United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159 WASHINGTON, WEDNESDAY, MAY 8, 2013 No. 64

Senate

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

PRAYER

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

Let us pray.

Creator and sustainer, whose almighty hand leaps forth in beauty all the starry band, thank You for the gift of freedom that You have given our Nation. Make us responsible stewards of Your bounty.

Guide our lawmakers in the way of peace, as Your liberating love is seen in their lives. Lord, give them tough faith for troubled times. May they submit to Your guidance and strive to faithfully serve You. Give them the serenity to accept the things they cannot change, the courage to change the things they can, and the wisdom to know the difference.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WILLIAM M. COWAN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 8, 2013.

To the Senate:

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

PATRICK J. LEAHY,
President pro tempore.

Mr. COWAN thereupon assumed the chair as Acting President pro tempore.

MEASURE PLACED ON THE CALENDAR—S. 888

Mr. REID. Mr. President, I understand that S. 888 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 888) to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934.

Mr. REID. Mr. President, I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

RECOGNITION OF THE MAJORITY LEADER

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

THE BUDGET

Mr. REID. Mr. President, for years Republicans have been singing the praises of regular order, week after week, month after month. It has gone into years now. Even though they may not have been correct, they did it anyway. They said how they missed the days of committee markups, how they longed for an amendment vote-arama, amendments, and how they pined for a budget resolution.

As the junior Senator from Texas said just before the election:

Senate Democrats have not even had a budget in 3 years. They are not pretending to try to fix these problems. I think that is irresponsible.

But then Republicans got what they wanted 46 days ago. Forty-six days it has been since the Senate passed its budget, but Republicans are standing in the way of moving forward in the conference. They got what they asked, and now they no longer want what they asked for.

Remember, 46 days ago, under regular order, after a thorough committee markup, an all-night session—we ended at 5 a.m. in the morning—the Senate passed a budget resolution. Over the last 46 days, Republicans have stunningly and repeatedly blocked attempts to name budget conferees. If we did that, we could start down the path to compromise.

That is what legislation is all about. Legislation, by definition, is the art of compromise.

It is Republicans who, as Senator CRUZ put it, aren't even intending to fix these problems.

Republicans often have said the regular order of the budget process is the only way to get long-term sound fiscal policy. Democrats and Republicans will not find common ground if they don't sit down and talk. Obviously, if we can't talk, it doesn't do any good. We need someone to talk to. Here is what we are trying to accomplish. Move legislation forward.

Don't take my word for it. This is what the Speaker of the House of Representatives said just a few weeks ago:

Here is the process. The House passes a bill. The Senate can pass a bill. And if we disagree, we go to conference and work it out.

What Speaker BOEHNER and Senator CRUZ have said is that they used to love the idea of regular order, but they don't like it anymore. They got what they wanted, but they don't like what they got.

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

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This is what my friend, the minority leader, said in January of this year in praise of the conference committee:

If the Senate version is different than the one the House sends over, send it off to conference. That's how things are supposed to work around here. We used to call it legislating.

That is what the Republican leader said.

A few days later, Senator MCCONNELL extolled the virtue of regular order by saying this:

Remember, regular order is how the Senate is supposed to function. . . . The public is supposed to have a chance to scrutinize the proposