases has increased by more than one-third since 2010. For the estimated 26,000 cases of military sexual assault in 2012, less than 3,000 of them were reported. Out of 26,000, only 3,000 were reported. What is even more startling is that of those who bravely came forward and reported the abuse, an astounding 62 percent of them were retaliated against in one way or another.

According to the Department of Veterans Affairs, about one in five female veterans treated by the VA has suffered from military sexual trauma. That is certainly not the act of a comrade. It is not in keeping with the ethos in any service, and it can no longer be tolerated. We still have not done enough to put an end to these shameful acts.

Today I am taking action to change that. Today Senator AYOTTE and I joined to introduce the Combatting Military Sexual Assault Act of 2013. This is bipartisan legislation that we have worked on to make several vital improvements to protect our servicemembers, to assist the victims, and to punish the criminals. Our bill, the Combatting Military Sexual Assault Act, will create a new category of legal advocates called special victims' counsels who would be responsible for advocating on behalf of the interests of the victim. These SVCs, special victims' counsels, would advise the victim on the range of legal issues they might face. For example, when a young private first class is intimidated into not reporting a sexual assault, by threatening her with unrelated legal charges such as underage drinking, this new advocate, the SVC, would be there to protect her and tell her the truth.

This bill would also enhance the responsibilities and authority of the Department of Defense Sexual Assault Prevention and Response Office, known as the SAPRO, to provide better oversight of efforts to combat military sexual assault across our Armed Forces. SAPRO would also be required to regularly track and report on a range of MSA statistics, including assault rates, the number of cases brought to trial, and compliance within each of these individual services.

Some of this data collection and reporting is already being done, so this requirement is not going to be burdensome. It would give that office statutory authority to track and report to us on the extent of the problem.

The Combatting Military Sexual Assault Act would also require sexual assault cases to be referred to the next superior competent authority for court martial when there is a conflict of interest in the immediate chain of command. This is very important. This will help ensure that sexual assault allegations get a fair, impartial,and thorough investigation. The President of the Military Officers Association of America agrees. They stated:

> Preventing sexual assault is a duty of everyone in the chain of command. This legislation will increase support for sexual assault victims and strengthen policies and procedures for such cases in our Nation's Armed Forces.

This legislation would also prohibit sexual contact between military instructors and servicemembers during basic training or its equivalent or within 30 days after the training. As we have seen, with disturbing frequency at places such as Lackland Air Force Base or the Air Force Academy, new servicemembers are too often taken advantage of and abused.

In these settings, new servicemembers have every aspect of their life controlled by their instructor. While this is appropriate for military training, in this type of setting it is entirely inappropriate for senior servicemembers to seek a sexual relationship with a junior subordinate. It is our view it is impossible for a servicemember to freely give consent in that setting.

This bill will also ensure that sexual assault response coordinators are available to members of the National Guard and Reserve at all times. I was told a very disturbing story recently by a female servicemember from the National Guard in my home State of Washington. After being sexually assaulted during her monthly drill on a military base, she took all the necessary steps, including calling the sexual assault response coordinator. When she called, she was told that because the assault happened during a monthly drill, not on Active Duty, the sexual response coordinator could not help her. Those services were only reserved for those on Active Duty.

That is absolutely unacceptable. When one of our men and women in uniform is the victim of a sexual assault, and they have the courage to come forward and ask for help, the answer never, ever should be, sorry, there are regulations, nothing I can do for you.

This bill is one step to address the crises we have in our own Armed Forces, and it needs to be done now. Yesterday's news that the Air Force's chief of sexual assault prevention was arrested for sexual assault is another reminder that we have to change the culture around this issue.

I want to be very clear. The military has taken some steps on its own. For instance, I am looking forward to seeing Secretary Hagel's proposal on how to reform article 60 of the Uniform Code of Military Justice. As I think most of our colleagues know, under article 60, the convening authority of a court martial is empowered to dismiss the judgment of the court martial and overturn their verdict. Many of us, myself included, have had serious concerns about how that authority has been used in sexual assault cases.

We are here today to introduce this bill, and I wish to thank the Senator from New Hampshire for her advocacy on this issue and for her help in putting this legislation together.

I also wish to thank Representative TIM RYAN for his leadership and championing our companion bill in the other Chamber.

When I asked Navy Secretary Ray Mabus about the sexual assault epidemic, I was glad to hear him say ''concern'' wasn't a strong enough word to describe how he felt about this problem. He said he was angry about it.

I know a lot of us share this feeling. We want it to stop. I am very hopeful both Chambers can work quickly to do right by our Nation's heroes. When our best and brightest put on a uniform and joined our U.S. Armed Forces, they do so with the understanding they will sacrifice much in the name of defending our country and its people. That sacrifice should not have to come in the form of unwanted sexual contact from within the ranks.

I am very pleased to introduce this bill. I wish to thank Senator AYOTTE again for her hard work and advocacy. It is a pleasure to work with her.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 871

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Combating Military Sexual Assault Act of 2013''.

SEC. 2. SPECIAL VICTIMS' COUNSEL FOR VICTIMS OF SEXUAL ASSAULT COMMITTED BY MEMBERS OF THE ARMED FORCES.

(a) SPECIAL VICTIMS' COUNSEL FOR VICTIMS OF SEXUAL ASSAULT COMMITTED BY MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall each implement a program on the provision of a Special Victims' Counsel to victims of a sexual assault committed by a member of the Armed Forces.

(2) QUALIFICATION.—An individual may not be designated as a Special Victims' Counsel under this subsection unless the individual is—

(A) a judge advocate who is a graduate of an accredited law school or is a member of the bar of a Federal court or the highest court of a State; and

(B) is certified as competent to be designated as a Special Victims' Counsel by the Judge Advocate General of the Armed Force of which the individual is a member.

(3) DUTIES.—

(A) IN GENERAL.—Subject to subparagraph (C), the duties of a Special Victims' Counsel shall include the provision of legal advice and assistance to a victim in connection with criminal and civil legal matters related to the sexual assault committed against the victim, including the following:

(i) Legal advice and assistance regarding criminal liability of the victim.

(ii) Legal advice and assistance regarding the victim's responsibility to testify, and other duties to the court.

(iii) Legal advice regarding the potential for civil litigation against other parties (other than the Department of Defense).

(iv) Legal advice regarding any proceedings of the military justice process which the victim may observe.

(v) Legal advice and assistance regarding any proceeding of the military justice process in which the victim may participate as a witness or other party.

(vi) Legal advice and assistance regarding available military or civilian restraining or protective orders.

(vii) Legal advice and assistance regarding available military and veteran benefits.

(viii) Legal assistance in personal civil legal matters in connection with the sexual assault in accordance with section 1044 of title 10, United States Code.

(ix) Such other legal advice and assistance as the Secretary of the military department concerned shall specify for purposes of the program implemented under this subsection.

(B) NATURE OF RELATIONSHIP.—The relationship between a Special Victims' Counsel and a victim in the provision of legal advice and assistance shall be the relationship between an attorney and client.

(b) ASSISTANCE AND REPORTING.—

(1) ASSISTANCE.—Section 1565b of title 10, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) AVAILABILITY OF SPECIAL VICTIMS' COUNSEL FOR VICTIMS OF SEXUAL ASSAULT COMMITTED BY MEMBERS OF THE ARMED FORCES.—(1) A member of the armed forces, or a dependent of a member, who is the victim of a sexual assault described in paragraph (2) may be provided assistance by a Special Victims' Counsel.

''(2) A sexual assault described in this paragraph is any offense if alleged to have been committed by a member of the armed forces as follows:

''(A) Rape or sexual assault under section 920 of this title (article 120 of the Uniform Code of Military Justice).

''(B) An attempt to commit an offense specified in subparagraph (A) as punishable under section 880 of this title (article 80 of the Uniform Code of Military Justice).

''(3) A member of the armed forces or dependent who is the victim of sexual assault described in paragraph (2) shall be informed of the availability of assistance under paragraph (1) as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator, a Sexual Assault Victim Advocate, a military criminal investigator, a victim/witness liaison, a trial counsel, health care providers, or any other personnel designated by the Secretary of the military department concerned for purposes of this paragraph. The member or dependent shall also be informed that the assistance of a Special Victims' Counsel under paragraph (1) is optional and may be declined, in whole or in part, at any time.

''(4) Assistance of a Special Victims' Counsel under paragraph (1) shall be available to a member or dependent regardless of whether the member or dependent elects unrestricted or restricted (confidential) reporting of the sexual assault.''.

(2) REPORTING.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is further amended in paragraph (2)—

(A) by redesignating subparagraph (C) as subparagraph (D); and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) A Special Victims' Counsel.''.

(c) CONFORMING AMENDMENTS TO AUTHORITY ON SARC, SAVA, AND RELATED ASSISTANCE.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking ''may'' and inserting ''shall, upon request,''; and

(2) in paragraph (2)—

(A) by inserting ''a Special Victims' Counsel,'' after ''a Sexual Assault Victim Advocate,''; and

(B) by striking ''or a trial counsel'' and inserting ''a trial counsel, health care providers, or any other personnel designated by the Secretary of the military department concerned for purposes of this paragraph''.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Coordinators, Sexual Assault Victim Advocates, and Special Victims' Counsels''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 80 of such title is amended by striking the item relating to section 1565b and inserting the following new item:

''1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Coordinators, Sexual Assault Victim Advocates, and Special Victims' Counsels.''.

SEC. 3. ENHANCED RESPONSIBILITIES OF SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE FOR DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) IN GENERAL.—Section 1611(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended by striking ''shall—'' and all that follows and inserting ''shall do the following:

''(1) Oversee development and implementation of the comprehensive policy for the Department of Defense sexual assault prevention and response program, including guidance and assistance for the military departments in addressing matters relating to sexual assault prevention and response.

''(2) Serve as the single point of authority, accountability, and oversight for the sexual assault prevention and response program.

''(3) Undertake responsibility for the oversight of the implementation of the sexual assault prevention and response program by the Armed Forces.

''(4) Collect and maintain data of the military departments on sexual assault in accordance with section 1615.

''(5) Provide oversight to ensure that the military departments maintain documents relating to the following:

''(A) Allegations and complaints of sexual assault involving members of the Armed Forces.

''(B) Courts-martial or trials of members of the Armed Forces for offenses relating to sexual assault.

''(6) Act as liaison between the Department of Defense and other Federal and State agencies on programs and efforts relating to sexual assault prevention and response.

''(7) Oversee development of strategic program guidance and joint planning objectives for resources in support of the sexual assault prevention and response program, and make recommendations on modifications to policy, law, and regulations needed to ensure the continuing availability of such resources.

''(8) Provide to the Secretary of Veterans Affairs any records or documents on sexual assault in the Armed Forces, including restricted reports with the approval of the individuals who filed such reports, that are required by the Secretary for purposes of the administration of the laws administered by the Secretary.''.

(b) COLLECTION AND MAINTENANCE OF DATA.—Subtitle A of title XVI of such Act (10 U.S.C. 1561 note) is amended by adding at the end the following new section:

"SEC. 1615. COLLECTION AND MAINTENANCE OF DATA OF MILITARY DEPARTMENTS ON SEXUAL ASSAULT PREVENTION AND RESPONSE.

''In carrying out the requirements of section 1611(b)(4), the Director of the Sexual Assault Prevention and Response Office shall do the following:

''(1) Collect from each military department on a quarterly and annual basis data of such military department on sexual assaults involving members of the Armed Forces in a manner consistent with the policy and procedures developed pursuant to section 586 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 1561 note) that protect the privacy of individuals named in records and the status of records.

''(2) Maintain data collected from the military departments under paragraph (1).

''(3) Assemble from the data collected and maintained under this section quarterly and annual reports on the involvement of members of the Armed Forces in incidents of sexual assault.

''(4) Develop metrics to measure the effectiveness of, and compliance with, training and awareness objectives of the military departments on sexual assault prevention and response.

''(5) Establish categories of information to be provided by the military departments in connection with reports on sexual assault prevention and response, including, but not limited to, the annual reports required by section 1631, and ensure that the submittals of the military departments for purposes of such reports include data within such categories.''.

(c) ELEMENT ON UNIT OF ACCUSED AND VICTIM IN CASE SYNOPSES IN ANNUAL REPORT ON SEXUAL ASSAULTS.—

(1) IN GENERAL.—Section 1631(f) of such Act (10 U.S.C. 1561 note) is amended—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following new paragraph (5):

''(5) The case synopsis shall indicate the unit of each member of the Armed Forces accused of committing a sexual assault and the unit of each member of the Armed Forces who is a victim of sexual assault.''.

(2) APPLICATION OF AMENDMENTS.—The amendments made by paragraph (1) shall apply beginning with the report regarding sexual assaults involving members of the Armed Forces required to be submitted by March 1, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

SEC. 4. DISPOSITION AND OTHER REQUIREMENTS FOR RAPE AND SEXUAL ASSAULT OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) DISPOSITION AND OTHER REQUIREMENTS.—

(1) IN GENERAL.—Subchapter VI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 830 (article 30) the following new section (article):

"§ 830a. Art. 30a. Rape and sexual assault offenses: disposition and other requirements

''(a) IN GENERAL.—Notwithstanding any other provision of this chapter, charges on offenses specified in subsection (b) shall be subject to the disposition requirement in subsection (c) and subject to the other requirements and limitations set forth this section.

''(b) COVERED OFFENSES.—The charges on offenses specified in this subsection are charges on the offenses as follows:

''(1) Rape or sexual assault under section 920 of this title (article 120).

''(2) An attempt to commit an offense specified in paragraph (1) as punishable under section 880 of this title (article 80).

''(c) DISPOSITION REQUIREMENTS.—(1) Subject to paragraph (2), the charges on any offense specified in subsection (b) shall be referred to an appropriate authority for convening general courts-martial under section 822 of this title (article 22) for disposition.

''(2) If the appropriate authority to which charges described in paragraph (1) would be referred under that paragraph is a member with direct supervisory authority over the member alleged to have committed the offense, such charges shall be referred to a superior authority competent to convene a general court-martial.

''(d) VICTIM'S RIGHTS.—A victim of an offense specified in subsection (b) shall have rights as follows:

''(1) To a Special Victims' Counsel provided under section 1565b(b) of this title.

''(2) To have all communications between the victim and any Sexual Assault Response Coordinator, Sexual Assault Victim Advocate, or Special Victims' Counsel for the victim considered privileged communications for purposes of the case and any proceedings relating to the case.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47 of such title (the Uniform Code of Military Justice) is amended by inserting after the item relating to section 830 (article 30) the following new item:

''830a. Art. 30a. Rape and sexual assault offenses: disposition and other requirements.''.

(b) REVISION OF MANUAL FOR COURTS-MARTIAL.—The Joint Service Committee on Military Justice shall amend the Manual for Courts-Martial to reflect the requirements in section 830a of title 10, United States Code (article 830a of the Uniform Code of Military Justice), as added by subsection (b), including, in particular, section 306 of the Manual relating to disposition of charges.

SEC. 5. PROHIBITION ON SEXUAL ACTS AND CONTACT BETWEEN CERTAIN MILITARY INSTRUCTORS AND THEIR TRAINEES.

(a) PROHIBITION.—Section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subsections (e) through (g) as subsections (f) through (h); respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) SEXUAL ACTS AND SEXUAL CONTACT BETWEEN CERTAIN MILITARY INSTRUCTORS AND TRAINEES.—

''(1) ENHANCED PROHIBITION ON SEXUAL ASSAULT.—A military instructor who commits a sexual act upon a member of the armed forces while the member is undergoing basic training (or its equivalent) or within 30 days after completing such training is guilty of sexual assault and shall be punished as a court-martial may direct.

''(2) ENHANCED PROHIBITION ON ABUSIVE SEXUAL CONTACT.—A military instructor who commits or causes sexual contact upon or by a member of the armed forces while the member is undergoing basic training (or its equivalent), or within 30 days after completing such training, which instructor was not the spouse of the member at the member's commencement of such training, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.

''(3) COVERED MILITARY INSTRUCTORS.—This subsection applies with respect to the following members of the armed forces otherwise subject to this chapter:

''(A) Drill Sergeants in the Army.

''(B) Drill Instructors in the Marine Corps.

''(C) Recruit Division Commanders in the Navy.

''(D) Military Training instructors in the Air Force.

''(E) Company Commanders in the Coast Guard.

''(F) Such other members of the armed forces as the Secretary concerned may designate as having supervisory authority over new recruits undergoing basic training (or its equivalent).

''(4) CONSENT.—Lack of consent is not an element and need not be proven in any prosecution under this subsection. Consent is not a defense for any conduct in issue in any prosecution under this subsection.''.

(b) CROSS REFERENCES TO DEFINITIONS.—Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended—

(1) in section 920b(h)(1) (article 120b(h)(1)), by striking ''section 920(g) of this title (article 120(g))'' and inserting ''section 920 of this title (article 120)''; and

(2) in section 920c(d)(1) (article 120c(d)(1)), by striking ''section 920(g) of this title (article 120(g)))'' and inserting ''section 920 of this title (article 120))''.

SEC. 6. AVAILABILITY OF SEXUAL ASSAULT RESPONSE COORDINATORS FOR MEMBERS OF THE NATIONAL GUARD.

(a) AVAILABILITY IN EACH NATIONAL GUARD STATE AND TERRITORY.—Section 584(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1433; 10 U.S.C. 1561 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

''(2) AVAILABILITY IN EACH NATIONAL GUARD STATE AND TERRITORY.—The National Guard of each State and Territory shall ensure that a Sexual Assault Response Coordinator is available at all times to the members of the National Guard of such State or Territory. The Secretary of the Army and the Secretary of the Air Force may, in consultation with the Chief of the National Guard Bureau, assign additional Sexual Assault Response Coordinators in a State or Territory as necessary based on the resource requirements of National Guard units within such State or Territory. Any additional Sexual Assault Response Coordinator may serve on a full-time or part-time basis at the discretion of the assigning Secretary.''.

(b) AVAILABILITY TO PROVIDE ASSISTANCE FOR MEMBERS OF THE NATIONAL GUARD IN STATE STATUS.—Section 1565b of title 10, United States Code, as amended by section 2 of this Act, is further amended in subsection (a)—

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

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

''(2) In the case of a member of the National Guard in State status under title 32 who is the victim of a sexual assault, assistance provided by a Sexual Assault Response Coordinator shall be provided by the Sexual Assault Response Coordinator Assistance available in the State or Territory concerned under paragraph (2) of section 584(a) of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 1561 note), but, with the approval of the Secretary of the Army or the Secretary of the Air Force, as applicable, may also be provided by Sexual Assault Response Coordinator assigned under paragraph (1) of that section.''.

Ms. AYOTTE. Let me say I wish to thank very much my colleague from Washington, Senator MURRAY, for her leadership on this issue and for the opportunity to work together to address this very important issue of making sure we eliminate sexual assaults that occur within our military and that the victims of these crimes get the respect,

the support, and the justice they deserve. I am very honored to work with Senator MURRAY, and I thank her so much for giving me the opportunity to work with her on this important legislation to address a very serious problem in our military.

I approach this issue not just as someone who comes from a military family and has such great, deep respect for the military—as I know Senator MURRAY does with the important position she has on the Veterans' Committee—but also as someone who serves on the Armed Services Committee and someone who worked in my prior career extensively with victims of sexual assault. During my time as a prosecutor in New Hampshire and then later as the State's attorney general, I saw the devastating impact of these types of crimes.

I also saw the real need to address what is too often a silent crime. The victims often suffer in silence for fear of coming forward and not being supported when they are to come forward and report a sexual assault.

That is very important, and that is why I also supported efforts earlier this year—that I know Senator MURRAY was a very strong leader on—to reauthorize the Violence Against Women Act. I wish to thank her for her leadership on that as well.

Currently, military sexual assault occurs at alarming levels throughout all branches of our military. According to the Department of Defenses estimates, 19,000 servicemembers were sexually assaulted in 2011, a rate of over 52 per day. Despite these shocking figures, fewer than 2,800 assaults against servicemembers were reported to the Department of Defense over the same period.

The Department of Defense Sexual Assault Prevention and Response Office's annual report, which was actually just released today at the same time that we are filing our legislation, concludes that the number of people who made an anonymous sexual assault claim but never reported the attack increased from 19,000 in 2011 to 26,000 in 2012, nearly a 37-percent increase. Yet the number of reported sexual assaults against servicemembers only increased—in other words, those who did report and come forward—by about 8 percent. This is a dramatic example of people who were victims but feel they would have the support to come forward and report the crimes that were being committed against them.

Astonishingly, as Senator MURRAY mentioned, just yesterday it was reported that the police arrested a lieutenant colonel in charge of the Air Force's Sexual Assault Prevention and Response branch and charged him with sexual battery, which brought this issue very much to the forefront, given the fact that this individual was charged with important responsibility over the Sexual Assault Prevention and Response Program.

It is important to understand why sexual assault is so destructive, especially when it occurs in our military—of course, when it occurs anywhere. Sexual assault is a serious and unacceptable crime that can inflict lasting emotional and physical impact on the victims of these crimes that can last for years and throughout their lifetimes.

In the military, sexual assault can also damage unit morale, readiness, the preparedness of our troops. Also, military sexual assault can negatively impact the well-earned reputation of those who serve honorably, which is obviously the overwhelming number of members of our military who serve our country with great courage and with great character.

So we must aggressively tackle this problem to compassionately help victims but also to protect the good order and discipline that ultimately undermine and support the readiness of our military units. We do our military and our servicemembers little good if we ignore this problem.

Conversely, it is very important we pass commonsense legislation that will help solve the problem. But we should make no mistake that, again, the vast majority of our men and women in uniform serve with tremendous dignity and honor, and the United States continues to be the very best military in the world because of the character, quality, and courage of our men and women in uniform. But when a servicemember fails to live up to our values and commits a sexual assault, we must ensure victims have the support they need and the perpetrators are held accountable and are brought to justice.

That is why Senator MURRAY and I have introduced this legislation today. Our legislation, titled the ''Combating Military Sexual Assault Act,'' would expand and improve military sexual assault prevention and response resources available to the victims of these crimes. Building on the lessons we have learned from a pilot program already in place in the Air Force, our bill would provide trained special victims' counsels to victims in all service branches to help them throughout the process. These counsels can help comfort and advise victims after the crime has occurred. The special victims' counsel also provides victims the confidence they need to come forward, report the crime, and seek justice.

The Chief of Staff of the Air Force, General Welsh, testified this morning before the Armed Services Committee ''the evidence is clear'' that providing special victims' counsel to those who suffer from this crime has been ''immensely helpful'' in the Air Force. So every victim of crime within our Armed Services deserves to have the support of the special victims' counsel.

Our bill would also ensure sexual assault response coordinators are available to members of the National Guard and Reserve at all times, regardless of whether the servicemember is operating under title 10 or title 32 authority. It is very important we get this in the law now so that our Guard men and women get the support they deserve. We could not have fought the battles and wars we have fought without their courage and bravery and the sacrifices they have made.

Our bill would also make certain sexual assault cases are referred to the general court-martial level when sexual assault charges are filed or to the next superior competent authority when there is a conflict of interest in the immediate chain of command. Right now, the way the system is set up, there is not a set mechanism where there is a conflict of interest. This commonsense approach would recognize the uniquely devastating damage sexual assault crimes inflict on individuals and ensure that victims can have confidence in the military court justice system.

In conclusion, allowing this problem to persist is simply unacceptable, both for the victims and for the morale and readiness of our forces that do so much to ensure the freedom of this country. We must continue to make clear that sexual assault in the military simply will not be tolerated, and we must match these words with actions. Our legislation does just that.

I look forward to working with the Department of Defense, continuing to work with Senator MURRAY—and I thank her again for her leadership—as well as my Senate colleagues on both sides of the aisle in strengthening existing laws and policies so that all military sexual assault victims can come forward without fear of retribution and with the confidence they will receive the support, care, and justice they deserve from our country.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I want to thank my colleagues for working on military sexual assault. Senator GILLIBRAND and I and others are working on a way to handle these assaults which takes them out of the chain of command and makes sure the prosecutors get the chance to decide whether a case goes forward, and no one in the chain of command can overturn a military court that makes a decision.

So I look forward to working with all my colleagues, female colleagues and male colleagues, because this is an absolute disgrace for the greatest Nation on Earth. We have to change a culture that somehow is permissive toward violence against women, and might I add men as well, when we look at the numbers. There is a lot of sexual violence against men in the military in terms of numbers—more cases against men than women—but in terms of percentages, there are more against women. It is a terrible situation.

By Mr. REED (for himself and Mr. COCHRAN):

S. 882. A bill to amend the Workforce Investment Act of 1998 to integrate

public libraries into State and local workforce investment boards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to introduce the Workforce Investments through Local Libraries Act or the WILL Act with Senator COCHRAN. During these challenging economic times, our one-stop system has been stretched to the limit. Stepping in to help have been our public libraries, which have always been a key access point for people looking for employment or looking to make a career change. According to the Institute of Museum and Library Services, 30 million Americans used a library computer to help address their career and employment needs in 2009.

The Employment and Training Administration and the Institute of Museum and Library Services have developed a partnership to highlight effective practices and encourage collaboration between the workforce investment system and public libraries, but more needs to be done. There are more than four times as many libraries as one-stop centers in high unemployment counties. We could greatly expand the reach of the workforce investment system by fully integrating public libraries into the delivery system and providing them with the resources they need to better assist Americans in finding work.

The Workforce Investments through Local Libraries, WILL, Act will strengthen the connection between the public library system and the one-stop system to better serve job seekers. The WILL Act will give library users access to workforce activities and information related to training services and employment opportunities, including resume development, job bank web searches, literacy services, and workshops on career information. The goal of the WILL Act is to enable libraries to access Workforce Investment Act resources to continue to provide job search support in communities all across America.

Specifically, the WILL Act amends the Workforce Investment Act, WIA, to: include library representation on state and local workforce investment boards; ensure the coordination of employment, training, and literacy services carried out by public libraries as part of the state workforce investment plan; recognize public libraries as an allowable ''One-Stop'' partner; authorize new demonstration and pilot projects to establish employment resources in public libraries; and encourage the Employment and Training Administration to collaborate with other federal agencies, including the Institute of Museum and Library Services, to leverage and expand access to workforce development resources.

To get Americans back to work, we need to leverage all of our community assets. Public libraries play a vital role in providing access to information, technology, support, and other essential resources to help Americans find good jobs and build successful careers. I urge my colleagues to join Senator COCHRAN and me in cosponsoring the WILL Act and to support its inclusion in the effort to renew the Workforce Investment Act.

By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. COBURN, and Mr. ROCKEFELLER):

S. 884. A bill to require the Director of National Intelligence to develop a watch list and a priority watch list of foreign countries that engage in economic or industrial espionage in cyberspace with respect to United States trade secrets or proprietary information, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, one aspect of cybersecurity threats from foreign nations relates directly to America's global competitiveness.

If American entrepreneurs are known for one thing, it is innovation. That innovation costs money. American companies invest billions and billions of dollars every year on research and development to create products that are the best in the world. Companies in my State alone invest $16 billion a year in research and development. When these investments succeed American companies are often the leaders in their industries at home and in overseas markets, offering technologies that are not available elsewhere. This is a huge competitive value and one that we must protect.

But too many U.S. companies of all sizes are being robbed of their intellectual property, the engine of their businesses, and the American economy is being undermined through cyber theft. Often the culprits are foreign governments. To make matters worse, these governments share the stolen technology with companies that compete with the very U.S. companies that developed the technology in the first place.

General Keith B. Alexander, head of the National Security Agency and U.S. Cyber Command, recently called the theft of intellectual property from U.S. entities through cyberspace ''the greatest transfer of wealth in history.'' He estimated that such theft costs U.S. companies and institutions hundreds of billions of dollars. It is outrageous that American trade secrets are being stolen and used to compete against us. So who is responsible?

As far back as 2011, the National Counterintelligence Executive said in its annual report to Congress that ''Chinese actors are the world's most active and persistent perpetrators of economic espionage. U.S. private sector firms and cybersecurity specialists have reported an onslaught of computer network intrusions that have originated in China.''

In March of this year, Mandiant, a company that investigates private sector cyber security breaches, published a report describing how a cyber-espionage unit of the Chinese People's Liberation Army raided the computers of at least 141 different organizations, stealing ''technology blueprints, proprietary manufacturing processes, test results, business plans, pricing documents, [and] partnership agreements.'' According to Mandiant, the industries targeted by the PLA ''match industries that China has identified as strategic to their growth.'' Mandiant's report exposed PLA cyber theft aimed at the information technology, transportation, aerospace, satellites and telecommunications, and high end electronics industries, to name just a few.

U.S. government reports also point to China. Just last week the U.S. Trade Representative issued its ''Special 301'' report reviewing the global state of intellectual property rights, IPR. USTR stated that ''Obtaining effective enforcement of IPR in China remains a central challenge, as it has been for many years.'' The report continued ''This situation has been made worse by cyber theft, as information suggests that actors located in China have been engaged in sophisticated, targeted efforts to steal [intellectual property] from U.S. corporate systems.''

Also last week, an article in Bloomberg described cyber espionage conducted by the Chinese People's Liberation Army against QinetiQ, a defense contractor. The article said the PLA operation ''jeopardized the [victim] company's sensitive technology involving drones, satellites, the U.S. Army's combat helicopter fleet, and military robotics, both already-deployed systems and those still in development.'' The report stated that the Chinese ''hackers had burrowed into almost every corner of QinetiQ's U.S. operations, including production facilities and engineering labs in St. Louis, Pittsburgh, Long Beach, Mississippi, Huntsville, Alabama and Albuquerque, New Mexico, where QinetiQ engineers work on satellite-based espionage, among other projects.''

It is time that we fought back to protect American businesses and American innovation. We need to call out those who are responsible for cyber theft and empower the President to hit the thieves where it hurts most—in their wallets.

Today, I am introducing a bill along with Senators MCCAIN, COBURN and ROCKEFELLER that calls on the Director of National Intelligence, DNI, to develop a list of foreign countries that engage in economic or industrial espionage in cyberspace with respect to U.S. trade secrets or proprietary information. We have done something similar under the Special 301 process for intellectual property rights infringements in foreign countries.

Specifically, our legislation requires the DNI to publish an annual report listing foreign countries that engage in, facilitate, support or tolerate economic and industrial espionage targeting U.S. trade secrets or proprietary

information through cyberspace. That report would identify:

A watch list of foreign countries that engage in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons; it would identify a priority watch list of foreign countries that are the most egregious offenders; U.S. technologies targeted for economic or industrial espionage in cyberspace and U.S. technologies that have been stolen, to the extent that is known; articles manufactured or produced or services provided, without permission from the rights holder, using such stolen technologies or proprietary information; foreign companies, including state owned enterprises, that benefit from stolen technologies or proprietary information; details of the economic or industrial espionage engaged in by foreign countries; and actions taken by DNI and other Federal agencies and progress made to decrease foreign economic or industrial espionage in cyberspace against United States persons.

Creating a ''name and shame'' list, as this report would do, will shine a spotlight on those who are stealing U.S. technologies. But we need more than a report, we need action.

Our bill provides for more than a report. In order to enforce compliance with laws protecting U.S. patents, copyrights, and other intellectual property and protection of the Department of Defense supply chain, our legislation requires the President to block imports of products if they: contain stolen U.S. technology or proprietary information, or are produced by a state-owned enterprise of a country on the priority watch list and are the same as or similar to products made using the stolen or targeted U.S. technology or proprietary information identified in the report, or are made by a company identified in the report as having benefitted from the stolen U.S. technology or proprietary information.

Blocking imports of products that either incorporate intellectual property stolen from U.S. companies or are from companies otherwise that benefit from cyber theft will send the message that we have had enough. If foreign governments—like the Chinese government—want to continue to deny their involvement in cyber theft despite the proof, that's one thing. We can't stop the denials on the face of facts. But we aren't without remedies. We can prevent the companies that benefit from the theft—including State-owned companies from getting away with the benefits of that theft. Maybe once they understand that complicity will cost them access to the U.S. market, they will press their governments to stop or refuse to benefit at least. We will hit them where it hurts with this legislation and we aim to get results.

We have stood by for far too long while our intellectual property and proprietary information is plundered in cyberspace and in turn used to undercut the very companies that developed it. It is now time to act. Our legislation will give our Government powerful tools to fight back against these crimes and protect the investments and property of U.S. companies and institutions. I urge my colleagues to work to enact this very important legislation as quickly as possible. We have no time to lose.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 884

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Deter Cyber Theft Act''.

SEC. 2. ACTIONS TO ADDRESS FOREIGN ECONOMIC OR INDUSTRIAL ESPIONAGE IN CYBERSPACE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the appropriate congressional committees a report on foreign economic and industrial espionage in cyberspace during the 12-month period preceding the submission of the report that—

(A) identifies—

(i) foreign countries that engage in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons;

(ii) foreign countries identified under clause (i) that the Director determines engage in the most egregious economic or industrial espionage in cyberspace with respect to such trade secrets or proprietary information (in this section referred to as ''priority foreign countries'');

(iii) technologies or proprietary information developed by United States persons that—

(I) are targeted for economic or industrial espionage in cyberspace; and

(II) to the extent practicable, have been appropriated through such espionage;

(iv) articles manufactured or otherwise produced using technologies or proprietary information described in clause (iii)(II);

(v) services provided using such technologies or proprietary information; and

(vi) foreign entities, including entities owned or controlled by the government of a foreign country, that request, engage in, support, facilitate, or benefit from the appropriation through economic or industrial espionage in cyberspace of technologies or proprietary information developed by United States persons;

(B) describes the economic or industrial espionage engaged in by the foreign countries identified under clauses (i) and (ii) of subparagraph (A); and

(C) describes—

(i) actions taken by the Director and other Federal agencies to decrease the prevalence of economic or industrial espionage in cyberspace; and

(ii) the progress made in decreasing the prevalence of such espionage.

(2) DETERMINATION OF FOREIGN COUNTRIES ENGAGING IN ECONOMIC OR INDUSTRIAL ESPIONAGE IN CYBERSPACE.—For purposes of clauses (i) and (ii) of paragraph (1)(A), the Director shall identify a foreign country as a foreign country that engages in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons if the government of the foreign country—

(A) engages in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons; or

(B) facilitates, supports, fails to prosecute, or otherwise permits such espionage by—

(i) individuals who are citizens or residents of the foreign country; or

(ii) entities that are organized under the laws of the foreign country or are otherwise subject to the jurisdiction of the government of the foreign country.

(3) PRIORITIZATION OF COLLECTION AND ANALYSIS OF INFORMATION.—The President shall direct the Director to make it a priority for the intelligence community to collect and analyze information in order to identify articles described in clause (iv) of paragraph (1)(A), services described in clause (v) of that paragraph, and entities described in clause (vi) of that paragraph.

(4) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(b) ACTION BY PRESIDENT.—

(1) IN GENERAL.—Not later than 120 days after each report required by subsection (a)(1) is submitted, the President shall direct U.S. Customs and Border Protection to exclude from entry into the United States an article described in paragraph (2) if the President determines the exclusion of the article is warranted—

(A) for the enforcement of intellectual property rights; or

(B) to protect the integrity of the Department of Defense supply chain.

(2) ARTICLE DESCRIBED.—An article described in this paragraph is an article—

(A) identified under subsection (a)(1)(A)(iv);

(B) produced or exported by an entity that—

(i) is owned or controlled by the government of a priority foreign country; and

(ii) produces or exports articles that are the same as or similar to articles manufactured or otherwise produced using technologies or proprietary information identified under subsection (a)(1)(A)(iii); or

(C) produced or exported by an entity identified under subsection (a)(1)(A)(vi).

(c) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner that is consistent with the obligations of the United States under international agreements.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

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

(B) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) CYBERSPACE.—The term ''cyberspace''—

(A) means the interdependent network of information technology infrastructures; and

(B) includes the Internet, telecommunications networks, computer systems, and embedded processors and controllers.

(3) ECONOMIC OR INDUSTRIAL ESPIONAGE.—The term ''economic or industrial espionage'' means—

(A) stealing a trade secret or proprietary information or appropriating, taking, carrying away, or concealing, or by fraud, artifice, or deception obtaining, a trade secret or proprietary information without the authorization of the owner of the trade secret or proprietary information;

(B) copying, duplicating, downloading, uploading, destroying, transmitting, delivering, sending, communicating, or conveying a trade secret or proprietary information without the authorization of the owner of the trade secret or proprietary information; or

(C) knowingly receiving, buying, or possessing a trade secret or proprietary information that has been stolen or appropriated, obtained, or converted without the authorization of the owner of the trade secret or proprietary information.

(4) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(5) OWN.—The term ''own'', with respect to a trade secret or proprietary information, means to hold rightful legal or equitable title to, or license in, the trade secret or proprietary information.

(6) PERSON.—The term ''person'' means an individual or entity.

(7) PROPRIETARY INFORMATION.—The term ''proprietary information'' means competitive bid preparations, negotiating strategies, executive emails, internal financial data, strategic business plans, technical designs, manufacturing processes, source code, data derived from research and development investments, and other commercially valuable information that a person has developed or obtained if—

(A) the person has taken reasonable measures to keep the information confidential; and

(B) the information is not generally known or readily ascertainable through proper means by the public.

(8) TECHNOLOGY.—The term ''technology'' has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(9) TRADE SECRET.—The term ''trade secret'' has the meaning given that term in section 1839 of title 18, United States Code.

(10) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a citizen of the United States or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States.

By Mr. BOOZMAN (for himself, Mr. MANCHIN, Mr. MORAN, and Mr. TESTER):

S. 889. A bill to amend title 10, United States Code, to improve the Transition Assistance Program of the Department of Defense, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BOOZMAN. Mr. President, the Transition Assistance Program, TAP, provides training to servicemembers regarding veteran benefits, job search skills, pre-separation counseling, resume writing, how to prepare for interviews, and other transition training. TAP is a great program; however, there is always room for improvement. For this reason, I am joining with Senator's MORAN and MANCHIN to introduce their Servicemembers' Choice in Transition Act of 2013. This legislation enhances the content of TAP to enable those leaving military service to better utilize their GI Bill benefits as a way to transition to civilian employment. It also makes TAP more interactive and provides a better fit for each servicemembers' personal transition goals.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 889

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Servicemembers' Choice in Transition Act 0f 2013''.

SEC. 2. CONTENTS OF TRANSITION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(9) Provide information about disability-related employment and education protections.''.

(2) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

''(c) ADDITIONAL ELEMENTS OF PROGRAM.—The mandatory program carried out under this section shall include—

''(1) for any member who plans to use the member's entitlement to educational assistance under title 38—

''(A) instruction providing an overview of the use of such entitlement; and

''(B) testing to determine academic readiness for post-secondary education, courses of post-secondary education appropriate for the member, courses of post-secondary education compatible with the member's education goals, and instruction on how to finance the member's post-secondary education; and

''(2) instruction in the benefits under laws administered by the Secretary of Veterans Affairs and in other subjects determined by the Secretary concerned.''.

(b) DEADLINE FOR IMPLEMENTATION.—The program carried out under section 1144 of title 10, United States Code, shall comply with the requirements of subsections (b)(9) and (c) of such section, as added by subsection (a), by not later than April 1, 2015.

(c) FEASIBILITY STUDY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives the results of a study carried out by the Secretary to determine the feasibility of providing the instruction described in subsection (b) of section 1142 of title 10, United States Code, at all overseas locations where such instruction is provided by entering into a contract jointly with the Secretary of Labor for the provision of such instruction.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 130—DESIGNATING THE WEEK OF MAY 1 THROUGH MAY 7, 2013, AS ''NATIONAL PHYSICAL EDUCATION AND SPORT WEEK''

Ms. KLOBUCHAR (for herself and Mr. THUNE) submitted the following resolution; which was considered and agreed to:

S. RES. 130

Whereas a decline in physical activity has contributed to the unprecedented epidemic of childhood obesity, which has more than tripled in the United States since 1980;

Whereas regular physical activity is necessary to support normal and healthy growth in children and is essential to the continued health and well-being of children;

Whereas according to the Centers for Disease Control, overweight adolescents have a 70- to 80-percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death;

Whereas physical activity reduces the risk of heart disease, high blood pressure, diabetes, and certain types of cancers;

Whereas type 2 diabetes can no longer be referred to as ''late in life'' or ''adult onset'' diabetes because type 2 diabetes presently occurs in children as young as 10 years old;

Whereas the Physical Activity Guidelines for Americans issued by the Department of Health and Human Services recommend that children engage in at least 60 minutes of physical activity on most, and preferably all, days of the week;

Whereas according to the Centers for Disease Control, only 19 percent of high school students are meeting the goal of 60 minutes of physical activity each day;

Whereas children spend many of their waking hours at school and, as a result, need to be active during the school day to meet the recommendations of the Physical Activity Guidelines for Americans;

Whereas nationally, according to the Centers for Disease Control, 1 out of 4 children does not attend any school physical education classes, and fewer than 1 in 4 children get 20 minutes of vigorous activity every day;

Whereas teaching children about physical education and sports not only ensures that the children are physically active during the school day, but also educates the children on how to be physically active and the importance of physical activity;

Whereas according to a 2006 survey by the Department of Health and Human Services, 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education (or an equivalent) for the entire school year, and 22 percent of schools do not require students to take any physical education courses at all;

Whereas according to that 2006 survey, 13.7 percent of elementary schools, 15.2 percent of middle schools, and 3.0 percent of high schools provide physical education (or an equivalent) at least 3 days per week for the entire school year for students in all grades in the school;

Whereas research shows that fit and active children are more likely to thrive academically;

Whereas increased time in physical education classes can help the attention, concentration, and achievement test scores of children;

Whereas participation in sports teams and physical activity clubs, often organized by

the school and run outside of the regular school day, can improve grade point average, school attachment, educational aspirations, and the likelihood of graduation;

Whereas participation in sports and physical activity improves self-esteem and body image in children and adults;

Whereas children and youths who partake in physical activity and sports programs have increased motor skills, healthy lifestyles, social skills, a sense of fair play, strong teamwork skills, self-discipline, and avoidance of risky behaviors;

Whereas the social and environmental factors affecting children are in the control of the adults and the communities in which the children live, and therefore, the people of the United States share a collective responsibility in reversing the childhood obesity epidemic;

Whereas if efforts are made to intervene with unfit children to bring those children to physically fit levels, then there may also be a concomitant rise in the academic performance of those children; and

Whereas Congress strongly supports efforts to increase physical activity and participation of children and youth in sports: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1 through May 7, 2013, as ''National Physical Education and Sport Week'';

(2) recognizes National Physical Education and Sport Week and the central role of physical education and sports in creating a healthy lifestyle for all children and youth;

(3) supports the implementation of local school wellness policies (as that term is described in section 9A of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758b)) that include ambitious goals for physical education, physical activity, and other activities that address the childhood obesity epidemic and promote child wellness; and

(4) encourages schools to offer physical education classes to students and work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer months for all children and youth.

AMENDMENTS SUBMITTED AND PROPOSED

SA 796. Mr. INHOFE (for himself, Mr. BAUCUS, Mr. CASEY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table.

SA 797. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 798. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 799. Mrs. BOXER (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 601, supra.

SA 800. Mr. BLUNT (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 801. Mr. PRYOR (for himself, Mr. INHOFE, Mrs. FISCHER, Ms. LANDRIEU, Mr. JOHANNS, and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 802. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 601, supra; which was ordered to lie on the table.

SA 803. Mr. WHITEHOUSE (for himself, Mr. ROCKEFELLER, Mr. NELSON, Mr. BLUMENTHAL, Ms. CANTWELL, Ms. COLLINS, and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 804. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 805. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 806. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 807. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 808. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 809. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 810. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 811. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 812. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 813. Mr. BROWN (for himself, Mr. TOOMEY, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 796. Mr. INHOFE (for himself, Mr. BAUCUS, Mr. CASEY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 548, between lines 16 and 17, insert the following:

(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.

On page 556, strike lines 1 through 3, and insert the following:

(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 $2,000,000.

On page 570, between lines 19 and 20, insert the following:

(b) RURAL WATER INFRASTRUCTURE PROJECTS.—

(1) IN GENERAL.—Of the amounts made available to carry out this title for each fiscal year, not more than 10 percent shall be set aside to carry out rural water infrastructure projects.

(2) APPLICABILITY.—Any amounts set aside under paragraph (1) that remain unobligated on June 1 of the fiscal year for which the amounts are set aside shall be made available to the Secretary or the Administrator, as applicable, for use in accordance with this title.

SA 797. Mr. INHOFE submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 12___. 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.

SA 798. Mr. INHOFE submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 20____. VERDIGRIS RIVER BASIN WATER SUPPLY STORAGE CONTRACTS.

Notwithstanding any other provision of law, any community entity that is a party to a contract in effect on the date of enactment of this Act for water supply storage on a nonhydropower lake within the Verdigris River Basin shall be required to pay not more than the contractual rate per acre-foot (as in effect on the date of enactment of this Act) in entering into a contract for new water supply storage in a nonhydropower lake within the Verdigris River Basin.

SA 799. Mrs. BOXER (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the 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; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2013''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCE PROJECTS

Sec. 1001. Purposes.
Sec. 1002. Project authorizations.
Sec. 1003. Project review.

TITLE II—WATER RESOURCES POLICY REFORMS

Sec. 2001. Purposes.
Sec. 2002. Safety assurance review.
Sec. 2003. Continuing authority programs.
Sec. 2004. Continuing authority program prioritization.
Sec. 2005. Fish and wildlife mitigation.
Sec. 2006. Mitigation status report.
Sec. 2007. Independent peer review.
Sec. 2008. Operation and maintenance of navigation and hydroelectric facilities.
Sec. 2009. Hydropower at Corps of Engineers facilities.
Sec. 2010. Clarification of work-in-kind credit authority.
Sec. 2011. Transfer of excess work-in-kind credit.
Sec. 2012. Credit for in-kind contributions.
Sec. 2013. Credit in lieu of reimbursement.
Sec. 2014. Dam optimization.
Sec. 2015. Water supply.
Sec. 2016. Report on water storage pricing formulas.
Sec. 2017. Clarification of previously authorized work.
Sec. 2018. Consideration of Federal land in feasibility studies.
Sec. 2019. Planning assistance to States.
Sec. 2020. Vegetation management policy.
Sec. 2021. Levee certifications.
Sec. 2022. Restoration of flood and hurricane storm damage reduction projects.
Sec. 2023. Operation and maintenance of certain projects.
Sec. 2024. Dredging study.
Sec. 2025. Non-Federal project implementation pilot program.
Sec. 2026. Non-Federal implementation of feasibility studies.
Sec. 2027. Tribal partnership program.
Sec. 2028. Cooperative agreements with Columbia River Basin Indian tribes.
Sec. 2029. Military munitions response actions at civil works shoreline protection projects.
Sec. 2030. Beach nourishment.
Sec. 2031. Regional sediment management.
Sec. 2032. Study acceleration.
Sec. 2033. Project acceleration.
Sec. 2034. Feasibility studies.
Sec. 2035. Accounting and administrative expenses.
Sec. 2036. Determination of project completion.
Sec. 2037. Project partnership agreements.
Sec. 2038. Interagency and international support authority.
Sec. 2039. Acceptance of contributed funds to increase lock operations.
Sec. 2040. Emergency response to natural disasters.
Sec. 2041. Systemwide improvement frameworks.
Sec. 2042. Funding to process permits.
Sec. 2043. National riverbank stabilization and erosion prevention study and pilot program.
Sec. 2044. Hurricane and storm damage risk reduction prioritization.
Sec. 2045. Prioritization of ecosystem restoration efforts.
Sec. 2046. Special use permits.
Sec. 2047. Operations and maintenance on fuel taxed inland waterways.
Sec. 2048. Corrosion prevention.
Sec. 2049. Project deauthorizations.
Sec. 2050. Reports to Congress.
Sec. 2051. Indian Self-Determination and Education Assistance Act conforming amendment.
Sec. 2052. Invasive species review.
Sec. 2053. Wetlands conservation study.
Sec. 2054. Dam modification study.
Sec. 2055. Non-Federal plans to provide additional flood risk reduction.
Sec. 2056. Mississippi River forecasting improvements.
Sec. 2057. Flexibility in maintaining navigation.
Sec. 2058. Restricted areas at Corps of Engineers dams.
Sec. 2059. Maximum cost of projects.

TITLE III—PROJECT MODIFICATIONS

Sec. 3001. Purpose.
Sec. 3002. Chatfield Reservoir, Colorado.
Sec. 3003. Missouri River Recovery Implementation Committee expenses reimbursement.
Sec. 3004. Hurricane and storm damage reduction study.
Sec. 3005. Lower Yellowstone Project, Montana.
Sec. 3006. Project deauthorizations.
Sec. 3007. Raritan River Basin, Green Brook Sub-basin, New Jersey.
Sec. 3008. Red River Basin, Oklahoma, Texas, Arkansas, Louisiana.
Sec. 3009. Point Judith Harbor of Refuge, Rhode Island.
Sec. 3010. Land conveyance of Hammond Boat Basin, Warrenton, Oregon.
Sec. 3011. Metro East Flood Risk Management Program, Illinois.
Sec. 3012. Florida Keys water quality improvements.
Sec. 3013. Des Moines Recreational River and Greenbelt, Iowa.
Sec. 3014. Land conveyance, Craney Island Dredged Material Management Area, Portsmouth, Virginia.
Sec. 3015. Los Angeles County Drainage Area, California.
Sec. 3016. Oakland Inner Harbor Tidal Canal, California.
Sec. 3017. Redesignation of Lower Mississippi River Museum and Riverfront Interpretive Site.
Sec. 3018. Louisiana Coastal Area.

TITLE IV—WATER RESOURCE STUDIES

Sec. 4001. Purpose.
Sec. 4002. Initiation of new water resources studies.
Sec. 4003. Applicability.

TITLE V—REGIONAL AND NONPROJECT PROVISIONS

Sec. 5001. Purpose.
Sec. 5002. Northeast Coastal Region ecosystem restoration.
Sec. 5003. Chesapeake Bay Environmental Restoration and Protection Program.
Sec. 5004. Rio Grande environmental management program, Colorado, New Mexico, Texas.
Sec. 5005. Lower Columbia River and Tillamook Bay ecosystem restoration, Oregon and Washington.
Sec. 5006. Arkansas River, Arkansas and Oklahoma.
Sec. 5007. Aquatic invasive species prevention and management; Columbia River Basin.
Sec. 5008. Upper Missouri Basin flood and drought monitoring.
Sec. 5009. Northern Rockies headwaters extreme weather mitigation.
Sec. 5010. Aquatic nuisance species prevention, Great Lakes and Mississippi River Basin.
Sec. 5011. Middle Mississippi River pilot program.
Sec. 5012. Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.
Sec. 5013. Chesapeake Bay oyster restoration in Virginia and Maryland.
Sec. 5014. Missouri River between Fort Peck Dam, Montana and Gavins Point Dam, South Dakota and Nebraska.
Sec. 5015. Operations and maintenance of inland Mississippi River ports.
Sec. 5016. Remote and subsistence harbors.

TITLE VI—LEVEE SAFETY

Sec. 6001. Short title.
Sec. 6002. Findings; purposes.
Sec. 6003. Definitions.
Sec. 6004. National levee safety program.
Sec. 6005. National levee safety advisory board.
Sec. 6006. Inventory and inspection of levees.
Sec. 6007. Reports.
Sec. 6008. Effect of title.
Sec. 6009. Authorization of appropriations.

TITLE VII—INLAND WATERWAYS

Sec. 7001. Purposes.
Sec. 7002. Definitions.

Sec. 7003. Project delivery process reforms.
Sec. 7004. Major rehabilitation standards.
Sec. 7005. Inland waterways system revenues.
Sec. 7006. Efficiency of revenue collection.
Sec. 7007. GAO study, Olmsted Locks and Dam, Lower Ohio River, Illinois and Kentucky.
Sec. 7008. Olmsted Locks and Dam, Lower Ohio River, Illinois and Kentucky.

TITLE VIII—HARBOR MAINTENANCE

Sec. 8001. Short title.
Sec. 8002. Purposes.
Sec. 8003. Funding for harbor maintenance programs.
Sec. 8004. Harbor Maintenance Trust Fund prioritization.

TITLE IX—DAM SAFETY

Sec. 9001. Short title.
Sec. 9002. Purpose.
Sec. 9003. Administrator.
Sec. 9004. Inspection of dams.
Sec. 9005. National Dam Safety Program.
Sec. 9006. Public awareness and outreach for dam safety.
Sec. 9007. Authorization of appropriations.

TITLE X—INNOVATIVE FINANCING PILOT PROJECTS

Sec. 10001. Short title.
Sec. 10002. Purposes.
Sec. 10003. Definitions.
Sec. 10004. Authority to provide assistance.
Sec. 10005. Applications.
Sec. 10006. Eligible entities.
Sec. 10007. Projects eligible for assistance.
Sec. 10008. Activities eligible for assistance.
Sec. 10009. Determination of eligibility and project selection.
Sec. 10010. Secured loans.
Sec. 10011. Program administration.
Sec. 10012. State, tribal, and local permits.
Sec. 10013. Regulations.
Sec. 10014. Funding.
Sec. 10015. Report to Congress.

TITLE XI—EXTREME WEATHER

Sec. 11001. Study on risk reduction.
Sec. 11002. GAO study on management of flood, drought, and storm damage.
Sec. 11003. Post-disaster watershed assessments.

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.

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 note) is amended by inserting '', or construction of design deficiency corrections on the project,'' after ''construction on the project''.

(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) DEFINITIONS.—In this section:

(1) OTHER RELATED PROJECT BENEFITS.—The term ''other related project benefits'' includes—

(A) 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;

(B) increased water supply storage (except for any project in the Apalachicola-Chattahoochee-Flint River system and the Alabama-Coosa-Tallapoosa River system);

(C) increased hydropower generation;

(D) reduced flood risk;

(E) additional navigation; and

(F) improved recreation.

(2) WATER CONTROL PLAN.—The term ''water control plan'' means—

(A) a plan for coordinated regulation schedules for project or system regulation; and

(B) such additional provisions as may be required to collect, analyze, and disseminate basic data, prepare detailed operating instructions, ensure project safety, and carry out regulation of projects in an appropriate manner.

(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, including—

(A) the review of project operations on a regular and timely basis to determine the potential for operational changes;

(B) carrying out any investigation or study the Secretary determines to be necessary; and

(C) the revision or updating of a water control plan or other modification of the operation of a water resource 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; or

(ii) preempts or affects any State water law or interstate compact governing water.

(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 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.

(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) result in denial of any approvals required for the water resource project under applicable laws.

''(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.''.

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.

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).''.

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 COASTAL PROTECTION 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 Coastal Protection 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''.

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 2018.

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. 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) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000.

SEC. 5010. 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. 5011. 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. 5012. 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 fiscal year 2001 and each subsequent fiscal year $450,000,000, which shall 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.''.

SEC. 5013. 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. 5014. 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. 5015. 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. 5016. 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.''.

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.).

(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 amount 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) 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.

''(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 prioritize 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.

''(C) 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 prioritize 10 percent of remaining amounts made available under this section for projects—

''(i) that have been maintained at less than their authorized width and depth during the preceding 5 fiscal years; and

''(ii) for which significant State and local investments in infrastructure have been made at those projects.

''(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.''.

(b) 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 has an inside volume of not less than 20 feet.

''(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.''.

(c) 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''.

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) 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.

(11) 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.

(12) 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).

(13) 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.).

(14) 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.

(15) 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.—The eligible project costs of a project shall be reasonably anticipated to be not less than $20,000,000.

(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.

TITLE XI—EXTREME WEATHER

SEC. 11001. 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 historical extreme weather events and the ability of existing infrastructure to mitigate risks associated with those events;

(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. 11002. 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; and

(6) 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. 11003. 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, or ecosystem restoration 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.

SA 800. Mr. BLUNT (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

Redesignate sections 11001, 11002, and 11003 as sections 11002, 11003, and 11004, respectively.

At the beginning of title XI, insert the following:

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.

In section 11002(b) (as redesignated), strike paragraph (2) and insert the following:

(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.

In section 11003(b)(5) (as redesignated), strike the ''and'' at the end.

In section 11003(b) (as redesignated) redesignate paragraph (6) as paragraph (7).

In section 1003(b) (as redesignated), insert after paragraph (5) the following:

(6) any recommendations on the use of resilient construction techniques to reduce future vulnerability from flood, storm, and drought conditions; and

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SA 801. Mr. PRYOR (for himself, Mr. INHOFE, Mrs. FISCHER, Ms. LANDRIEU, Mr. JOHANNS, and Mr. KING) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XII—MISCELLANEOUS

SEC. 12001. 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 ''reportable discharge history'' in section 112.7(k)(1) of title 40, Code of Federal Regulations (or successor regulations).

(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 42,000 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 greater than 10,000 gallons but less than 42,000 gallons; and

(ii) no reportable oil discharge history of oil; and

(2) exempt from all requirements of the rule any farm—

(A) with an aggregate aboveground storage capacity of less than or equal to 10,000 gallons; and

(B) no reportable oil discharge history.

(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.

SA 802. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 20____. DELAY IN FLOOD INSURANCE RATE CHANGES.

(a) IN GENERAL.—Any change in risk premium rates for flood insurance under the National Flood Insurance Program under the amendments made by sections 100205 and 100207 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 917) to sections 1307 and 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014, 4015) shall not take effect until the date that is 180 days after the date on which the Administrator of the Federal Emergency Management Agency submits the report on affordability under section 100236(c) of the Biggert-Waters Flood Insurance Reform Act of 2012.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect as if enacted as part of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 916).

SA 803. Mr. WHITEHOUSE (for himself, Mr. ROCKEFELLER, Mr. NELSON, Mr. BLUMENTHAL, Ms. CANTWELL, Ms. COLLINS, and Mr. KING) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end, add the following:

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.

SA 804. Mr. COBURN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ANNUAL REPORT ON AMMUNITION.

(a) DEFINITION.—In this section, the term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(b) ANNUAL REPORT.—Except as provided in subsection (c), not later than December 31, 2013, and before each December 31 thereafter, each agency shall submit to Congress a report on—

(1) the number of firearms and types of firearms purchased or otherwise acquired by the agency during the previous fiscal year;

(2) the number of rounds of ammunition and the type of ammunition purchased by the agency during the previous fiscal year;

(3) the number of firearms owned by the agency that were stolen, lost, or unaccounted for during the previous fiscal year; and

(4) the number of firearms possessed by the agency at the end of the previous fiscal year.

(c) NATIONAL SECURITY EXCEPTION.—Subsection (b) shall not apply to the Department of Defense or the Central Intelligence Agency, if the Secretary of Defense or the Director of the Central Intelligence Agency—

(1) submits to Congress a detailed explanation of why reporting of the information described in subsection (b) would harm national security; and

(2) upon request, makes the information described in subsection (b) available to the relevant congressional oversight committees in a classified format.

SA 805. Mr. COBURN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 20____. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) FINDINGS.—Congress finds that—

(1) the Second Amendment of the Constitution provides that ''the right of the people to keep and bear arms shall not be infringed'';

(2) section 327.13 of title 36, Code of Federal Regulations provides that, except in special circumstances, ''possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited'' at water resources development projects administered by the Secretary;

(3) the regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the Second Amendment rights of the individuals while at the water resources development projects; and

(4) Federal laws should make it clear that the Second Amendment rights of an individual at a water resources development project should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS AT WATER RESOURCES DEVELOPMENT PROJECTS.—The Secretary shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under part 327 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

SA 806. Mr. PRYOR submitted an amendment intended to be proposed by him to the 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; which

was ordered to lie on the table; as follows:

In section 2012, strike subsection (b) and insert the following:

(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".

SA 807. Mr. PAUL submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. APPLICABILITY OF PROPOSED RULE ON IMPACT ANALYSES OF FISH AND WILDLIFE HABITAT.

The proposed rule of the United States Fish and Wildlife Service entitled "Endangered and Threatened Wildlife and Plants; Revisions to the Regulations for Impact Analyses of Critical Habitat" (77 Fed. Reg. 51503-51510 (August 24, 2012)) shall have no force or effect.

SA 808. Mr. PAUL submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

In section 1003, redesignate subsection (c) as subsection (d) and insert after subsection (b) the following:

(c) HIGH COST PROJECTS.—If the cost of a project carried out under this section exceeds 400 percent of the authorized cost of the project, the Comptroller General of the United States shall—

(1) conduct an assessment of the reasons for the excess costs; and

(2) submit to Congress a recommendation for continued authorization or deauthorization of the project.

In section 11003(c), strike "All" and insert the following:

(1) IN GENERAL.—All

At the end of section 11003(c), add the following:

(2) HIGH COST PROJECTS.—If the cost of a project carried out under this section exceeds 400 percent of the authorized cost of the project and the benefit-cost ratio requirement was waived for the project, a benefit-cost ratio shall be calculated for the project, and included in the assessment required under section 1003(c), using the most recent available data.

SA 809. Mr. PAUL submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—REINS ACT

SEC. _01. SHORT TITLE.

This title may be cited as the "Regulations From the Executive in Need of Scrutiny Act of 2013" or the "REINS Act".

SEC. _02. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Section 1 of article I of the United States Constitution grants all legislative powers to Congress.

(2) Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes.

(3) By requiring a vote in Congress, the REINS Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the people of the United States for the laws imposed upon them.

(b) PURPOSE.—The purpose of this title is to increase accountability for and transparency in the Federal regulatory process.

SEC. _03. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Chapter 8 of title 5, United States Code, is amended to read as follows:

"CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

"Sec.
"801. Congressional review.
"802. Congressional approval procedure for major rules.
"803. Congressional disapproval procedure for nonmajor rules.
"804. Definitions.
"805. Judicial review.
"806. Exemption for monetary policy.
"807. Effective date of certain rules.

"§ 801. Congressional review

"(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of Congress and to the Comptroller General a report containing—

"(i) a copy of the rule;

"(ii) a concise general statement relating to the rule;

"(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

"(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

"(v) the proposed effective date of the rule.

"(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

"(i) a complete copy of the cost-benefit analysis of the rule, if any;

"(ii) the actions of the agency pursuant to sections 603, 604, 605, 607, and 609 of title 5, United States Code;

"(iii) the actions of the agency pursuant to sections 1532, 1533, 1534, and 1535 of title 2, United States Code; and

"(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

"(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

"(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of compliance by the agency with procedural steps required by paragraph (1)(B).

"(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

"(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

"(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

"(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

"(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

"(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

"(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

"(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

"(A) necessary because of an imminent threat to health or safety or other emergency;

"(B) necessary for the enforcement of criminal laws;

"(C) necessary for national security; or

"(D) issued pursuant to any statute implementing an international trade agreement.

"(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

"(d)(1) In addition to the opportunity for review otherwise provided under this chapter, sections 802 and 803 shall apply, in the succeeding session of Congress, to any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

"(A) in the case of the Senate, 60 session days before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session; or

''(B) in the case of the House of Representatives, 60 legislative days before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session.

''(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register on—

''(I) in the case of the Senate, the 15th session day after the succeeding session of Congress first convenes; or

''(II) in the case of the House of Representatives, the 15th legislative day after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

''§ 802. Congressional approval procedure for major rules

''(a)(1) For purposes of this section, the term 'joint resolution' means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

''(A) bears no preamble;

''(B) bears the following title: 'Approving the rule submitted by _____ relating to _____.' (The blank spaces being appropriately filled in);

''(C) includes after its resolving clause only the following: 'That Congress approves the rule submitted by _____ relating to _____.' (The blank spaces being appropriately filled in); and

''(D) is introduced pursuant to paragraph (2).

''(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or the designee of the majority leader) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

''(A) in the case of the House of Representatives, within 3 legislative days; and

''(B) in the case of the Senate, within 3 session days.

''(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

''(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

''(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the House of Representatives, if the committee or committees to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee or committees shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for not fewer than 5 legislative days to call up the joint resolution for immediate consideration in the House without intervention of any point of order. When so called up, a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

''(f)(1) For purposes of this subsection, the term 'identical joint resolution' means a joint resolution of the first House that proposes to approve the same major rule as a joint resolution of the second House.

''(2) If the second House receives from the first House a joint resolution, the Chair shall determine whether the joint resolution is an identical joint resolution.

''(3) If the second House receives an identical joint resolution—

''(A) the identical joint resolution shall not be referred to a committee; and

''(B) the procedure in the second House shall be the same as if no joint resolution had been received from the first house, except that the vote on final passage shall be on the identical joint resolution.

''(4) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

''(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

''(h) This section and section 803 are enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

''§ 803. Congressional disapproval procedure for nonmajor rules

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the nonmajor rule submitted by the _____ relating to _____, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in).

''(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(2) For purposes of this section, the term 'submission or publication date' means the later of the date on which—

''(A) the Congress receives the report submitted under section 801(a)(1); or

''(B) the nonmajor rule is published in the Federal Register, if so published.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution

shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

''(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

''(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''§ 804. Definitions

''For purposes of this chapter—

''(1) the term 'Federal agency' means any agency as that term is defined in section 551(1);

''(2) the term 'major rule' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

''(A) an annual effect on the economy of $100,000,000 or more;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

''(3) the term 'nonmajor rule' means any rule that is not a major rule; and

''(4) the term 'rule' has the meaning given such term in section 551, except that such term does not include—

''(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

''(B) any rule relating to agency management or personnel; or

''(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

''§ 805. Judicial review

''(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

''(c) The enactment of a joint resolution of approval under section 802 shall not—

''(1) be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule;

''(2) extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule; and

''(3) form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

''§ 806. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

''§ 807. Effective date of certain rules

''Notwithstanding section 801—

''(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

''(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.''.

SEC. __04. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)) is amended by adding at the end the following:

''(E) Any rules subject to the congressional approval procedure set forth in section 802 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.''.

SA 810. Mr. PAUL submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE XII—MISCELLANEOUS

SECTION 12001. SHORT TITLE.

This title may be cited as the ''Defense of Environment and Property Act of 2013''.

SEC. 12002. NAVIGABLE WATERS.

(a) IN GENERAL.—Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by striking paragraph (7) and inserting the following:

''(7) NAVIGABLE WATERS.—

''(A) IN GENERAL.—The term 'navigable waters' means the waters of the United States, including the territorial seas, that are—

''(i) navigable-in-fact; or

''(ii) permanent, standing, or continuously flowing bodies of water that form geographical features commonly known as streams, oceans, rivers, and lakes that are connected to waters that are navigable-in-fact.

''(B) EXCLUSIONS.—The term 'navigable waters' does not include (including by regulation)—

''(i) waters that—

''(I) do not physically abut waters described in subparagraph (A); and

''(II) lack a continuous surface water connection to navigable waters;

''(ii) man-made or natural structures or channels—

''(I) through which water flows intermittently or ephemerally; or

''(II) that periodically provide drainage for rainfall; or

''(iii) wetlands without a continuous surface connection to bodies of water that are waters of the United States.

''(C) EPA AND CORPS ACTIVITIES.—An activity carried out by the Administrator or the Corps of Engineers shall not, without explicit State authorization, impinge upon the traditional and primary power of States over land and water use.

''(D) AGGREGATION; WETLANDS.—

''(i) AGGREGATION.—Aggregation of wetlands or waters not described in clauses (i) through (iii) of subparagraph (B) shall not be used to determine or assert Federal jurisdiction.

''(ii) WETLANDS.—Wetlands described in subparagraph (B)(iii) shall not be considered to be under Federal jurisdiction.

''(E) JUDICIAL REVIEW.—If a jurisdictional determination by the Administrator or the Secretary of the Army would affect the ability of a State or individual property owner to plan the development and use (including restoration, preservation, and enhancement) of land and water resources, the State or individual property owner may obtain expedited judicial review not later than 30 days after the date on which the determination is made in a district court of the United States, of appropriate jurisdiction and venue, that is located within the State seeking the review.

''(F) TREATMENT OF GROUND WATER.—Ground water shall—

''(i) be considered to be State water; and

''(ii) not be considered in determining or asserting Federal jurisdiction over isolated or other waters, including intermittent or ephemeral water bodies.

''(G) PROHIBITION ON USE OF NEXUS TEST.—Notwithstanding any other provision of law, the Administrator may not use a significant nexus test (as used by EPA in the proposed document listed in section 3(a)(1)) to determine Federal jurisdiction over navigable waters and waters of the United States.''.

(b) APPLICABILITY.—Nothing in this section or the amendments made by this section affects or alters any exemption under—

(1) section 402(l) of the Federal Water Pollution Control Act (33 U.S.C. 1342(l)); or

(2) section 404(f) of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)).

SEC. 12003. APPLICABILITY OF AGENCY REGULATIONS AND GUIDANCE.

(a) IN GENERAL.—The following regulations and guidance shall have no force or effect:

(1) The final rule of the Corps of Engineers entitled ''Final Rule for Regulatory Programs of the Corps of Engineers'' (51 Fed. Reg. 41206 (November 13, 1986)).

(2) The proposed rule of the Environmental Protection Agency entitled ''Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of 'Waters of the United States' '' (68 Fed. Reg. 1991 (January 15, 2003)).

(3) The guidance document entitled ''Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in 'Rapanos v. United States' & 'Carabell v. United States' '' (December 2, 2008) (relating to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)).

(4) Any subsequent regulation of or guidance issued by any Federal agency that defines or interprets the term ''navigable waters''.

(b) PROHIBITION.—The Secretary of the Army, acting through the Chief of Engineers, and the Administrator of the Environmental Protection Agency shall not promulgate any rules or issue any guidance that expands or interprets the definition of navigable waters unless expressly authorized by Congress.

SEC. 12004. STATE REGULATION OF WATER.

Nothing in this title affects, amends, or supersedes—

(1) the right of a State to regulate waters in the State; or

(2) the duty of a landowner to adhere to any State nuisance laws (including regulations) relating to waters in the State.

SEC. 12005. CONSENT FOR ENTRY BY FEDERAL REPRESENTATIVES.

Section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1318) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) ENTRY BY FEDERAL AGENCY.—A representative of a Federal agency shall only enter private property to collect information about navigable waters if the owner of that property—

''(A) has consented to the entry in writing;

''(B) is notified regarding the date of the entry; and

''(C) is given access to any data collected from the entry.

''(2) ACCESS.—If a landowner consents to entry under paragraph (1), the landowner shall have the right to be present at the time any data collection on the property of the landowner is carried out.''.

SEC. 12006. COMPENSATION FOR REGULATORY TAKING.

(a) IN GENERAL.—If a Federal regulation relating to the definition of navigable waters or waters of the United States diminishes the fair market value or economic viability of a property, as determined by an independent appraiser, the Federal agency issuing the regulation shall pay the affected property owner an amount equal to twice the value of the loss.

(b) ADMINISTRATION.—Any payment provided under subsection (a) shall be made from the amounts made available to the relevant agency head for general operations of the agency.

(c) APPLICABILITY.—A Federal regulation described in subsection (a) shall have no force or effect until the date on which each landowner with a claim under this section relating to that regulation has been compensated in accordance with this section.

SA 811. Mr. SESSIONS submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5011. RELEASE OF USE RESTRICTIONS.

Notwithstanding any other provision of law, the Tennessee Valley Authority shall, in a manner it considers appropriate and without need for further congressional approval, 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.

SA 812. Mr. PAUL submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

On page 578, after line 10, add the following:

TITLE XII—MISCELLANEOUS

SEC. 12001. REMOVAL OF FAT POCKETBOOK PEARLY MUSSEL FROM THE LIST OF ENDANGERED OR THREATENED SPECIES.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(b) REMOVAL.—Not later than 30 days after the date of enactment of this section, the Secretary shall remove from the list of endangered or threatened species under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)) the fat pocketbook pearly mussel.

SA 813. Mr. BROWN (for himself, Mr. TOOMEY, and Mr. CASEY) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 50____. 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;

(D) any quantitative measures that Director intends to use to document progress in controlling the spread of Asian carp; and

(E) a cross-cut accounting of Federal and non-Federal expenditures to control the spread of Asian carp.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, May 8, 2013, at 4 p.m. in room 430 of the Dirksen Senate Office Building to mark up the nomination of Thomas E. Perez, to be Secretary of Labor.

For further information regarding this meeting, please contact the Committee at (202) 224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, May 9, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Pharmaceutical Compounding: Proposed Legislative Solution.''

For further information regarding this meeting, please contact Emily Schlichting of the committee staff on (202) 224–6840

COMMITTEE ON VETERANS' AFFAIRS

Mr. SANDERS. Mr. President, I wish to announce that the Committee on Veterans' Affairs will meet on Thursday, May 9, 2013, at 10 a.m., to conduct a hearing entitled ''Pending Health Care Legislation.''

For further information regarding this meeting, please contact Jeff Johnson at the Veterans' Affairs Committee at (202 224–6478.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, May 16, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Pending Nominations to the National Labor Relations Board.''

For further information regarding this meeting, please contact Anna Porto of the committee staff on (202) 224–5441.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 7, 2013, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 7, 2013, at 10:15 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 7, 2013, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 7, 2013, at 10 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. FRANKEN. 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 7, 2013, at 10:30 a.m. to conduct a hearing entitled ''Border Security: Examining Provisions in the Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744).''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 7, 2013, at 2:30 p.m.

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

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 7, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, ''Credit Reports: What Accuracy and Errors Mean for Consumers.''

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Forces be authorized to meet during the session of the Senate on May 7, 2013, at 2:30 p.m.

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

JOINT COMMITTEE ON THE LIBRARY

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Joint Committee on the Library be authorized to meet during the session of the Senate on May 7, 2013, at 10 a.m.

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

NOTICE: PUBLIC FINANCIAL DISCLOSURE REPORTS

The filing date for the 2012 Public Financial Disclosure reports is Wednesday, May 15, 2013. Senators, political fund designees and staff members whose salaries exceed 120% of the GS–15 pay scale must file reports.

Public Financial Disclosure reports should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

The PRESIDING OFFICER. The Senator from Ohio.

PRODUCTION OF NATIONAL BASEBALL HALL OF FAME COMMEMORATIVE COINS

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1071, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1071) to specify the size of the precious-metal blanks that will be used in the production of the National Baseball Hall of Fame commemorative coins.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Madam President, I ask unanimous consent that the bill be read three times and passed; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The bill (H.R. 1071) was ordered to a third reading, was read the third time, and passed.

COMMEMORATING THE 10-YEAR ANNIVERSARY OF THE LOSS OF THE STATE SYMBOL OF NEW HAMPSHIRE

Mr. BROWN. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 127.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 127) commemorating the 10-year anniversary of the loss of the State symbol of New Hampshire, the Old Man of the Mountain.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 127) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of April 25, 2013, under ''Submitted Resolutions.'')

NATIONAL PHYSICAL EDUCATION AND SPORT WEEK

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 130, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 130) designating the week of May 1 through May 7, 2013, as ''National Physical Education and Sport Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and 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. 130) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

MEASURE READ THE FIRST TIME—S. 888

Mr. BROWN. Madam President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 888) to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Security Exchange Act of 1934.

Mr. BROWN. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive a second reading on the next legislative day.

AUTHORITY TO APPOINT ESCORT COMMITTEE

Mr. BROWN. Madam President, I ask the President of the Senate be authorized to appoint a committee on the part of the Senate to join a like committee on the part of the House of Representatives to escort Her Excellency Park Geun-hye, the President of South Korea, into the House Chamber for the joint meeting at 10:30 a.m., Wednesday, May 8, 2013.

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

ORDERS FOR WEDNESDAY, MAY 8, 2013

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, May 8; 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 be in a period of morning business until 10 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; further, that at 10 a.m. the Senate recess for the joint meeting of Congress with the President of the Republic of Korea until 11:30 a.m.; that when the Senate reconvenes, the Senate resume consideration of S. 601, the Water Resources Development Act, under the previous order.

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

PROGRAM

Mr. BROWN. Senators should gather in the Senate Chamber at 10 a.m. tomorrow to proceed as a body to the House for the joint meeting of Congress.

There will be three rollcall votes at 2 o'clock in relation to amendments to WRDA.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Wednesday, May 8, 2013, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PAUL A. GROSKLAGS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. SCOTT H. SWIFT

DEPARTMENT OF TRANSPORTATION

ANTHONY RENARD FOXX, OF NORTH CAROLINA, TO BE SECRETARY OF TRANSPORTATION, VICE RAY LAHOOD.

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL FROMAN, OF NEW YORK, TO BE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, VICE RONALD KIRK, RESIGNED.

FEDERAL HOUSING FINANCE AGENCY

MELVIN L. WATT, OF NORTH CAROLINA, TO BE DIRECTOR OF THE FEDERAL HOUSING FINANCE AGENCY FOR A TERM OF FIVE YEARS. (NEW POSITION)

CONFIRMATION

Executive nomination confirmed by the Senate May 7, 2013:

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

DAVID MEDINE, OF MARYLAND, TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2018.

EXTENSIONS OF REMARKS

THAILA SCHUG HONORED FOR HER GOLD MEDAL ACHIEVEMENT IN THE 2012 AMERICAN LEGION AUXILIARY DEPARTMENT OF FLORIDA COMPETITION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. YOUNG of Florida. Mr. Speaker, I would like to pay tribute to Thaila Schug for her dedication to proving and showing patriotism in her community.

Thaila's essay was entered into competition by Unit 14, and she won the 2012 American Legion Auxiliary Department of Florida gold medal for Class III (7th and 8th grade). Thaila wrote the winning essay, on the topic of "How Can I Show My Patriotism in My Community", while she was an eighth grader at St. Paul's Catholic School in St. Petersburg, Florida.

I want to express to my colleagues how very excited I am for Thalia and her tremendous accomplishment. She is a superb example of the student leaders developing in the 13th District of Florida, which I have the privilege to represent. It is with great pride that I congratulate her on this great occasion.

When you think of a patriotic deed, what do you think of? You may believe it's sacrificing your life in war or standing up for your belief and pride in our country, but our lives have been influenced by patriotism even in our own communities. American pride is American duty and only we can sustain that. Since our own people make it possible to celebrate America as it is today, we need to represent what we are in the action we undertake.

In my community, the simple actions are the most memorable. Patriotism in my community is shown by saying the Pledge of Allegiance every day before school and stopping to acknowledge the National Anthem at sports events and saluting and thanking those in our country who have served in the Army. Not only can these be ways to show one's patriotism, but I can show the pride I have in my country by collecting food and donations for the Salvation Army or by even giving clothes or help to those families who are struggling. In addition, folding the American flag at the end of school and singing the National Anthem before participation in sports are also ways that we can show our patriotism in our community. Also, many people in my community get together once a year to see football games like Army versus Navy. Just by showing your support for our troops in this way shows your appreciation for our country in a way you enjoy. It doesn't have to be an action you don't want to do. If you enjoy baking, you can give your neighbor cupcakes with American flags on top for Fourth of July or if your passion is playing an instrument, play for those who want to listen.

Not only can you show your patriotism in these ways, one way I showed my patriotism is when I went to my mother's work to see our returning troops come home from war. It was so touching to see what people did for freedom, but what I didn't realize is that other workers were looking toward me with disbelief that I was there showing my country that I respect and thank our troops for every day they had served. Just by showing up, I revealed my patriotism to those returning home and to me that was the best way I could have shown it.

TRIBUTE TO ALVIN KEITH TERRY

HON. DONALD M. PAYNE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to pay tribute to Alvin Keith Terry, posthumously, and the many contributions he has made as a dedicated citizen of Essex County and a committed professional to the improvement of healthcare for the people of Newark and the surrounding area.

Alvin spent more than 30 years at the University of Medicine and Dentistry (UMDNJ), rising to the role of Business Manager at the medical center. A product of the Newark Public Schools and a graduate of East Orange High School, Alvin later attended both Kean and Rutgers University. As a student and later as a young professional, Alvin's work ethic and keen sensibility to financial management laid the foundation for a career in business and for a long and impressive career at UMDNJ, working his way up through the ranks to become a chief executive at UMDNJ.

Alvin's career serves as a shining example to his children, his family and others, a myriad of ways to contribute to healthcare, aside from a career as a physician, nurse or clinical professional. Alvin's work and commitment contributed to UMDNJ, remaining not just in the community, but of the community. Alvin and my family, particularly my father, The Honorable Donald M. Payne, Sr., shared a love and commitment to healthcare and to UMDNJ. My father, and I at his side, hosted several Health and Wellness Expos at UMDNJ. My father's goal, my goal, and Alvin's goal was to ensure the very best in healthcare was available for the people of Newark and Essex County.

We salute Alvin and the Terry family, including his brother, Darrell K. Terry, Chief Operating Officer of Newark Beth Israel Medical Center and Children's Hospital of New Jersey and a former UMDNJ employee, who, along with many members of the Terry family, continue to make healthcare a career of choice and commitment. Under the tutelage of Alvin, the oldest Terry brother, the Terry family continues to have a pivotal role on healthcare in Essex County and in Newark. Alvin's imprint has left an indelible mark on healthcare in Newark and Essex County. On behalf of the people of Essex County and certainly the people of Newark, we are grateful. Thank you.

Mr. Speaker, I know my fellow members of the House of Representatives agree that Alvin Keith Terry, has been an integral part of the growth and development of UMDNJ, and healthcare in general, serving the people of Essex County and particularly, the people of Newark. This tribute recognizes his life's work, namely a stellar career and a personal commitment to improve the lives of others.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. JORDAN. Mr. Speaker, I missed my connecting flight into Washington yesterday afternoon. As a result, I was absent from the House floor during last night's three rollcall votes.

Had I been present, I would have voted in favor of H.R. 588, H.R. 291, and H.R. 507.

VIETNAM VETERANS DONOR ACKNOWLEDGMENT ACT OF 2013

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 2013

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 588, the Vietnam Veterans Donor Acknowledgment Act of 2013. This legislation will permit the Vietnam Veterans Memorial Fund to display and recognize donor contributions at the Vietnam Veterans Memorial Visitor Center. Other memorials located on the National Mall, including the MLK Memorial and FDR Memorial, include engraved walls of donors. By allowing recognition of major donors at the Visitor Center, this will allow the Vietnam Veterans Memorial Fund to reach its goal of raising $95 million in private funds to complete construction of the Education Center at the Wall.

It is in our national interest to make sure there is a place to properly honor the fallen and pay the proper respects to all Americans who so proudly display the values of honor, service and duty by wearing our country's uniform. The Education Center at The Wall will be just that place. Passing this legislation will help fulfill our responsibility to ensure that future generations understand the tremendous sacrifices made by those who have answered the nation's call to duty for more than 200 years, as well as the living legacy of service carried forward by today's military.

A TRIBUTE TO CHRISTINA ARASIM—TEAMSTERS LOCAL 830 SCHOLARSHIP AWARD RECIPIENT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in tribute today for Christina Arasim, a 2013 award recipient of the Teamsters Local 830 Scholarship Fund. Over the past 37 years, this important fund has awarded scholarships totaling over $2.7 million to talented young adults throughout our community. Because of the hard work of the members of Teamsters Local 830 and the employers of these members, students like Christina are able to make higher education possible.

Christina's father, David Arasim, works in the Delivery Department of Meenan Oil Company. I greatly admire Christina's hard work at Pennsbury High School and her aspirations to study earth & mineral sciences. With her work ethic, I am sure Christina will be successful in whatever career she chooses.

I ask that you and my other distinguished colleagues help me in honoring Christina Arasim and her commitment to her community and studies that enabled her to become a 2013 award recipient of the Teamsters Local 830 Scholarship Fund.

HONORING THE GRADUATES FROM DUVAL COUNTY PUBLIC SCHOOLS WHO HAVE ENLISTED IN THE U.S. ARMED FORCES

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. CRENSHAW. Mr. Speaker, I rise today to recognize and honor the young men and women who will be graduating from the Duval County Public Schools and who have volunteered to enlist in the Army, Navy, Air Force, Marines and Florida National Guard. These young people are Our Nation's Future.

Northeast Florida is proud of its military heritage and takes great pride in recognizing our youth who have stepped forward to carry on military traditions and take their turns at the watch, whether aboard a ship, on land or in the air.

By joining the ranks of our Armed Forces, these volunteers have demonstrated leadership potential and perseverance while seeking to serve our country. They join a select team whose job is to protect our Nation. They have dedicated themselves to an awesome responsibility.

Our area is home to The Players Championship and so it is fitting that the Our Community Salutes program has chosen to honor our newest military members on Military Appreciation Day at the home of the Tournament Players Championship on May 8, 2013. The world's famous golfers will all be assembled and the world will watch. But the accomplishments on the fairways and greens pale in comparison to the heroics of the small, elite group of Americans who protect our country every day around the globe.

Becoming a member of the Armed Forces is a very impressive and important goal. I know I join other Members when I congratulate each of these young people on their commitment. Our communities and our country will be enriched by their service.

As they proceed with their military careers, each will carry the valuable self-knowledge and discipline that they have gained from their families and our community and use these traits to continue to serve.

It is my honor to bring these young people who have volunteered to serve our country in the Armed Forces and Our Northeast Florida Community Salutes program to the attention of the United States Congress and to invite Members to join me in extending our thanks and congratulations.

A TRIBUTE TO CINDY ROTH

HON. MARK TAKANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. TAKANO. Mr. Speaker, I rise today to honor Cindy Roth as she receives the Frank Miller Civic Achievement Award on May 9th in recognition of her leadership and service as President and CEO of the Greater Riverside Chamber of Commerce. Cindy Roth's extraordinary dedication and service has greatly enriched our beloved community of Riverside.

Cindy began her service out of high school when she entered a work experience program with then-Senator Bob Presley. She later worked as a receptionist at the Greater Riverside Chamber of Commerce during her studies at Riverside Community College. When Cindy's mentor former President and Riverside City Councilman Art Pick passed away in 1999, Cindy was selected as President.

Under her leadership, the Greater Riverside Chamber of Commerce has expanded to become the third largest Chamber in Southern California, comprising 1,300 businesses, civic organizations, educational institutions and individuals. She has also reached out to women business owners and encouraged their involvement with the local community.

In addition to her work with the Chamber, Cindy is deeply involved with the Monday Morning Group of Western Riverside County, the Foundation Board of Trustees for La Sierra University, and the Honorary Commanders of March Field. Her dedication was honored in 2003 as she was named Woman of the Year by Assemblyman John Benoit.

Mr. Speaker, Cindy's talent and leadership exemplify the best of Riverside. Our community is a more prosperous place because of the commitment and dedication of Cindy Roth, and I congratulate her on this prestigious and well-deserved award.

ROYDA KIMBALL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. PERLMUTTER. Mr. Speaker, I rise today to congratulate and applaud Royda Kimball on her retirement from the Colorado State Capitol.

Royda began her career in 1974 when she was hired by Comfort Shaw, the Secretary of the Senate. Her journey at the Colorado State Capitol would take her from a Telephone Messenger to Chief Assignable Clerk. She is beloved by all who had the fortune to work with her over the years.

Royda kept the wheels of government greased by keeping bills and amendments up to date and organizing elected officials so they could do a better job for the citizens of Colorado. She was nicknamed fondly the "Warden of the Senate." More importantly, Royda never let her own political beliefs get in the way. She treated both sides of the aisle with respect.

I had the good fortune to work with Royda Kimball during my time in the Colorado State Senate and I know she will be dearly missed. Once again, I congratulate Royda on her retirement. I have no doubt she will bring the same character, devotion and passion to all of her future endeavors.

A TRIBUTE TO COLIN LANGAN—TEAMSTERS LOCAL 830 SCHOLARSHIP AWARD RECIPIENT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in tribute today for Colin Langan, a 2013 award recipient of the Teamsters Local 830 Scholarship Fund. Over the past 37 years, this important fund has awarded scholarships totaling over $2.7 million to talented young adults throughout our community. Because of the hard work of the members of Teamsters Local 830 and the employers of these members, students like Colin are able to make higher education possible.

Colin's father, Thomas Langan, works in the Delivery Department of Canada Dry. I greatly admire Colin's hard work at Central Bucks High School South and his aspirations to study pre-med. With his work ethic, I am sure Colin will achieve his dream of one day becoming an Orthopedic Doctor.

I ask that you and my other distinguished colleagues help me in honoring Colin Langan and his commitment to his community and studies that enabled him to become a 2013 award recipient of the Teamsters Local 830 Scholarship Fund.

RECOGNIZING MORRIS L. RASCOE

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. BUTTERFIELD. Mr. Speaker, I rise to celebrate the retirement of Morris L. Rascoe, a devoted public servant who worked for 36 years in service to the First Congressional District of North Carolina.

A North Carolina native, Mr. Rascoe graduated from Bertie High School in 1973 and matriculated to North Carolina Agricultural and Technical (A&T) University in Greensboro, NC where he earned a Bachelor of Science in Social Work in 1977. Mr. Rascoe is also a proud member of Kappa Alpha Psi Fraternity, Inc.

Mr. Rascoe began his career in public service as a social worker within the Bertie County Department of Social Services. While there, he worked to improve the quality of life for families in his eastern North Carolina community. Mr. Rascoe's exemplary 10-year service helped promote him to the position of Director of the Department of Social Services. Remarkably, during his tenure at the helm Mr. Rascoe was also appointed as Assistant County Manager of Bertie County, a position which he held simultaneously while he led the Department of Social Services.

After nine years, Mr. Rascoe was promoted to interim County Manager. In this role, Mr. Rascoe continued to display exceptional character and due diligence. In 2012, the Bertie Board of Commissioners confirmed Mr. Rascoe as the County Manager.

As Secretary of the Choanoke Area Development Association Board, past Chair of the Choanoke Public Transportation Authority Board, Commissioner of the State Personnel Commission Board, and Parliamentarian of the Workforce Development Board, Mr. Rascoe continues his commitment to the community. Mr. Rascoe was inducted into the North Carolina Community Actions Hall of Fame and was also named a NAACP Outstanding Citizen by the National Association for the Advancement of Colored People (NAACP)

Mr. Speaker, next month Mr. Rascoe will retire from public service. For 36 years, the people of North Carolina have been fortunate to call him a friend and ally. I am honored to congratulate Mr. Rascoe on his retirement, and ask my colleagues to join me in thanking him for his service to the people of North Carolina.

IN HONOR OF INDIANA GOVERNOR OTIS ''DOC'' BOWEN

HON. TODD ROKITA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. ROKITA. Mr. Speaker, I rise today to honor the life of former Indiana Governor Otis ''Doc'' Bowen, who passed away on the evening of Saturday, May 4, 2013.

I remember Doc Bowen as one of the first ''former'' public figures I met on the campaign trail, running for the third highest office in the Hoosier state, Indiana's Secretary of State, as a 30-year-old. In my mind, he always embraced my words when he was in the audience, although now I am sure that was just Doc trying to encourage one of the young guys in the party. He knew the struggles, not just of Indiana, but of Indiana Republicans, in particular.

While I was Secretary of State, he regularly dropped by my office when visiting the Statehouse, ''to check on the young guy.'' I so greatly appreciated learning from him.

One of hardest conversations I have ever had in politics was with Governor Bowen. He was pitching a candidate for Governor and I had earlier decided to support a different man. Doc Bowen made it very difficult for me that day. He did it, not with threats and guilt trips that are all-too-often the norm in politics, but with honesty and class. It would be a high achievement in our politics today if those in the statehouse and Washington even pretended to emulate the ways of Doc Bowen. All in public life would do well to follow his example.

Doc Bowen was a model public servant who dedicated his life to serving Hoosiers, and our State is stronger because of it. I join Hoosiers from across the State in giving thanks for his life and his service.

TRIBUTE TO CINDY ROTH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Cindy Roth is one of these individuals. On May 9, 2013, Cindy will be honored with the Frank Miller Civic Achievement Award for her service as the President and Chief Executive Officer of the Greater Riverside Chamber of Commerce.

Cindy's relationship with the Chamber began through a work experience program after working under then-Senator Bob Presley out of high school. She later worked for the Chamber as a receptionist while attending Riverside Community College. Soon, she was taken under the wing of the Chamber's former President and Riverside City Councilman, Art Pick. When Pick died in 1999, the selection committee selected Cindy as President.

Under Cindy's leadership, the Chamber has actively promoted and supported the community, fostered growth among its members and engaged federal, state and local representatives to become the third largest Chamber in southern California and the eighth largest in the state. It is currently composed of over 1,300 business enterprises, civic organizations, educational institutions and individuals. Following in the footsteps of her predecessor, she has also reached out to women business owners and encouraged them to get involved in the local economy.

Cindy's dedication is not only to local business, but also to the wider community. She serves with numerous organizations, including the Monday Morning Group of Western Riverside County, the Science and Technology Education Partnership, the Raincross Exchange Club, the Foundation Board of Trustees for La Sierra University, and the Honorary Commanders of March Field. She has received the 1996 Community Service Award from the Rotary Club of Arlington, the 2000 Athena of the Inland Valleys Award, and was previously honored as the 2003 Woman of the Year by Assemblyman John Benoit.

I have come to know Cindy well through many years working together on a variety of projects in Riverside, and it has been an honor to work with her on behalf of the community. I can personally attest to Cindy's incredible work-ethic, professionalism and positive attitude. Throughout her career, Cindy has been supported by her husband, California State Senator Gen. Richard Roth, USAF and her daughter, an alumnus of the University of California, Riverside.

In light of all Cindy has done for Riverside, the Mission Inn Foundation will honor her with the Frank Miller Civic Achievement Award at the historic Mission Inn in Riverside. Cindy's tireless passion for community service has contributed immensely to the betterment of Riverside County. She has been the heart and soul of many community organizations and events and I am proud to call her a fellow community member, American and friend. I know that many are grateful for her service and salute her as she receives this prestigious award.

HONORING CHANCELLOR ROBERT J. BIRGENEAU

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary career of Dr. Robert J. Birgeneau as he steps down from nearly a decade of service to the University of California, Berkeley as chancellor. Chancellor Birgeneau's transformative leadership at UC Berkeley has added tremendously to its role as the world's premier public research and teaching university. Therefore, I join our community in celebrating the many ways in which his tenure has contributed to the success, insight, and well-being of countless people throughout the Bay Area and beyond.

Tasked with the challenge of guiding UC Berkeley through one of the most challenging financial periods in its 145-year history, Chancellor Birgeneau worked to ensure that the school's hallmark qualities of inclusion and excellence continued to thrive. His tenure oversaw a breadth of achievement, including three Nobel Prizes and the dream of financial aid for undocumented California students.

An internationally distinguished physicist who was the first in his family to graduate from high school, Chancellor Birgeneau was appointed as UC Berkeley's ninth chancellor in 2004. Since then, he has launched the largest fundraising campaign in UC Berkeley's history—raising more than $2.4 billion to date. He helped create one of academia's first 10-year strategic plans for a Division of Equity & Inclusion and fostered multidisciplinary campus connections to work on pressing social issues, resulting in the Berkeley Energy and Climate Institute; the Energy Biosciences Institute; the Li Ka Shing Center for Biomedical and Health Sciences; and the Richard C. Blum Center for Developing Economies.

Additionally, Chancellor Birgeneau's tireless advocacy played a leadership role in the successful passage of the California DREAM Act. A vocal proponent for fair access to public higher education amidst difficult state funding cuts and rising tuition, Chancellor Birgeneau championed Pell Grants and put in place a groundbreaking financial aid plan for middle-income families. He also took up the cause of students who are former foster children, and upon winning the 2008 Academic Leadership Award from the Carnegie Corporation, gave $50,000 of his prize to seed an endowment fund for UC Berkeley students from the foster care system.

Chancellor Birgeneau's numerous accolades and associations include the 2009 Pathfinders

to Peace Prize from the Shinnyo-en Foundation, White House recognition, and being one of six academic leaders tapped by President Obama to create the national Advanced Manufacturing Partnership. His plan to remain at UC Berkeley to teach and conduct research is certainly welcome news. Chancellor Birgeneau's wise guidance, influence, and example has set the course for UC Berkeley's continued status as one of the world's most celebrated public institutions.

On behalf of the residents of California's 13th Congressional District, Dr. Robert J. Birgeneau, I salute you for your outstanding service to higher education. I congratulate and thank you for your unparalleled legacy as a passionate and effective steward of the University of California, Berkeley. You have touched many lives in profound ways throughout your career, and we wish you and your loved ones continued success and happiness in this new chapter.

PEGGY HALDERMAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. PERLMUTTER. Mr. Speaker, I rise today to honor and applaud Peggy Halderman for receiving national recognition for her efforts to feed the hungry in Golden, Colorado.

April 5, 2013 the White House honored twelve Rotary International members from around the country as ''Champions of Change.'' I am proud to say Peggy Halderman is one of the Rotarians to receive this honor.

When Peggy learned over more than nine hundred children participated in the Free/Reduced Lunch program in Golden area schools and did not have adequate food on weekends, she decided to do something. Collaborating with her Rotary club, the mayor and city council the Backpack program was born. In its fifth year it has grown to feed over five hundred and twenty children every weekend of the school year. Peggy is currently expanding the program to provide food year round.

Peggy Halderman truly exemplifies the Rotary Club Motto of ''Service above Self'.'' Her outstanding dedication to our community's children will pay benefits to our citizens for years to come.

I extend my deepest congratulations to Peggy Halderman for this well deserved recognition from the White House. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

A TRIBUTE TO LINDSEY GIBBS—TEAMSTERS LOCAL 830 SCHOLARSHIP AWARD RECIPIENT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in tribute today for Lindsey Gibbs, a 2013 award recipient of the Teamsters Local 830 Scholarship Fund. Over the past 37 years, this important fund has awarded scholarships totaling over $2.7 million to talented young adults throughout our community. Because of the hard work of the members of Teamsters Local 830 and the employers of these members, students like Lindsey are able to make higher education possible.

Lindsey's father, Christopher Gibbs, works in the Operations Department of PBC in Philadelphia, Pennsylvania. I greatly admire Lindsey's hard work at Little Flower High School and her aspirations to study health administration and pre-law. With her work ethic, I am sure Lindsey will achieve her dream of one day becoming a lawyer.

I ask that you and my other distinguished colleagues help me in honoring Lindsey Gibbs for her commitment to her community and studies that enabled her to become a 2013 award recipient of the Teamsters Local 830 Scholarship Fund.

ARMENIAN GENOCIDE

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, 98 years ago, the world suffered its first deliberate act of systematic mass murder of people of one culture by another. With this, the unspeakable horror of genocide was born.

The massacre and mistreatment of one and-a-half million Armenians in the final years of the Ottoman Empire shows the incredible depths of inhumanity that the human race can sink.

Out of this wretched episode of history, we, as human beings, have made a determined effort to move beyond hatred and to prevent similar tragedies from happening in the future.

We are morally obligated to learn from the lapses of the human soul that caused the Armenian Genocide. We are morally obligated to make sure that we do all that we can to protect all oppressed, vulnerable, and subjugated peoples.

I want to express my sympathy to the survivors and descendants of the Armenian Genocide. I hope we can all take time to reflect on this solemn day of remembrance.

As we commemorate this somber anniversary, it's also important that we recognize the resiliency of the Armenian people. Armenia has been a great champion of freedom and democracy. I expect our two nations will continue to build strong commercial ties and support peace and stability in the region.

I am proud to consistently co-sponsor resolutions affirming the U.S. record on the Armenian Genocide. Our policy should appropriately reflect understanding and sensitivity concerning issues related to the Armenian Genocide. This should be documented in the United States record.

RECOGNIZING BROTHER RONALD GALLAGHER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. GEORGE MILLER of California. Mr. Speaker, it is with great pleasure that I rise today to recognize Brother Ronald Gallagher, Fratres Scholarum Christianarum (F.S.C.), Ph.D., as he prepares to retire as President of St. Mary's College of California in Moraga and to commend him for his outstanding service to the St Mary's students, faculty and to our community as a whole.

A Native Californian, Brother Ronald Gallagher spent his formative years in Santa Cruz and Bakersfield, and then joined the Christian Brothers after graduating from Mont La Salle High School in Napa. After graduating from Saint Mary's College in 1969 with a Bachelor of Arts in English, Brother Ronald received an Master of Arts in comparative literature from San Francisco State University and earned his doctorate in comparative literature from the University of Washington.

Prior to assuming the college presidency, Brother Ronald was a member of the English Department. His teaching specialties include 19th and 20th Century Anglo-Irish Literature, the modern novel, and the history and culture of Ireland. His passion for Irish literature began when he read James Joyce's ''Ulysses'' during his senior year at Saint Mary's. In recent years, he has led several groups of students on tours of the historical and cultural sites of Ireland.

From 1993 to 1997, Brother Ronald was Vice Chancellor of Bethlehem University, where he oversaw administration, development, finance and academics. As the leader of a Catholic university in the deeply divided Middle East, he responded to formidable challenges by forging strong regional and global support for the school. Enlisting the help of many countries, individuals, groups, international aid agencies and the Vatican, Brother Ronald was able to raise the funds necessary for Bethlehem University to fulfill its educational mission among the economically disadvantaged Palestinian community.

In his role as Secretary General of the Brothers of the Christian Schools in Rome from 1997 to 2001, Brother Ronald organized the 43rd General Chapter, an international assembly that produced a seven-year global strategic plan for Lasallian educators.

Brother Ronald Gallagher, F.S.C., Ph.D., became the 28th President of Saint Mary's College of California on Jan. 2, 2005. A seasoned educator, he is deeply devoted to the College's Catholic, Las allian and liberal arts traditions and is committed to promoting the values of those traditions among students, faculty, staff and friends of Saint Mary's.

In addition to leading St Mary's College, Brother Ronald has served as President of the International Association of Lasallian Universities, as a member of the Executive Committee of the Association of Independent Catholic Colleges and Universities (AICCU), a member of the Board of Directors for the Association of Catholic Colleges and Universities (ACCU), on the Executive Board of Directors of the International Federation of Catholic Universities (IFCU), and he is the Chair of the West Coast Conference (WCC) President's Council. Throughout his career, Brother Ronald has also been a strong supporter of intercollegiate and recreational athletics at Saint Mary's College.

Mr. Speaker, I invite this chamber to join me in recognizing Brother Ronald for his devoted service to Saint Mary's College of California and thank him for his unparalleled contribution to higher education. I am pleased to join

Brother Ronald's family, friends, and colleagues in congratulating him on his outstanding accomplishments during his long and highly successful career. I wish him a healthy and happy retirement and the very best in all his future endeavors.

COMMEMORATION OF THE DESIGNATION OF THE SAN FRANCISCO BAY/ESTUARY AS A WETLANDS OF INTERNATIONAL IMPORTANCE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. THOMPSON of California. Mr. Speaker, I rise today with my colleagues Leader PELOSI and Representatives ESHOO, GARAMENDI, HONDA, HUFFMAN, LEE, MCNERNEY, GEORGE MILLER, SPEIER, and SWALWELL to commemorate the designation of the San Francisco Bay/Estuary as a Wetland of International Importance on February 2, 2013 by the Convention on Wetlands, also known as the ''Ramsar Convention''.

The Ramsar Convention is an international treaty adopted in 1971 and signed by the United States in 1987. This treaty provides a voluntary framework for national action and international cooperation for the conservation and wise use of wetlands, their resources, biodiversity, and ecosystem services. Ramsar Wetlands of International Importance benefit from increased conservation status and recognition, and are part of an international conservation network that encompasses flyways and other migratory routes.

The San Francisco Bay/Estuary is the largest estuary on the Pacific Coast of the United States, encompassing approximately 1,600 square miles and is critically ecologically important, accounting for 77 percent of California's remaining perennial estuarine wetlands. It also provides for a host of social and economic values through ports and industry, agriculture, fisheries, archeological and cultural sites, recreation, and research. Unfortunately, the San Francisco Bay/Estuary today faces numerous threats and challenges from invasive species, development, pollution, sediment shortfalls, disease, disturbance to wildlife, and climate change.

The San Francisco Bay/Estuary has broad support for its conservation and restoration from a large number of federal, state, public, private organizations, and citizens who act to conserve its values. Their conservation efforts continue to pioneer strategies that are modeled, adapted, and adopted by others across the nation and beyond.

The San Francisco Bay/Estuary met or exceeded all nine Ramsar criteria on multiple counts, which refer to biodiversity measures and the presence of rare or unique wetland types, and has undoubtedly earned the global distinction of a dedicated Ramsar Wetland of International Importance:

Mr. Speaker, we ask our colleagues to join us in commemorating the designation of the San Francisco Bay/Estuary as an official Ramsar Wetland of International Importance, pay tribute to the dedicated stewards and activists who have worked to preserve this unique ecosystem, and support critical efforts to ensure the health and protection of the San Francisco Bay/Estuary.

DAVID MYERS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud David Myers for being honored by the Jefferson Center for Mental Health for his outstanding service to our community.

David is President and CEO of Metro Community Provider Network. MCPN is a non–profit healthcare organization providing medical, dental, mental health, substance abuse, pharmacy and community based services to the underserved, uninsured and working families who cannot afford these services. Under David's leadership in fiscal year 2012, MCPN provided healthcare services to nearly 39,000 individuals.

David's dedication to healthcare for all is evident by his pivotal role in health insurance reform. He was one of the on the ground drivers, paving the roads ahead for the health care community. David navigates the complex issues surrounding healthcare with his dedication to partnerships and collaborations. The patients at Metro Community Provider Network are recipients of the fruits of his labor of love every day.

I am honored to congratulate David Myers on receiving this recognition from the Jefferson Center for Mental Health. I have no doubt David will exhibit the same dedication, passion and vision to all his future endeavors.

A TRIBUTE TO GABRIELLE BAMBERSKI—TEAMSTERS LOCAL 830 SCHOLARSHIP AWARD RECIPIENT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in tribute today for Gabrielle Bamberski, a 2013 award recipient of the Teamsters Local 830 Scholarship Fund. Over the past 37 years, this important fund has awarded scholarships totaling over $2.7 million dollars to talented young adults throughout our community. Because of the hard work of the members of Teamsters Local 830 and the employers of these members, students like Gabrielle are able to make higher education possible.

Gabrielle's father, Joseph Bamberski, works in the Delivery Department of Canada Dry. I greatly admire Gabrielle's hard work at Archbishop Ryan High School and her aspirations to study forensic psychology. With her work ethic, I am sure Gabrielle will be successful in whatever career she chooses.

I ask that you and my other distinguished colleagues help me in honoring Gabrielle Bamberski and her commitment to her community and studies that enabled her to become a 2013 award recipient of the Teamsters Local 830 Scholarship Fund.

HONORING LAUREL SAYER, OF IDAHO, FOR HER DISTINGUISHED SERVICE TO THE PEOPLE OF IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. SIMPSON. Mr. Speaker, I rise today to pay tribute to Laurel Sayer, a member of my staff and one of the finest public servants I have ever met. While I am happy for Laurel that her long career as a Congressional staffer has culminated with her well-earned retirement from this body, I am equally concerned by the hole her absence will leave in my office and the challenge my remaining staff faces in filling the void.

Laurel began her service in my office not long after my election to Congress in 1998. She had served with then-Congressman Mike Crapo for several years and I consider my successful effort to lure her away from his office one of my earliest, and finest, achievements.

For the last 14 years, Laurel has been the anchor of my staff in eastern Idaho where she led my outreach efforts regarding natural resources, arts, and conservation issues. She was also my lead staffer on issues related to the Idaho National Laboratory and its talented workforce. Her compassion, insight, knowledge, and reliability were often critical to my constituents dealing with the peaks and valleys of the federal government's support for nuclear energy and the work of the laboratory.

In a district that spans almost two dozen counties and roughly half of the State of Idaho, you spend a lot of time driving back roads, visiting small communities, talking politics in farmer's fields, and marveling at the stunning geography of the American West. Laurel has always been the best traveling companion a Congressman could ask for on those long trips across the state.

We've been backpacking and fishing in the Boulder-White Coulds. We've worked together to open a wheel-chair accessible trail in central Idaho and to assist Custer County in their economic development needs.

Laurel is a great advocate for the arts, and will remain so in her life after Congress. A few years ago we visited Idaho's rural communities with National Endowment for the Arts Chairman Rocco Landesman and watched Idaho's Shakespeare Festival share its talents with schoolchildren. Laurel and I have spent many hours in book stores large and small and have been in perpetual pursuit of the best chicken fried steak in Idaho. And we think we found it in Salmon, Idaho.

Laurel and I have shared a lot of laughs, many successes, a few failures, and a tremendous friendship over the past 14 years. Laurel has been loyal, fair, honest, and dependable. She has provided wise counsel, constructive criticism, and the not-so-subtle nudges those of us who work in this body need from time-to-time. She has been a fierce advocate for my priorities but the source of measured advice when things didn't go our way. In short, she has been a valued adviser, supporter, and friend for as long as I have been in Congress. What more could any of us ask of our staff?

Laurel's presence in the office and in the communities of eastern Idaho will be deeply

missed by me and by everyone who works in my office. While we are going to miss her, we are comforted by the fact that she vows to remain in the Boise area and visit us often. We're going to lean on her frequently for the same advice, constructive criticism, and gentle nudges she always offered and hope to see her regularly on the trail, in the museum, or at a play.

In closing, I would simply like to thank Laurel for her hard work, her tenacity, her good counsel, and most of all, her friendship.

HONORING MARYE L. THOMAS, M.D.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary career of Dr. Marye L. Thomas as she retires from over 30 years of dedicated public service, including the last two decades as the Director of Behavioral Health Care Services for Alameda County. I join our community in celebrating the many ways in which her life's work has contributed to the success and well-being of countless people throughout the Bay Area and beyond.

Marye L. Thomas, M.D. graduated from Fisk University in Nashville, Tennessee, with a Bachelor of Arts degree in 1965, and went on to earn her medical degree from Meharry Medical College in 1969. Upon completion of her residency at the University of California San Francisco Medical Center in 1973, Dr. Thomas accepted a position with John Hale Mental Health Services as a Senior Staff Psychiatrist. She directed a clinical team and was responsible for intake assessment, crisis intervention, individual therapy, and coordination of treatment for acute inpatients and chronically ill patients in day treatment and community care. She was promoted to the position of Assistant Director of Clinical Services in 1977. During this same year, Dr. Thomas was named in Who's Who Among Black Americans.

Her career with Alameda County began in 1978 when she accepted a position as Chief of Clinical Services for the East Oakland Community Mental Health Center. There, she was responsible for the clinical direction of the adult outpatient component of the NIMH Center with direct supervision of clinical teams, policy development and planning, and community relations. After rising through the ranks, Dr. Thomas was selected to be Director of Behavioral Health Care Services (BHCS) for Alameda County in 1994.

In this vital leadership role, Dr. Thomas led the department responsible for the delivery of all publicly funded mental health, alcohol, and other drug services in the County. She oversaw a budget of $260 million, as well as more than 3000 employees in County and community based organizations who delivered services to nearly 30,000 people each year. During her tenure, the behavioral health service system evolved from a $58 million county operated mental health service to a more comprehensive behavioral health care system comprising nearly $300 million. The growth spearheaded by Dr. Thomas includes a vastly expanded resource base for children's services, the increased capacity to offer alcohol and drug services, and the opening of numerous behavioral health facilities.

With more than 20 years' experience as the physician/administrator for BHCS, Dr. Thomas has ensured the provision of high-quality services and the administration of federal, state, and local programs. Among her many accolades and professional associations, Dr. Thomas is the recipient of the 1994 Alameda County Mental Health Association Achievement Award and holds leadership positions in many community organizations.

Furthermore, as a former psychiatric social worker and founder of a mental health clinic, I've known Marye for over 35 years. She has inspired me as a fellow social worker and, for that, I am deeply grateful.

On behalf of the residents of California's 13th Congressional District, Dr. Marye L. Thomas, I salute you for three decades of outstanding service creating a more integrated, culturally competent, and empowering system of behavioral health care in Alameda County. I congratulate and thank you for your unparalleled service to our community. You have touched many lives in profound ways throughout your career, and we wish you and your loved ones continued happiness and prosperity in this exciting new chapter of life.

CELEBRATING OLDER AMERICANS MONTH

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. BUCHANAN. Mr. Speaker, I rise today in celebration of Older Americans Month.

Every year since 1963, May has been a month to honor older Americans and highlight the value that senior citizens contribute to our communities.

Recent medical advancements are helping Americans live longer, healthier, happier lives. Those older Americans have a wealth of wisdom, energy and experience from which our communities can benefit.

The theme for Older Americans Month 2013 is "Unleash the Power of Age."

In my congressional district, the Jefferson Center, a Sarasota, Florida, non-profit that provides housing to senior citizens with low to moderate income, is celebrating Older Americans Month with a variety of special events to recognize the achievements of their residents and encourage them to continue to share their knowledge with their family, friends, and neighbors.

I appreciate this opportunity to recognize the accomplishments of older Americans in Florida's 16th District and applaud the Jefferson Center for their efforts to enhance the quality of life of their residents and encourage them to share their lifetime of experience with those around them.

RECOGNIZING FORMER SECOND GRADE TEACHER, MRS. NINFA TREVIÑO PIÑA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. CUELLAR. Mr. Speaker, I rise today to recognize former Second Grade Teacher, Mrs. Ninfa Treviño Peña, in honor of her contributions to the South Texas region. On May 8, 2013, Mrs. Peña celebrates her 100th birthday and a lifetime of achievements as an educator.

Mrs. Peña was born May 8, 1913, to father Manuel and mother Procora Izaguirre Treviño. The youngest of five sisters, Ninfa attended Texas A&I University in Kingsville, Texas where she earned her degree in Education. Upon receiving her degree she began her career as an educator. Throughout her career, Mrs. Peña became known for her work as a second grade teacher at Our Lady of Guadalupe Catholic School and her dedication to assisting students with special needs.

In 1937, Ninfa married Ernesto Peña Flores of Mission, Texas; and in 1987, the couple celebrated their 50th wedding anniversary alongside their friends and family. Though Mr. Peña Flores has passed, Mrs. Peña continues to be a great influence in promoting strong family values. Reaching three generations, the Peña family has been honored as one of the original pioneer families of Mission, Texas. She has witnessed the lives of her six children, twelve grandchildren, and eleven great-grandchildren. Mrs. Peña continues to live in Mission and remains a passionate supporter of education.

Mr. Speaker, I am honored to have had the opportunity to recognize the remarkable life of Mrs. Ninfa Treviño Peña and her 100th birthday celebration. Thank you.

A MASTER'S HANDS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Michelle and Jim Bartlett and their company, A Master's Hands, for receiving the Golden Rotary Ethics in Business award.

A Master's Hands adheres to high standards of business ethics and employs ethical behavior as a philosophy in daily business.

Co-founder Jim Bartlett is the principal source behind this philosophy and serves as a role model for the employee's at A Master's Hands. Leading by example from the top is demonstrated through commitment to hard work and excellence in everything they do.

Giving back to the community is something Michelle and Jim strive to achieve. Working with Jeffco Workforce Center and Jefferson County Human Services, A Master's Hands offers job skills trainings to help individuals find employment. The company has been known to do pro–bono work for families and provide discounts to others who needed their help, all of which has made a lasting impact in the neighborhoods in which they work.

I am honored to congratulate Michelle and Jim Bartlett and A Master's Hands for their commitment to outstanding ethics in business and receiving this very deserved award.

HONORING COACH PAUL PATTERSON ON THE OCCASION OF HIS RETIREMENT

HON. SUSAN W. BROOKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to pay tribute to Coach Paul Patterson on the occasion of his retirement. Coach Patterson has led the Taylor University Men's Basketball team for an incredible 34 years. In that time, he's recorded 734 victories and an astonishing 28 winning seasons.

As he finishes his illustrious career, Coach Patterson is ranked eleventh all-time among men's collegiate basketball coaches in wins, and has won more games than any other collegiate head coach in Indiana's history. Given the Hoosier state's tremendous basketball legacy, Coach Patterson's accomplishment is all the more impressive.

Coach Patterson has not only won games, but also helped form young men who are champions both on and off of the court. He has been recognized as the Coach-of-the-Year twelve times, and 24 of his players have been named to the prestigious NAIA All-American team. This outstanding accomplishment is a reflection of the quality and character of Coach Patterson's players as well as his exceptional talent as a coach and mentor. As the daughter of a high school football coach, I understand the time commitment and personal sacrifices required to lead young athletes to victory, and applaud Coach Patterson's years of leadership.

On behalf of the constituents of the Fifth Congressional District, I congratulate Coach Patterson on the occasion of his retirement. Thank you, Coach, for your 34 years of dedicated leadership with Taylor University. Best wishes to you as you pursue new challenges in the many bright years ahead of you.

A TRIBUTE TO JACQUELYN BAMBERSKI—TEAMSTERS LOCAL 830 SCHOLARSHIP AWARD RECIPIENT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in tribute today for Jacquelyn Bamberski, a 2013 award recipient of the Teamsters Local 830 Scholarship Fund. Over the past 37 years, this important fund has awarded scholarships totaling over $2.7 million dollars to talented young adults throughout our community. Because of the hard work of the members of Teamsters Local 830 and the employers of these members, students like Jacquelyn are able to make higher education possible.

Jacquelyn's father, Joseph Bamberski, works in the Delivery Department of Canada Dry. I greatly admire Jacquelyn's hard work at Archbishop Ryan High School and her aspirations to study biology. With her work ethic, I am sure Jacquelyn will achieve her dream of getting her Physical Therapy Doctorate.

I ask that you and my other distinguished colleagues help me in honoring Jacquelyn Bamberski and her commitment to her community and studies that enabled her to become a 2013 award recipient of the Teamsters Local 830 Scholarship Fund.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. SMITH of Washington. Mr. Speaker, on Friday, April 26, 2013, I was unable to be present for recorded votes. Had I been present, I would have voted ''yes'' on rollcall vote No. 125 (on the motion to suspend the rules and pass H.R. 1765); ''no'' on rollcall vote No. 126 (on agreeing to the Dent Amendment Number 2 to H.R. 527); ''yes'' on rollcall vote No. 127 (on the motion to recommit H.R. 527 with instructions); and ''yes'' on rollcall vote No. 128 (on passage of H.R. 527).

HONORING MAUDELLE SHIREK

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary life of the Honorable Maudelle Shirek, former City of Berkeley vice mayor and eight-term council member. Known throughout our community as the ''godmother of East Bay progressive politics,'' and the ''conscience of the Council,'' Ms. Shirek has left an indelible mark. With her passing on April 11, 2013, we look to the outstanding quality of her life's work and the inspiring role she played in shaping social change here in the East Bay and throughout the world.

Born on June 18, 1911 Maudelle Miller was raised on a farm in Jefferson, Arkansas. The granddaughter of slaves, she was fundamentally passionate about challenging injustice and championing civil rights. After moving to Berkeley in the 1940s, she became active in fighting for the anti-war movement, the integration of the military, and fair housing. She married political activist Brownlee Shirek in the mid-1960s.

Renowned for her powerful voice and contagious energy, Ms. Shirek broke racial barriers and flexed her leadership at the Berkeley Consumers Co-op Credit Union to secure loans for low-income borrowers and people of color. She fought on behalf of unions, helped organize the Free Mandela Movement, and advocated for HIV/AIDS awareness. She was also the first elected official in the United States to advocate for needle-exchange programs, and was not afraid to chain herself to a building or be hand-cuffed in the name of activism.

During her long tenure as a council member, Berkeley became the first city to divest in companies doing business with South Africa during Apartheid and the first city to provide domestic benefits to same sex partners. She was instrumental in creating multiple city commissions, including the Berkeley Commission on Labor. When she retired at 92, Councilmember Shirek was the oldest elected official in California at the time and, in 2007, the Berkeley City Council renamed City Hall in her honor.

Above all, Maudelle Shirek was a consummate advocate for the poor, often visiting families in crisis or offering food and household assistance to ailing seniors. Additionally, her advocacy on behalf of youth music programs helped raise crucial public funding to support arts programs for children and older adults.

On a personal note, Maudelle was a friend, mentor, and confidante. I met her in the early 1970s while I was a student at Mills College. She widened my perspective on global politics during our travels around the world including Vienna, Prague, Cuba, and the former Czechoslovakia. She reinforced the idea that we are all part of a global family and that what happens here in the United States affects our brothers and sisters in other parts of the world and vice versa. Moreover, her wise guidance as a lifelong health aficionado helped educate seniors and the entire community regarding the benefits of healthy living and natural remedies. She loved shopping for fresh fruits and vegetables and you would often find her cooking nutritious meals at the West Berkeley Senior Center and New Light Senior Center, which she helped found.

Maudelle was also a woman of great faith whose passion for service and justice was driven by a commitment to what she called, ''doing the Lord's work on earth.'' We enjoyed attending the Church for Today together during the 1970s, and I will never forget the day she introduced me to the late Rev. Dr. W. Hazaiah Williams. The impact that they both had on my life is profound. I will also never forget how Maudelle traveled all the way to Washington, DC to look out for me and offer her support after my lone vote back in 2001.

Today, California's 13th Congressional District salutes and honors an outstanding individual and a stalwart community leader, the Honorable Maudelle Shirek. Her bold legacy of service, spanning over seven decades, will continue to inspire many to speak for the voiceless and to stand up for justice across the globe. I join all of Maudelle's loved ones in celebrating her incredible life and her love of humanity. Her warm and beautiful smile will continue to smile down on us. She will be deeply missed.

IN TRIBUTE TO DR. GRACE JONES

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. COURTNEY. Mr. Speaker, I rise today to honor Dr. Grace Jones on her retirement as President of Three Rivers Community College in Norwich, Connecticut. Dr. Jones' exemplary work and dedication to eastern Connecticut's students and her community has contributed greatly to the educational development of our region.

Dr. Jones began her career as a high school physical education and science instructor in Chicago, Illinois. She advanced to higher

education in the 1970s, continuing her career as a teacher at Berkshire Community College in Pittsfield, Massachusetts. During her decade of service at Berkshire, she served as a member of the faculty, coordinator of the recreational leadership program, coordinator of student activities, and director of personnel services. Her gifts for university leadership took her to new heights in 1990 when she was named tenured professor and Vice President for Multicultural Affairs at SUNY Oneonta. Soon afterward, Dr. Jones became president of College of Eastern Utah in Price, Utah, before being named President of Three Rivers Community College in 2001.

As President, Dr. Jones balanced her extensive administrative duties with a commitment to remaining visible to her students across campus. A key initiative for Dr. Jones was designing open spaces on campus for students to congregate. She was instrumental in securing funding and overseeing the construction and renovation for the college's new campus. Dr. Jones has also sought to contribute to the region's workforce by continuing to administer professional programs, including those for nursing, manufacturing technology, and hospital management. This ground breaking work—tying Three Rivers curricula to the region's workforce needs—is a model that has been embraced in Washington, D.C. and all across the country as a solution to filling the "skills gap" that has hindered economic growth. Under Dr. Jones's presidency, enrollment at the college has grown to 5,150 full and part-time students and an additional 2,000 non-credit enrollees.

A distinguished member of the educational community, Dr. Jones has been recognized by numerous outlets for her extensive achievements. In 2009, she received the Palmer Davies award from the United Community and Family Services of Connecticut, honoring her commitment to fostering an environment of community spirit and understanding. During that year, Dr. Jones was also recognized by the Connecticut State Conference of the NAACP. In 2012, Dr. Jones was named 62nd Citizen of the Year by the Eastern Connecticut Chamber of Commerce.

Dr. Grace Jones's contributions as an educator, administrator, and community leader have encouraged generations of students to attain high levels of achievement and contribute to their communities and the economy in a positive way. Across the United States and here in eastern Connecticut, countless students have benefited from Grace's hard work and dedication to her craft. I ask my colleagues to join me in honoring the career of Dr. Grace Jones.

THE OCCASION OF THE TWENTY-SIXTH ANNUAL CAREER DAY OF THE PONTIAC ROTARY CLUB

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. PETERS of Michigan. Mr. Speaker, as a former Rotarian, I rise today to recognize the Pontiac Rotary Club as it hosts its twenty-sixth annual Career Day for youth in Pontiac, Michigan.

Founded in 1922, the Pontiac Rotary Club has been serving the residents of the Greater Pontiac community for over nine decades. The core of its mission over the last ninety years has been to undertake endeavors that nurture and support the development of yout in the Pontiac community. In fulfillment of its mission, the Club has engaged a broad array of community stakeholders in public, private and non-profit organizations to create programs that provide youth with experiences that empower them to control their future.

One of Pontiac Rotary Club's biggest annual programs, Career Day, provides middle school students in Pontiac a hands on opportunity to learn more about the career fields that pique their interests. This year, as part of Career Day, one-hundred students will have spent the morning of Thursday, May 2, shadowing professionals in their daily work routine. This experience provides the youth of Pontiac an opportunity to gain first-hand knowledge that will shape their development into active adult members of their community.

Furthermore, on the same day as Career Day, the Pontiac Rotary will host its annual Scholarship Luncheon for high school students. During this luncheon, several high school students will have been recognized for their outstanding achievements and awarded a scholarship that will help them in their journey to seek higher education.

The programs of Career Day are just a couple of examples of the types of programming provided by the Pontiac Rotary Club. In addition, to Career Day and the Scholarship Luncheon, the Club runs a Student of the Month program for students in Pontiac schools which recognizes youth for outstanding achievements.

With an eye in their community and beyond, the members of the Pontiac Rotary Club have also supported the Rotary International's program to cure Polio around the world and taken up initiatives that support clean water projects. Recently, the Pontiac Rotary has partnered with a sister club in Ecuador to implement a bio-sand water filter project that will provide cleaner water to that region.

Mr. Speaker, I congratulate the members of the Pontiac Rotary Club on occasion of its twenty-sixth annual Career Day and applaud the tremendous impact their work has had both in the Greater Pontiac community and in other communities around the world.

RITA SCHNIDT

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Rita Schnidt for being honored by the Jefferson Center for Mental Health for her decades of outstanding service to our community.

Rita is a long time resident of Jefferson County and is a tireless and energetic volunteer for the Jefferson Center for Mental Health. She is a former Jefferson Center Board member and chair of the Jefferson Mental Health Foundation. Her other accomplishments are numerous. Jeanne Oliver states "Combining her political savvy with her commitment to grass roots-level change, Rita remains a staunch advocate for battered women, low-income housing, those struggling with mental illness and alcoholism, and others who don't have any other voice." Her friends describe her as "a force of nature", "the lady who knows how to get things done", "a dynamo of action!" and "always there when people need her."

I am honored to congratulate Rita Schnidt on receiving this well deserved recognition from the Jefferson Center for Mental Health. I have no doubt she will exhibit the same passion, dedication and character in all her future endeavors.

A TRIBUTE TO TAYLOR DONIA—LOUIS P. MATTUCCI MEMORIAL SCHOLARSHIP AWARD RECIPIENT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in tribute today for Taylor Donia, the 2013 award recipient of the Louis P. Mattucci Memorial Scholarship. Over the past 37 years, the Teamsters Local 830 Scholarship fund has awarded scholarships totaling over $2.7 million dollars to talented young adults throughout our community. Because of the hard work of the members of Teamsters Local 830 and the employers of these members, students like Taylor are able to make higher education possible.

Taylor's father, Joseph Donia, is a truck driver for American B & D. I greatly admire Taylor's hard work at Seneca High School. With her work ethic, I am sure Taylor will achieve her dream of one day becoming a Physician's Assistant.

I ask that you and my other distinguished colleagues help me in honoring Taylor Donia and her commitment to her community and studies that enabled her to become the 2013 award recipient of the Louis P. Mattucci Memorial Scholarship.

JOINT SESSION OF CONGRESS RECEIVING THE HONORABLE PARK GEUN HYE, PRESIDENT OF THE REPUBLIC OF KOREA

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. POE of Texas. Mr. Speaker, a few weeks ago, Congressman ISRAEL and I asked Speaker BOEHNER to invite President Park Geun Hye ("Gun Hay"), South Korea's first female president, to address a Joint Session of Congress.

Tomorrow, we officially welcome her here in this Chamber.

Her visit is important to both of our nations, but also to my district in Texas where a vibrant and engaged Korean American community lives in Spring Branch and Houston.

In stark contrast to its neighbor to the North led by media-hungry dictator, Junior,—South Korea shines as a beacon democracy and freedom.

S. Korea is also an important trading partner—America's 7th largest—and with the implementation of our Free Trade Agreement, our trade relations will only get better.

Tomorrow, we celebrate our friendship and partnership, or as President Park recently said: "the most successful alliance in history."

I couldn't agree more.

America is here to help South Korea, as they are here to help us.

That's what friends do for each other.

And that's just the way it is.

HONORING DR. J. HERMAN BLAKE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary career of Dr. J. Herman Blake as we celebrate over forty five years of his contributions to higher education. Dr. Blake continues to be a celebrated educator, and we join together in praise of his remarkable academic and cultural contributions to the Bay Area, California, and our great nation.

Born John Herman Blake in Mount Vernon, New York on March 15, 1934, Dr. Blake grew up with six siblings and was raised by a single mother, Lylace E. Blake. Dr. Blake served in the U.S. Army during the Korean War, and furthered his education with the assistance of the G.I. Bill by graduating from New York University with a B.A. degree in sociology. Dr. Blake went on to receive his M.A. degree and his Ph.D. in sociology from the University of California, Berkeley.

Dr. Blake's exemplary academic career has spanned over four decades as a professor, scholar and administrator at a wide array of institutions. He served an eighteen year tenure at the University of California, Santa Cruz (UCSC) where he became the first African American on faculty as the Assistant Professor of Sociology. Dr. Blake also served as the founding Provost of Oakes College at UCSC. Following his tenure at UCSC, Dr. Blake went on to serve as President of Tougaloo College in Mississippi.

He has also held positions at Swarthmore College in Pennsylvania, Mills College in Oakland, California, served as the Vice Chancellor at Indiana University Purdue University Indianapolis, and served as the Director of African American Studies at Iowa State University. Dr. Blake retired from Iowa State University as Professor of Sociology-Emeritus and served most recently as Scholar in Residence and founding Director of the Sea Islands at the University of South Carolina, Beaufort. Currently, Dr. Blake is the Inaugural Humanities Scholar in Residence at the Medical University of South Carolina, Charleston.

Throughout his prolific career, Dr. Blake has focused on academic achievement of students from minority and/or low-wealth communities. His important work not only focuses on maximizing student achievement and closing disparate learning gaps between our young people, but also focuses on Gullah communities in South Carolina and Black militants in urban communities.

Dr. Blake has earned myriad accolades, including Iowa Professor of the Year by the Carnegie Foundation for the Advancement of Education and the Council for the Advancement and Support of Education. He has been awarded six honorary degrees and two presidential medals.

As a student at Mills College, I had the privilege to benefit from Dr. Blake's amazing intellect. Also, I worked with him as a researcher for his book, the autobiography of Huey P. Newton, Revolutionary Suicide. He taught me how to conduct and present thorough research and to this day, these skills I learned under Dr. Blake's tutelage have benefitted my work tremendously. Dr. Blake took me under his wings and encouraged me to study hard. He saw something in me that I did not see. He was patient and kind but he was determined to push my intellect and help me understand I could achieve the American dream regardless of the difficulties I faced as a young single mother on public assistance. For that, I am forever grateful.

Therefore, on behalf of California's 13th Congressional District, Dr. J. Herman Blake, I salute you. You have touched countless lives in profound ways throughout your career, and we wish you continued success and happiness. Thank you for your continued work, and best wishes to you and your loved ones in the years to come.

HONORING TED WELCH

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mrs. BLACKBURN. Mr. Speaker, there are citizens making up this great country who never cease in offering themselves to their communities while improving the quality of our lives. I rise today to celebrate the time, talents, and treasures of Ted Welch as he retires from decades of active philanthropy.

Ted Welch grew up in a one-room schoolhouse in Decatur County, Tennessee. He joined Southwestern Publishing Company as a student salesman and manager in 1953. During his tenure there, he served as Executive Vice President, a member of the Board of Directors, and a member of the Executive Committee. Working for Southwestern, selling books door-to-door, Ted exemplified the true value of hard work. Thankfully, that service did not stop with his tenure at Southwestern, nor after building a real estate empire. Ted served as a Deacon and Elder at Vice Street Christian Church, former board member of Lexington Theological Seminary, and as a part of the foundation of the Schermerhorn Symphony Center.

Ted Welch has spent his life's work following his passions. As he worked to shape the direction of the country, he labored to shape the direction of the next generation of community leaders. Whether by selling Bibles or actively participating in democracy, it is no simple statement that more have encountered truth and freedom due to Ted Welch's work. I ask my colleagues to join me in celebrating all Ted Welch has offered to the great state of Tennessee and our beloved country. We join with his wife, his children, and his grandchildren in offering our deepest gratitude for his life's work.

PHYLLIS REYNOLDS–HEBB

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Phyllis Reynolds Hebb for her commitment to early childhood education.

Phyllis's story begins when she enrolled her daughter in New Child Montessori School in Arvada and realized the potential of the Montessori Method. She resigned from her job at the United States Geological Survey and went to work at the Montessori school.

In 1983, the opportunity to purchase the New Child Montessori School presented itself. Phyllis bought the school, renamed it Cornerstone Montessori School and eventually moved the school to the Applewood area. In January of 1997, Phyllis purchased the property at 15970 West 50th Avenue and renovations to the buildings began. Cornerstone Montessori School moved to its current location at the end of May 1997.

Phyllis continued growing the school and extending into the community with a Toddler Program in 2004 and expanded the Spanish Language Program in 2005. Cornerstone Montessori School currently provides dual language Montessori classrooms for preschool and kindergarten aged children. Cornerstone has come full circle with three people on staff who attended Cornerstone as preschoolers and several students who are children of former preschoolers and kindergartners.

I extend my deepest congratulations to Phyllis Reynolds Hebb for thirty years of providing early childhood education to our future leaders. I have no doubt Phyllis will continue to provide adventure, learning and fun to all of her students.

WELCOMING THE NINTH HONOR FLIGHT SOUTH ALABAMA TO WASHINGTON, DC

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. BONNER. Mr. Speaker, it is with great pride that I recognize Honor Flight South Alabama and the World War II veterans this very special organization is bringing on its ninth and final flight to Washington, DC, on May 8, 2013. I am honored to insert this tribute in the RECORD on the anniversary of the unconditional surrender of Germany to the allies.

Founded by the South Alabama Veterans Council, Honor Flight South Alabama is an organization whose mission is to fly heroes from southwest Alabama to see their national memorial.

Nearly seven decades have passed since the end of World War II and, regrettably, it took nearly this long to complete work on the memorial that honors the spirit and sacrifice of the 16 million who served in the U.S. Armed Forces and the more than 400,000 who died. Sadly, many veterans did not live long enough to hear their country say "thank you," yet for those veterans still living, Honor Flight provides for many their first—and perhaps only—

opportunity to see the National World War II Memorial, which honors their service and sacrifice.

This final Honor Flight begins at dawn when the veterans will gather at historic Fort Whiting in Mobile and travel to Mobile Regional Airport to board a chartered flight to Washington. During their time in their nation's capital, the veterans will visit the World War II Memorial, Arlington National Cemetery, and other memorials.

The veterans will return to Mobile Regional Airport that evening, where some 1,000 people are expected to greet them.

Mr. Speaker, the May 8, 2013, journey of heroes from South Alabama is an appropriate time for us to pause and thank them—and all of the soldiers who fought in World War II. They collectively—and literally—saved the world. They personify the very best America has to offer, and I urge my colleagues to take a moment to pay tribute to their selfless devotion to our country and the freedoms we enjoy.

I salute each of the veterans who made the trip to Washington. May we never forget their valiant deeds and tremendous sacrifices:

Bill Addis; Bill Audrain; George Baker; Joe Befay; Benny Bender; Jerry Bernhardt; Bill Bidez; K.E. Bray; Tommy Breedlove; Bern Brunegraff; George Bryan; Don Burch; Bob Campbell, Sr.; Homer F. Campbell, Sr.; Regie Carpentier; Giles Chapman, Jr.; Ted Christakos; Ed Clapper; John Coleman; Frank Coleman.

Bill Collins, Sr.; Emmett Cox; Jack Davis; John Dodd; Wyman Dupuis; Harry Ellegood; Bill Evers; Bob Ewer; Wes Ferrill; James Forte; William Fountain; Aubrey Fulford; Norm Garlotte; Joe Godwin; Red Guy; Sid Hamilton; John Hampton; Dean Hansen; J.C. Harris, Jr.; Vida Hartfield.

Dick Havron; Robert Hedgepeth; Morris Helms; Dorsey Henderson; Jim Hill; E.R. Holt; L.V. Horne; Dixie Howell; Joe Jones; Joseph Jones; Leon Jones; John Kane; Hilda Kay; Kuhlie Kuhlmann; Will Lambert, Sr.; Herb Law, Jr.; Bo Lewis, Jr.; John Littlepage; Edward Mahon; Ken Main.

Bob Maley; L.C. Malone; Fred Mason; Wild Bill Mathers, Sr.; Duke McCall; Chuck McDonald; Albert McFadden; John C. McFerrin; Nute McLain; Ralph McLaney; Bob McLeod; Mac McRae; Caylop Minchew; Sparks Morris; Maurice Neely; Don Nelson; Lewis Nichols; Jack Nolan, Sr.; Dick Nolte, Sr.; Don Palmer.

Gene Passmore; Bill Phillips; William Rentz; Win Ritchie; Don Roberts; Porter Roberts, Jr.; Jerry Ryals; Tom Shackelford; Herman Shaddix; Terry Shiver; Gene Sorik; Capt. Les Stinson; Steve Thames; Howard Walker, Jr.; Willie Wilson; Doc Wise; Dutch Yon; Marion Yonge; and Robert Johnson, Jr.

A TRIBUTE TO DuPONT PIONEER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate DuPont Pioneer, based in Johnston, Iowa, for being named a winner of the 2013 Patents for Humanity pilot program by the United States Patent and Trademark Office (USPTO). The Patents for Humanity competition awards patent owners and licensees who address the world's most daunting humanitarian challenges in innovative ways.

DuPont Pioneer was selected for this prestigious award for its collaborative research and work to increase the nutritional value of sorghum for a growing African population that relies on the food crop as a dietary staple. While affordable and easy to grow in dry, fragile environments, sorghum is deficient in essential nutrients like amino acids, Vitamins A and E, iron, and zinc, and is difficult to digest when cooked. Working through the Africa Biofortified Sorghum Project, a public-private partner consortium, DuPont developed a more nutrient-rich strain of sorghum that is expected to combat malnourishment and benefit millions of Africans in the years ahead.

Mr. Speaker, it is a profound honor to represent DuPont Pioneer in the United States Congress as it continues to work to help feed the world. I commend the company on this tremendous breakthrough that will go to great lengths to improving food security in Africa, and I invite my colleagues in the House to join me in congratulating it on receiving this impressive recognition for its efforts.

FORT WOLTERS MEDAL OF HONOR MEMORIAL

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. CONAWAY. Mr. Speaker, I rise today to congratulate the Fort Wolters Gate Committee, the service members at Fort Wolters, and the community of Mineral Wells, Texas on the dedication of the Ft Wolters Medal of Honor Memorial. On March 23, 2013, they came together to help honor some our nation's greatest men and ensure the legacy of their service will never be forgotten.

The Medal of Honor Memorial lies at the heart of the quiet Fort Wolters Historical Park near the main entrance of Fort Wolters. This memorial is composed of stone columns with the fourteen names of the Medal of Honor recipients who trained at Wolters inscribed upon them. These inscriptions tell the stories of men who found themselves in defining moments and responded exceptionally. The following names are those who passed through Wolters as part of their journey to those moments:

1st LT Charles L. Thomas; Birmingham, AL.; 1st Lt Eli L. Whitely; Georgetown, TX; 2nd Lt Audie L. Murphy; Kingston, TX; 1st Lt Jack L. Knight; Garner, TX; SSG Edward A. Carter, Jr.; Los Angeles, CA; 1st Lt Vernon Baker; Cheyenne, WY; 1st Lt James M. Sprayberry; LaGrange, GA; CWO Michael J. Novosel; Etna, PA; MAJ Patrick H. (Pat) Brady; Philip, SD; CWO Frederick E. Ferguson; Pilot Point, TX; CPT Jon E. Swanson; Boulder, CO; MAJ William E. Adams; Casper, WY; CPT Ed (Too Tall) Freeman; Neely, MS; SSG Joe R. Hooper; Louisville, KY.

These fourteen men came from different eras, regions, and backgrounds, but are all connected through a common story. Their stories of duty, honor, sacrifice, and love represent an important part of the American story.

The love of their country and their families brought them to Mineral Wells, but the love for their brothers in arms drove their momentous actions. When these men met their defining moments they acted with valor and courage and have been recognized with the nation's highest military award: the Medal of Honor.

We are blessed to live in a country with individuals like the ones honored here. Their actions embody our nation's greatest ideals. They proceeded without hesitation to put their country's needs, and more importantly, the lives of the men around them, before their own. We remember them for their meritorious acts of courage and heroism, even though they knew it could cost them their lives.

The memorial in Fort Wolters Historical Park will serve to inspire and teach future generations of duty, honor, and sacrifice. It will serve the families that loved these men as a place to remember their stories and celebrate their lives and achievements.

Again, I would like to thank the volunteers and people of Mineral Wells who worked tirelessly to build this memorial and our veterans and service members whom we owe a debt that can never be repaid.

THE INTRODUCTION OF THE CONGRESS LEADS BY EXAMPLE ACT OF 2013

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Ms. NORTON. Mr. Speaker, today, I introduce the Congress Leads by Example Act of 2013, to subject Congress and the rest of the legislative branch to the federal workplace laws and standards that protect employees in the private sector and the executive branch. In a similar vein, a few weeks ago, I introduced the Member of Congress Pay Sequestration and Fairness Act, which would subject the pay of members of the House and Senate to any future sequestration, or automatic, across-the-board spending cuts. While members of Congress may differ on the merits of sequestration, once Congress passes laws, members should abide by the laws we impose on the American people and American businesses. That was the promise Congress made when we passed the Congressional Accountability Act of 1995 (CAA).

The CAA was an important first step in making the legislative branch accountable to its employees, but it did not finish the job. The CAA did bring the legislative branch under 13 major civil rights, labor and workplace safety and health laws, but it exempted the legislative branch from important notice and training provisions, and altogether omitted important substantive and administrative protections.

The Congress Leads by Example Act of 2013 is a necessary follow up bill to my 2010 investigation of staff complaints at the Capitol Visitor Center

(CVC) and to the recommendations from the Office of Compliance (OOC), which found a gap in OOC's authority to enforce the Occupational Safety and Health Act of 1970 (OSHA) provisions against the legislative branch. In the 111th Congress, as chair of the Committee on Transportation and Infrastructure's Subcommittee on Economic Development, Public Buildings, and Emergency Management, I held a hearing examining claims by OOC, which was created by the CAA, of an

estimated 6,300 safety hazards in the U.S. Capitol complex, as well as complaints by CVC tour guides that they were compelled to work in uniforms that were inappropriate for outdoor work in the summer and winter and that there were limits placed on their water consumption. Our hearing demonstrated that many of the serious safety hazards in the Capitol complex had been resolved, and the Architect of the Capitol assured us that it continues to correct the outstanding hazards with due speed. Eventually, the formation of a union local by CVC tour guides led to specific improvements in uniform and water consumption practices and policies.

However, in a 2010 report entitled Recommendations for Improvements to the Congressional Accountability Act, OOC identified additional provisions of federal workplace laws and standards that should be applicable to the legislative branch, including laws that grant the OOC General Counsel subpoena power, provide whistleblowers with protection from retaliation, and require the maintenance of employment records. In OOC's 2011 report entitled State of the Congressional Workplace, it presents the successes and shortcomings of the CAA by tracking the trends in legislative branch employee complaints and workplace safety hazards in fiscal year 2010. My bill takes into account the OOC reports, and seeks to both apply the standard of fairness to employees in the legislative branch that Congress requires for other employees and to provide a safer work environment for Congress and Capitol Hill employees by bringing the legislative branch substantially in line with what is legally required of private sector employers and the executive branch.

As Congress searches for ways to trim the federal budget, it would be timely to provide whistleblower protections to legislative branch employees so that they can report misuse of federal funds and other legal violations without fear of retaliation. My bill provides general whistleblower protections, also championed by Senators CHUCK GRASSLEY and CLAIRE MCCASKILL. My bill also makes applicable additional OSHA provisions to the legislative branch, including providing subpoena authority to OOC to conduct inspections and investigations into OSHA violations, and requiring the posting of notices in workplaces detailing employee rights to a safe workplace under OSHA.

This bill also furthers the CAA's mission to prevent discrimination in legislative branch offices by prohibiting the legislative branch from making adverse employment decisions on the basis of an employee's wage garnishment or involvement in bankruptcy proceedings pursuant to the Consumer Credit Protection Act (CCPA) and Chapter 11 of the bankruptcy code. The bill requires legislative branch employers to provide their employees with notice of their rights and remedies under the CAA anti-discrimination provisions through the placement of signage in offices highlighting relevant anti-discrimination laws, including Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act. The bill also requires legislative branch offices to provide training to employees about their CAA rights and remedies. Adding the CCPA and bankruptcy provisions will deter economic discrimination, while the notice and training provisions will empower legislative branch employees with the full knowledge of their rights.

Finally, the bill bolsters the CAA's recordkeeping requirements. It extends to the legislative branch the obligation to maintain accurate records of safety information and employee injuries, as otherwise required by OSHA, as well as employee records necessary to administer anti-discrimination laws. The enhanced recordkeeping requirements will facilitate better enforcement of laws.

On the eve of the CAA's passage in 1995, then-Senator Olympia Snowe may have best captured the intent of Congress and the will of the people when she remarked, "Congress simply cannot continue to live above the law and call itself a body that is representative of the America we live in today. After all, what kind of message does Congress send to Americans when it sets itself above the law? What kind of message does Congress send to America when it believes it is beholden to different standards? And how can Congress claim to pass laws in the best interest of the American people if Congress refuses to abide by those very same laws. . . . Congress should be the very last institution in America to exempt itself from living under the nation's laws." By passing this bill and heeding this wise call to action, Congress will help restore the faith of the public in this institution by redoubling our efforts to exercise leadership by example. I urge bipartisan support for this important measure.

A TRIBUTE TO DANIEL GINDHART—TEAMSTERS LOCAL 830 SCHOLARSHIP AWARD RECIPIENT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in tribute today for Daniel Gindhart, a 2013 award recipient of the Teamsters Local 830 Scholarship Fund. Over the past 37 years, this important fund has awarded scholarships totaling over $2.7 million to talented young adults throughout our community. Because of the hard work of the members of Teamsters Local 830 and the employers of these members, students like Daniel are able to make higher education possible.

Daniel's father, Daniel Gindhart Sr., works in the Warehouse Department of PBC in Philadelphia, Pennsylvania. I greatly admire Daniel's hard work at Triton Regional High School and his aspirations to study accounting. With his work ethic, I am sure Daniel will achieve his dream of one day becoming a Certified Public Accountant.

I ask that you and my other distinguished colleagues help me in honoring Daniel Gindhart and his commitment to his community and studies that enabled him to become a 2013 award recipient of the Teamsters Local 830 Scholarship Fund.

A TRIBUTE TO KATELYN CINNAMON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. LATHAM. Mr. Speaker, I rise today to honor and congratulate 18-year-old Katelyn Cinnamon of Valley High School in West Des Moines, Iowa, who has been named the state's top high school youth volunteer for 2013 by the Prudential Spirit of Community Awards.

The Prudential Spirit of Community Awards program is our country's largest youth recognition program based entirely on volunteer community service. The program was created in conjunction with Prudential and the National Association of Secondary School Principals to honor middle and high school students for outstanding service to benefit others at the local, state, and national level. Since 1995, 345,000 American youths have participated in this program, with only 102 state honorees chosen each year.

Katelyn's path to this prestigious award began with a stroke of inspiration while helping at the Blank Children's Hospital Hematology/Oncology Clinic. After witnessing the courage and strength of the patients up-close, she wanted to take her volunteerism to the next level. She set out to raise $10,000 to buy six tablet computers for the clinic and pay for an annual oncology camp at which patients could enjoy typical camp activities. She also collects fleece tie blankets for the Children's Cancer Connection in Des Moines. With the help of a friend and networking in the community, she has achieved almost half of her fundraising goal and has delivered the tablet computers to the clinic.

As a state honoree, Katelyn received a $1,000 prize, an engraved silver medallion, and was recently recognized at an award ceremony and gala dinner reception at the Smithsonian's National Museum of Natural History in our nation's capital.

Mr. Speaker, it is with great pride that I recognize and applaud Miss Cinnamon for her sincere dedication to positively impacting the lives of others in her community and beyond. Katelyn's commitment to a cause greater than herself is a testament to the high-quality character and unwavering work ethic instilled in Iowans both young and old. Our future is bright with young people like Katelyn, and it is an honor to represent her and her family in the United States Congress. I invite my colleagues in the House to join me in congratulating Katelyn, thanking her supportive family, and thanking all of those involved in this wonderful project for their life-changing efforts.

NATIONAL TEACHER APPRECIATION DAY

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor the outstanding teachers of Broward and Miami-Dade Counties on National Teacher Appreciation Day.

This day gives us an opportunity to thank teachers for the incredible work that they do for our children and communities. Teachers help form the backbone of our nation, assisting children in harnessing their creativity and critical thinking skills to grow up into the next great American generation.

Today serves as a reminder that we must continue to invest in our nation's teachers, children and schools. As a proud mother of three students in Broward County public schools, I know firsthand the excellence our teachers bring to the classroom each day. Their patience and encouragement are shaping tomorrow's leaders and ensuring that America remains competitive, innovative, and prosperous.

If you talk to any educator, they will tell you that teaching is demanding. Teachers work long hours and are expected not only to impart certain knowledge, but also instill a love of learning in their students. They have made a conscious career decision to make a difference in the lives of our children.

As a Member of Congress for Florida's 23rd Congressional District, I am committed to supporting Broward and Miami-Dade educators and their peers across the country. Unfortunately, teachers don't always receive the recognition or resources they deserve. As policy makers, we must ensure that our teachers have the tools, resources and support they need. When we do this, we not only invest in these dedicated professionals, but we also invest in our children and their futures.

As a parent, let me say thank you to all teachers for devoting your time and skills to our children. We are grateful for all that you do.

PERSONAL EXPLANATION

HON. JACKIE WALORSKI

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mrs. WALORSKI. Mr. Speaker, on rollcall No. 129 on H.R. 588, I am not recorded because of flight delays. Had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 130 on H.R. 291, I am not recorded because of flight delays. Had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 131 on H.R. 507, I am not recorded because of flight delays. Had I been present, I would have voted "aye."

NATIONAL TEACHER'S APPRECIATION DAY

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. REICHERT. Mr. Speaker, I rise today, on National Teacher's Appreciation Day, to recognize and honor the teachers of America. Year in and year out, they dedicate their lives to educating our children and helping them to succeed both in and out of the classroom. They not only teach us to read and write, but for many of us, it is a teacher who first shows us that we can achieve whatever we put our minds to; they tell us that anything is possible, that it is okay to dream. The confidence and curiosity that teachers instill in their students are just as important as the traditional subjects they teach; it is these life lessons that will resonate with our children well into adulthood.

In my own experience, the teacher who brought these truths home to me was Mr. Gowenlock. Mr. Gowenlock was my high school geometry teacher as well as one of my football coaches. He made sure I knew that I had the ability to be a great man, and the only thing that would get in the way was my own doubt. He was one of the first to fully believe in me, and that is a gift that has made it possible for me to be where I am today.

I hope that students and parents everywhere will join with me in recognizing the importance and value of good teachers. Without them, America would not be the beacon of hope that it is today. We owe them our gratitude and our respect. I have fought for teachers in the past, with legislation such as the Teacher Tax Relief Act, and I will continue to fight for them. Teachers must have the tools and support they need to ensure our children receive the best education possible for they will be the ones shaping the future of this great nation. Thank you.

A TRIBUTE TO BRANDI ZIEMINSKI—TEAMSTERS LOCAL 830 SCHOLARSHIP AWARD RECIPIENT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in tribute today for Brandi Zieminski, a 2013 award recipient of the Teamsters Local 830 Scholarship Fund. Over the past 37 years, this important fund has awarded scholarships totaling over $2.7 million to talented young adults throughout our community. Because of the hard work of the members of Teamsters Local 830 and the employers of these members, students like Brandi are able to make higher education possible.

Brandi's father, Theodore Zieminski, works in the Facilities Department of Thomas Jefferson University Hospital in Philadelphia, Pennsylvania. I greatly admire Brandi's hard work at Archbishop Ryan High School and her aspirations to study secondary education. With her work ethic, I am sure Brandi will achieve her dream of one day becoming a high school teacher.

I ask that you and my other distinguished colleagues help me in honoring Brandi Zieminski and her commitment to her community and studies that enabled her to become a 2013 award recipient of the Teamsters Local 830 Scholarship Fund.

HONORING CANCER SURVIVOR BEAUTY AND SUPPORT DAY AND BARBARA PAGET

HON. BRADLEY S. SCHNEIDER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. SCHNEIDER. Mr. Speaker, I rise today to pay tribute to Barbara Paget and her extraordinary work establishing in 2003 Cancer Survivor Beauty and Support Day (CSBSD). This extraordinary endeavor for the past ten years has brought support and kindness to countless men, women and children cancer survivors.

Barbara is a remarkable woman, dedicated to brightening the lives of cancer survivors across the country. In conceiving and launching CSBSD, Barbara has united full communities across the country in support for their friends and neighbors.

Taking place the first Tuesday of June each year, CSBSD provides cancer survivors in all 50 states with the opportunity to enjoy a day of complimentary services at salons, spas, barber shops and beauty parlors. Barbara has worked tirelessly to expand CSBSD, and she has succeeded tremendously, expanding the initiative each year and receiving previous recognition in Congress.

The beauty of the day, as Barbara would put it, is the support that it gives. CSBSD does not require any money—the day is all about volunteering. Participants donate only their time, services and kindness. The helping, caring hand of a volunteer on CSBSD and the one-on-one connection it fosters are incredibly powerful forces for cancer survivor and service provider alike.

Barbara has more than 1,000 places celebrating CSBSD in all 50 states, working to reach out to as many of the more than 12 million cancer survivors as possible—offering a supportive, fun and rewarding day.

Cancer affects so many of us, our friends and family. We have seen the toll it takes. Barbara has seen it too, and that is why she stepped up and decided to take action. Mr. Speaker, it is my honor to recognize Barbara Paget and Cancer Survivor Beauty and Support Day for all the good they do.

HONORING EUGENE DAVID ZOLLER

HON. JOE GARCIA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. GARCIA. Mr. Speaker, I rise today to pay tribute to Teacher Mr. Eugene David Zoller who is retiring this year after 47 years in public and private school classrooms as an exemplary and inspirational teacher of Social Studies. Eugene Zoller attributes his calling as a teacher to the influence of his mother Dorothea Donahue Zoller, his aunt Josephine Donahue, and his Grade 8 teacher, Sr. Joan Bernadette Davis, a sister of Notre Dame de Namur.

He started his teaching career in the Massachusetts public schools and continued his teaching in 1985, until his retirement in 2013, at Belen Jesuit Preparatory School in Miami, Florida, which I am proud to proclaim as my high school alma mater.

In 28 years at Belen Jesuit, Mr. Zoller has been the lead Teacher of Civics and Honors Civics, Faculty Advisor of the National Junior Honor Society, Director of the Patriot Program, Organizer of the Miami-Dade County Court and Jail tour, Chaperone of the Overseas Study Program trip to Russia, Chaperone of the Close Up program, Supervisor of the daily posting of the Miami Herald and El Nuevo Herald in the Central Patio, and honored by Nova Southeastern University with the Cervantes Award and Univision as a Maestro Especial. Mr. Zoller immortalized the Pan con Lechon Booth at the Belen Tombola dedicated to raising money for the school's scholarship program.

With honor, unwavering commitment, and love of country, Mr. Zoller has nurtured in his students a fervent patriotism for the United States of America. The Belen Jesuit community of students, parents, teachers, and alumni consider Mr. Zoller one of the pillars of our school and I eagerly add my name to the legions that admire and appreciate his service to God, Country, and Belen Jesuit Preparatory School.

PERSONAL EXPLANATION

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. PETERS of Michigan. Mr. Speaker, due to an interruption in my travel to Washington, DC, I was unable to be present to cast my vote on three bills considered under suspension of the rules. I wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 129, I would have voted "yea."

Had I been present for rollcall No. 130, I would have voted "yea."

Had I been present for rollcall No. 131, I would have voted "yea."

IN RECOGNITION OF THE KENTUCKY LAW ENFORCEMENT OFFICERS MEMORIAL

HON. ANDY BARR

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. BARR. Mr. Speaker, I rise today to recognize the nearly 900,000 law enforcement officers in the Commonwealth of Kentucky who put their lives on the line every day for the safety and protection of others.

Today, the Kentucky Law Enforcement Memorial Service was held in observance of those who have given their all in our Commonwealth. The event was hosted at the nationally recognized Department of Criminal Justice Training Center on the campus of Eastern Kentucky University in Richmond, Kentucky.

The protection of our families can come with a heavy price. Over the last decade, an average of 160 Kentucky law enforcement officers per year have been killed in the line of duty.

I am saddened that I was unable to attend today's service in Kentucky due to votes in Washington. I will, however, continue to honor the sacrifices of officers such as the most recent officer killed in the line of duty in Kentucky, Officer Bryan Joseph Durman of Lexington.

Officer Durman, and other heroes like him, will not be forgotten and will always remind us of the ultimate sacrifices that our Law Enforcement Officers make every day. We remember them, and their families, each and every day.

CONGRATULATING THE CREEKSIDE MIDDLE SCHOOL NATIONAL SCIENCE BOWL TEAM

HON. SUSAN W. BROOKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to congratulate Creekside Middle School in Carmel, Indiana in celebration of the team of students who placed first in the National Science Bowl, sponsored by the United States Department of Energy.

The National Science Bowl is an annual competition designed to encourage the best of our nation's young students to develop an interest in science and mathematics and to make contributions in those fields. It is a competition that promotes discovery, innovation, hard work and a commitment to a better tomorrow.

For all of these reasons and many more, I am so proud that a team from Indiana's 5th District won the national championship. It is a wonderful display of the best of Indiana's young minds. Over 5,000 middle school students from 1,023 teams across the country participated in this event, making Creekside's win all the more impressive.

As a member of the Education and the Workforce Committee, I also want to acknowledge how important it is to our nation's future to encourage and raise a new generation of Science, Technology, Engineering and Mathematics—STEM—leaders. For America to maintain its competitive edge in our global marketplace, we must pursue STEM excellence with a sense of urgency and passion.

Students like those at Creekside give me hope that we'll accomplish this vital mission. Their outstanding work is an inspiration to students, educators and parents across the nation. Once again, congratulations Creekside, I am very proud of you.

A TRIBUTE TO RICHY MASCIARELLI—TEAMSTERS LOCAL 830 SCHOLARSHIP AWARD RECIPIENT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in tribute today for Richy Masciarelli, a 2013 award recipient of the Teamsters Local 830 Scholarship Fund. Over the past 37 years, this important fund has awarded scholarships totaling over $2.7 million to talented young adults throughout our community. Because of the hard work of the members of Teamsters Local 830 and the employers of these members, students like Richy are able to make higher education possible.

Richy's father, Richard Masciarelli, works in the Maintenance Department of Thomas Jefferson University Hospital. I greatly admire Colin's hard work at Pottstown High School and his aspirations to study business management and health & occupation. With his work ethic, I am sure Richy will be successful in whatever career he chooses.

I ask that you and my other distinguished colleagues help me in honoring Richy Masciarelli and his commitment to his community and studies that enabled him to become a 2013 award recipient of the Teamsters Local 830 Scholarship Fund.

A TRIBUTE TO SAMANTHA DILOCKER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 2013

Mr. LATHAM. Mr. Speaker, I rise today to honor and congratulate 13-year-old Samantha Dilocker of Red Oak, Iowa, who has been named the state's top middle school youth volunteer for 2013 by the Prudential Spirit of Community Awards.

The Prudential Spirit of Community Awards program is our country's largest youth recognition program based entirely on volunteer community service. The program was created in conjunction with Prudential and the National Association of Secondary School Principals to honor middle and high school students for outstanding service to benefit others at the local, state, and national level. Since 1995, 345,000 American youths have participated in this program, with only 102 state honorees chosen each year.

Samantha's path to this prestigious award began in 2006 when she received the troubling news that her mother's employer would be closing its doors resulting in lost jobs not just at home, but across her community. Equipped with the determination to help her neighbors, Samantha began to establish an auction for baked goods at her local Elks Lodge by soliciting donations, creating advertising posters and signs, and working hands-on to run the auction. Samantha's first auction raised more than $1,000 and left no doubt in her mind that her work would continue. Now, her annual craft and baked goods auctions have raised more than $22,000 over the past seven years for a local food pantry, a community toy drive, a scholarship fund, and even provided assistance for a family whose young boy was diagnosed with cancer.

As a state honoree, Samantha received a $1,000 prize, an engraved silver medallion, and was recently recognized at an award ceremony and gala dinner reception at the Smithsonian's National Museum of Natural History in our nation's capital.

Mr. Speaker, it is with great pride that I recognize and applaud Miss Dilocker for her sincere dedication to positively impacting the lives of others in her community and beyond. Samantha's commitment to a cause greater than herself is a testament to the high-quality character and unwavering work ethic instilled in Iowans both young and old. Our future is bright with young people like Samantha, and it

is an honor to represent her and her family in the United States Congress. I invite my colleagues in the House to join me in congratulating Samantha, thanking her supportive family, and thanking all of those involved in this wonderful project for their life-changing efforts.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3099–S3213

Measures Introduced: Twenty-three bills and one resolution were introduced, as follows: S. 868–890, and S. Res. 130. **Pages S3158–59**

Measures Passed:

National Baseball Hall of Fame Commemorative Coins: Senate passed H.R. 1071, to specify the size of the precious-metal blanks that will be used in the production of the National Baseball Hall of Fame commemorative coins. **Page S3212**

Loss of New Hampshire's Old Man of the Mountain: Committee on the Judiciary was discharged from further consideration of S. Res. 127, commemorating the 10-year anniversary of the loss of the State symbol of New Hampshire, the Old Man of the Mountain, and the resolution was then agreed to. **Page S3212**

National Physical Education and Sport Week: Senate agreed to S. Res. 130, designating the week of May 1 through May 7, 2013, as "National Physical Education and Sport Week". **Pages S3212–13**

Measures Considered:

Water Resources Development Act—Agreement: Senate began consideration of 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, after agreeing to the motion to proceed, withdrawing the committee reported substitute amendment, and taking action on the following amendment proposed thereto: **Pages S3110–38, S3139–52**

Pending:

Boxer/Vitter Amendment No. 799, in the nature of a substitute. **Pages S3139–52**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 11:30 a.m., on Wednesday, May 8, 2013; that the following amendments be the first amendments in order to Boxer/Vitter Amendment No. 799 (listed above): Coburn Amendment No. 804 (ammunition); Coburn Amendment No. 805 (Army Corps lands/guns); and Whitehouse Amendment No. 803 (oceans); that there be no second-degree amendments in order to any of these amendments prior to votes on or in relation to the amendments; that the Coburn and Whitehouse amendments be subject to a 60 affirmative vote threshold; that the time until 2 p.m., be equally divided between the two Leaders, or their designees, for debate on the amendments; that Senator Coburn control 40 minutes of the Republican time; that at 2 p.m., Senate vote on or in relation to the Coburn and Whitehouse amendments, in the order listed; that there be two minutes equally divided in between the votes and all after the first vote be ten minute votes; and that upon disposition of the Coburn and Whitehouse amendments, Boxer/Vitter Amendment No. 799, as amended, if amended, be agreed to and be considered original text for the purpose of further amendment. **Page S3152**

Escort Committee—Agreement: A unanimous-consent agreement was reached providing that the President of the Senate be authorized to appoint a committee on the part of the Senate to join a like committee on the part of the House of Representatives to escort Her Excellency Park Geun-hye, the President of South Korea, into the House Chamber for the joint meeting at 10:30 a.m., on Wednesday, May 8, 2013. **Page S3213**

Joint Meeting of Congress—Agreement: A unanimous-consent agreement was reached providing that at 10 a.m., on Wednesday, May 8, 2013, Senate recess for the Joint Meeting of Congress with the President of the Republic of Korea until 11:30 a.m. **Page S3213**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13338 of May 11, 2004, with respect to the blocking of property of certain persons and prohibition of exportation and re-exportation of certain goods to Syria; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–9) **Page S3156**

Nomination Confirmed: Senate confirmed the following nomination:

By 53 yeas to 45 nays (Vote No. EX. 114), David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2018.

Pages S3104–08, S3213

Nominations Received: Senate received the following nominations:

Anthony Renard Foxx, of North Carolina, to be Secretary of Transportation.

Michael Froman, of New York, to be United States Trade Representative, with the rank of Ambassador.

Melvin L. Watt, of North Carolina, to be Director of the Federal Housing Finance Agency for a term of five years.

2 Navy nominations in the rank of admiral.

Page S3213

Messages from the House: **Page S3156**

Measures Referred: **Page S3156**

Measures Read the First Time: **Pages S3156, S3213**

Petitions and Memorials: **Pages S3157–58**

Additional Cosponsors: **Pages S3159–61**

Statements on Introduced Bills/Resolutions: **Pages S3161–68**

Additional Statements: **Pages S3155–56**

Amendments Submitted: **Pages S3168–S3211**

Notices of Hearings/Meetings: **Pages S3211–12**

Authorities for Committees to Meet: **Page S3212**

Record Votes: One record vote was taken today. (Total—114) **Page S3108**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:50 p.m., until 9:30 a.m. on Wednesday, May 8, 2013. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3213.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: LIBRARY OF CONGRESS AND THE OPEN WORLD LEADERSHIP CENTER

Committee on Appropriations: Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2014 for the Library of Congress and the Open World Leadership Center, after receiving testimony from James H. Billington, the Librarian of Congress, and John O'Keefe, Executive Director, Open World Leadership Center, both of the Library of Congress.

APPROPRIATIONS: UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs concluded a hearing to examine proposed budget estimates for fiscal year 2014 for the United States Agency for International Development, after receiving testimony from Rajiv Shah, Administrator, United States Agency for International Development.

APPROPRIATIONS: DEPARTMENT OF THE INTERIOR

Committee on Appropriations: Subcommittee on Department of the Interior, Environment, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2014 for the Department of the Interior, after receiving testimony from Sally Jewell, Secretary, David Hayes, Deputy Secretary, Rhea Suh, Assistant Secretary for Policy, Management, and Budget, and Pamela Haze, Deputy Assistant Secretary for Budget, Finance, Performance, and Acquisition, all of the Department of the Interior.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Committee concluded a hearing to examine the Department of the Air Force in review of the Defense Authorization Request for fiscal year 2014 and the Future Years Defense Program, after receiving testimony from Michael B. Donley, Secretary of the Air Force, and General Mark A. Welsh III, Chief of Staff, United States Air Force, both of the Department of Defense.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Strategic Forces concluded a hearing to examine National Nuclear Security Administration management of its National Security Laboratories in review of the Defense Authorization Request for fiscal year 2014 and the Future Years Defense Program, after receiving testimony from Charles F. McMillan, Laboratory Director, Los Alamos National Laboratory, Paul J. Hommert, President and Director, Sandia National Laboratories, Penrose C. Albright, Director, Lawrence Livermore National Laboratory, and Charles V. Shank, Co-Chair, National Research Council Committee to Review the Quality of the Management and of the Science and Engineering Research at the National Security Laboratories, all of the Department of Energy.

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nomination of Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States, after the nominee, who was introduced by Senators Schumer and Gillibrand, testified and answered questions in his own behalf.

CREDIT REPORTS

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Protection, Product Safety, and Insurance concluded a hearing to examine credit reports, focusing on what accuracy and errors mean for consumers, after receiving testimony from Maneesha Mithal, Associate Director for the Division of Privacy and Identity Protection, Federal Trade Commission; Corey Stone, Assistant Director, Deposits, Cash, Collections, and Reporting Markets, Consumer Financial Protection Bureau; Stuart K. Pratt, Consumer Data Industry Association, Ira Rheingold, National Association of Consumer Advocates, and the National Consumer Law Center, and J. Howard Beales III, The George Washington School of Business, all of Washington D.C.; and Judy Ann Thomas, Elyria, Ohio.

HELIUM STEWARDSHIP ACT

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 783, to amend the Helium Act to improve helium stewardship, after receiving testimony from Timothy R. Spisak, Deputy Assistant Director, Minerals and Realty Management, Bureau of Land Management, Department of the Interior; Walter L. Nelson, Air Products and Chemicals, Inc., Allentown, Pennsylvania; David Joyner, Air Liquid Helium America, Inc., Houston, Texas, on behalf of Airgas, Inc. and Matheson Tri-Gas, Inc.; Carolyn Duran, Intel Corporation, Hillsboro, Oregon, on behalf of the Semiconductor Industry Association; and Moses Chan, Penn State University, and National Academies National Research Council Committee on Understanding the Impact of Selling the Helium Reserve, University Park, Pennsylvania.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of James Knight, of Alabama, to be Ambassador to the Republic of Chad, and Deborah Kay Jones, of New Mexico, to be Ambassador to Libya, who was introduced by Senator Udall (NM), both of the Department of State, after the nominees testified and answered questions in their own behalf.

COMPREHENSIVE IMMIGRATION REFORM

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine border security, focusing on S. 744, to provide for comprehensive immigration reform, after receiving testimony from David F. Heyman, Assistant Secretary, Office of Policy, Kevin K. McAleenan, Acting Deputy Commissioner, and Michael J. Fisher, Chief, Border Patrol, both of Customs and Border Protection, Daniel Ragsdale, Deputy Director, Immigration and Customs Enforcement, and Anne L. Richards, Assistant Inspector General for Audits, all of the Department of Homeland Security.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 25 public bills, H.R. 1842–1866; and 3 resolutions H. Res. 203–205 were introduced. **Pages H2483–84**

Additional Cosponsors: **Pages H2485–86**

Report Filed: A report was filed today as follows:

H. Res. 202, providing for consideration of the bill (H.R. 807) to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached (H. Rept. 113–52). **Pages H2482, H2483**

Speaker: Read a letter from the Speaker wherein he appointed Representative Ribble to act as Speaker pro tempore for today. **Page H2441**

Recess: The House recessed at 10:44 a.m. and reconvened at 12 noon. **Page H2445**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 293 yeas to 131 nays with 1 answering "present", Roll No. 134. **Pages H2446, H2460–61**

Working Families Flexibility Act of 2013—Rule for Consideration: The House agreed to H. Res. 198, the rule that is providing for consideration of H.R. 1406, to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector, by a recorded vote of 228 ayes to 199 noes, Roll No. 133, after the previous question was ordered by a yea-and-nay vote of 230 yeas to 198 nays, Roll No. 132. **Pages H2450–59, H2459–60**

Recess: The House recessed at 1:39 p.m. and reconvened at 2:10 p.m. **Page H2459**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow. **Page H2461**

Recess: The House recessed at 6:17 p.m. and reconvened at 7:04 p.m. **Page H2482**

Presidential Message: Read a message from the President wherein he notified Congress that the national emergency declared with respect to the actions of the Government of Syria is to continue in effect beyond May 11, 2013—referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 113–22). **Page H2475**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H2450.

Senate Referral: S. 743 was held at the desk.

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H2459–60, H2460, H2460–61. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:05 p.m.

Committee Meetings

APPROPRIATIONS—BUREAU OF LAND MANAGEMENT BUDGET

Committee on Appropriations: Subcommittee on Interior, Environment and Related Agencies held a hearing on Bureau of Land Management Budget. Testimony was heard from Neil Kornze, Principal Deputy Director, Bureau of Land Management.

APPROPRIATIONS—NAVY AND MARINE CORPS BUDGET

Committee on Appropriations: Subcommittee on Defense held a hearing on Navy and Marine Corps Budget. Testimony was heard from Ray Mabus, Secretary of the Navy; Admiral Jonathan W. Greenert, Chief of Naval Operations; and General James F. Amos, Commandant of the Marine Corps.

APPROPRIATIONS—SECURITIES AND EXCHANGE COMMISSION BUDGET

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on Securities and Exchange Commission Budget. Testimony was heard from Mary Jo White, Chairman, Securities Exchange Commission.

RAISING THE BAR: EXPLORING STATE AND LOCAL EFFORTS TO IMPROVE ACCOUNTABILITY

Committee on Education and the Workforce: Full Committee held a hearing entitled "Raising the Bar: Exploring State and Local Efforts to Improve Accountability". Testimony was heard from John White, State Superintendent of Education, Louisiana Department of Education, Baton Rouge, LA; Chris Richardson, Superintendent of Schools, Northfield Public Schools, Northfield, MN; Eric S. Gordon, Chief Executive Officer, Cleveland Metropolitan School District, Cleveland, OH; and a public witness.

U.S. ENERGY ABUNDANCE: EXPORTS AND THE CHANGING GLOBAL ENERGY LANDSCAPE

Committee on Energy and Commerce: Subcommittee on Energy and Power held a hearing entitled "U.S. Energy Abundance: Exports and the Changing Global Energy Landscape". Testimony was heard from public witnesses.

VACATION NATION: HOW TOURISM BENEFITS OUR ECONOMY

Committee on Energy and Commerce: Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled "Vacation Nation: How Tourism Benefits Our Economy". Testimony was heard from public witnesses.

MISCELLANEOUS MEASURE

Committee on Energy and Commerce: Subcommittee on Health began a markup on H.R. 1407, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize user fee programs relating to new animal drugs; and legislation to amend the Federal Food, Drug, and Cosmetic Act with respect to the pharmaceutical distribution supply chain, and for other purposes.

MISCELLANEOUS MEASURES

Committee on Financial Services: Full Committee held a markup on the following measures: H.R. 701, to amend a provision of the Securities Act of 1933 directing the Securities and Exchange Commission to

add a particular class of securities to those exempted under such Act to provide a deadline for such action; H.R. 801, the ''Holding Company Registration Threshold Equalization Act of 2013''; H.R. 742, the ''Swap Data Repository and Clearinghouse Indemnification Correction Act of 2013''; H.R. 1341, the ''Financial Competitive Act of 2013''; H.R. 634, the ''Business Risk Mitigation and Price Stabilization Act of 2013''; H.R. 677, the ''Inter-Affiliate Swap Clarification Act''; H.R. 992, the ''Swaps Regulatory Improvement Act''; H.R. 1256, the ''Swap Jurisdiction Certainty Act''; and ''H.R. 1062, the ''SEC Regulatory Accountability Act''. The following bills were ordered reported, as amended: H.R. 1341; H.R. 677; and H.R. 1256. The following bills were ordered reported, without amendment: H.R. 701; H.R. 801; H.R. 742; H.R. 634; H.R. 992 and H.R. 1062.

LOCAL AND PRIVATE SECTOR INITIATIVES TO COMBAT INTERNATIONAL HUMAN TRAFFICKING

Committee on Foreign Affairs: Full Committee held a hearing entitled ''Local and Private Sector Initiatives to Combat International Human Trafficking''. Testimony was heard from Don Knabe, Supervisor, Fourth District, Los Angeles County Board of Supervisors; and public witnesses.

INCREASING AMERICAN JOBS THROUGH GREATER EXPORTS TO AFRICA

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held a hearing entitled ''Increasing American Jobs through Greater Exports to Africa''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee held a markup on legislation to Create an Over-Criminalization Task Force; H.R. 180, the ''National Blue Alert Act of 2013''; and H. Res. 196, a resolution supporting the Sixth Amendment to the United States Constitution, the right to counsel. The following were ordered reported, without amendment: a resolution to Create an Over-Criminalization Task Force; H.R. 180; and H. Res. 196.

IMPEDIMENTS TO PUBLIC RECREATION ON PUBLIC LANDS

Committee on Natural Resources: Subcommittee on Public Lands and Environmental Regulation held a hearing entitled ''Impediments to Public Recreation on Public Lands. Testimony was heard from Representative Heck (NV); and pubic witnesses.

DOJ'S QUID PRO QUO WITH ST. PAUL: A WHISTLEBLOWER'S PERSPECTIVE

Committee on Oversight and Government Reform: Subcommittee on Economic Growth, Job Creation and Regulatory Affairs; and Committee on the Judiciary Subcommittee on The Constitution and Civil Justice held a joint hearing entitled ''DOJ's Quid Pro Quo with St. Paul: A Whistleblower's Perspective''. Testimony was heard from Senators Grassley and Isakson; and public witnesses.

FULL FAITH AND CREDIT ACT

Committee on Rules: Full Committee held a hearing on H.R. 807, the ''Full Faith and Credit Act''. The Committee granted, by record vote of 5–2, a structured rule for H.R. 807. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule makes in order only the amendment printed in the Rules Committee report, if offered by Representative Camp of Michigan, or his designee. The amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendment printed in the report. The rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Camp; and Representatives Levin, Welch, and Delaney.

KEYSTONE XL PIPELINE: EXAMINATION OF SCIENTIFIC AND ENVIRONMENTAL ISSUES

Committee on Science, Space, and Technology: Subcommittee on Energy; and Subcommittee on Environment held a joint hearing entitled ''Keystone XL Pipeline: Examination of Scientific and Environmental Issues''. Testimony was heard from Lynn Helms, Director, Department of Mineral Resources, North Dakota Industrial Commission; and public witnesses.

VA CONSTRUCTION POLICY: FAILED PLANS RESULT IN PLANS THAT FAIL

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing entitled ''VA Construction Policy: Failed Plans Result In Plans

That Fail''. Testimony was heard from Lorelei St. James, Director of Physical Infrastructure Issues, Government Accountability Office; Glenn D. Haggstrom, Principal Executive Director Office of Acquisition, Logistics, and Construction Department of Veterans Affairs; and a public witness.

DEVELOPING A VIABLE MEDICARE PHYSICIAN PAYMENT POLICY

Committee on Ways and Means: Subcommittee on Health held a hearing entitled ''Developing a Viable Medicare Physician Payment Policy''. Testimony was heard from public witnesses.

Joint Meetings

IMMIGRATION

Joint Economic Committee: Committee began hearings to examine immigration and its contribution to our economic strength, after receiving testimony from Grover Norquist, Americans for Tax Reform, and Adriana D. Kugler, Georgetown University, both of Washington, D.C.

Hearings continue on Wednesday, May 8, 2013.

BUSINESS MEETING

Joint Committee on the Library: Committee adopted its rules of procedure for the 113th Congress.

BUSINESS MEETING

Joint Committee on Printing: Committee adopted its rules of procedure for the 113th Congress.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 8, 2013

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Department of Defense, to hold hearings to examine proposed budget estimates for fiscal year 2014 for the Air Force, 10 a.m., SD–192.

Subcommittee on Financial Services and General Government, to hold hearings to examine proposed budget estimates for fiscal year 2014 for the Department of the Treasury and the Internal Revenue Service, 2 p.m., SD–138.

Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2014 for the Army Corps of Engineers and Bureau of Reclamation, 2:30 p.m., SD–192.

Committee on Armed Services: Subcommittee on Airland, to hold hearings to examine Army modernization in review of the Defense Authorization Request for fiscal year 2014 and the Future Years Defense Program, 9:30 a.m., SR–222.

Subcommittee on SeaPower, to hold hearings to examine Navy shipbuilding programs in review of the Defense Authorization Request for fiscal year 2014 and the Future Years Defense Program, 9:30 a.m., SR–232A.

Subcommittee on Strategic Forces, to hold hearings to examine strategic forces programs of the National Nuclear Security Administration and the Department of Energy's Office of Environmental Management in review of the Defense Authorization Request for fiscal year 2014 and the Future Years Defense Program, 2:30 p.m., SR–232A.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the role of immigrants in America's innovation economy, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider S. 306, to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, S. 545, to improve hydropower, S. 761, to promote energy savings in residential and commercial buildings and industry, H.R. 267, to improve hydropower, and H.R. 678, to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, 11:30 a.m., SD–366.

Committee on Health, Education, Labor, and Pensions: business meeting to consider the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor, and any pending nominations, 4 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine curbing Federal agency waste and fraud, focusing on new steps to strengthen the integrity of Federal payments, 10 a.m., SD–342.

Subcommittee on Emergency Management, Intergovernmental Relations, and the District of Columbia, to hold hearings to examine the role of the private sector in preparedness and emergency response, 2:30 p.m., SD–342.

Committee on Indian Affairs: to hold hearings to examine S. 434, to authorize and implement the water rights compact among the Blackfeet Tribe of the Blackfeet Indian Reservation and the State of Montana, and S. 611, to make a technical amendment to the T'uf Shur Bien Preservation Trust Area Act, 2:30 p.m., SD–628.

Committee on the Judiciary: Subcommittee on Crime and Terrorism, to hold hearings to examine cyber threats, focusing on law enforcement and private sector responses, 9 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Patricia E. Campbell-Smith, of the District of Columbia, and Elaine D. Kaplan, of the District of Columbia, both to be a Judge of the United States Court of Federal Claims, and William H. Pryor, Jr., of Alabama, and Rachel Elise Barkow, of New York, both to be a Member of the United States Sentencing Commission, 2:30 p.m., SD–226.

Committee on Small Business and Entrepreneurship: to hold hearings to examine strengthening the entrepreneurial ecosystem for minority women, 10 a.m., SD–106.

House

Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies, hearing on Environmental Protection Agency Budget, 1 p.m., 2359 Rayburn.

Subcommittee on Defense, hearing on Army Budget, 1 p.m., H–140 Capitol.

Committee on Armed Services, Full Committee, hearing on National Defense Priorities from Members for the FY 2014 National Defense Authorization Act, 12:30 p.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on Fiscal Year 2014 National Defense Authorization Budget Request for Missile Defense Programs, 3 p.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, continued markup on H.R. 1407, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize user fee programs relating to new animal drugs; and legislation to amend the Federal Food, Drug, and Cosmetic Act with respect to the pharmaceutical distribution supply chain, and for other purposes, 9 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Monetary Policy and Trade, hearing entitled ''Reauthorizing the Defense Production Act'', 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Europe, Eurasia, and Emerging Threats, hearing entitled ''The Threat of China's Unsafe Consumables'', 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Transportation Security, hearing entitled ''TSA Procurement Reform: Saving Taxpayer Dollars Through Smarter Spending Practices'', 1:30 p.m., 311 Cannon.

Committee on Natural Resources Full Committee, hearing entitled ''DOI Hydraulic Fracturing Rule: A Recipe for Government Waste, Duplication and Delay'', 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Full Committee, hearing entitled ''Benghazi: Exposing Failure and Recognizing Courage'', 11:30 a.m., 2154 Rayburn.

Committee on Small Business, Full Committee, hearing entitled ''Retrospective Review: Have Existing Regulatory Burdens on Small Businesses Been Reduced?'', 1 p.m., 2360 Rayburn.

Committee on Veterans' Affairs, Full Committee, markup on the following measures: H.R. 671, the ''Ruth Moore Act of 2013''; H.R. 1405, to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include an appeals form in any notice of decision issued for the denial of a benefit sought; H.R. 570, the ''American Heroes COLA Act''; H.R. 1412, the ''Improving Job Opportunities for Veterans Act of 2013''; H.R. 357, the ''GI Bill Tuition Fairness Act of 2013''; and H.R. 602, the ''Veterans 2nd Amendment Protection Act'', 9 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Oversight, hearing entitled ''Internal Revenue Service's Colleges and Universities Compliance Project'', 2 p.m., 1100 Longworth.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine Ukraine's leadership of the Organization for Security and Co-operation in Europe (OSCE), focusing on finding new ways to address protracted regional conflicts, energy security, and human dimension issues such as human trafficking, tolerance, media freedom, democratic elections and election observation, and efforts to improve implementation of commitments regarding fundamental human rights and freedom, 2 p.m., SD–562.

Joint Economic Committee: to continue hearings to examine immigration and its contribution to our economic strength, 2 p.m., SH–216.

Next Meeting of the SENATE

9:30 a.m., Wednesday, May 8

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will recess for a Joint Meeting of Congress with Her Excellency Park Geun-hye, President of South Korea, until 11:30 a.m.

At approximately 11:30 a.m., Senate will continue consideration of S. 601, Water Resource Development Act, with three votes on or in relation to amendments at 2 p.m.

(Senators should gather in the Senate Chamber at 10 a.m. in order to proceed as a body to the Joint Meeting of Congress.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Wednesday, May 8

House Chamber

Program for Wednesday: Joint Meeting with the Senate to Receive Her Excellency Park Geun-hye, President of the Republic of Korea. Following the Joint Meeting, the House is expected to begin consideration of H.R. 807—Full Faith and Credit Act (Subject to a Rule) and complete consideration of H.R. 1406—Working Families Flexibility Act of 2013.

Extensions of Remarks, as inserted in this issue

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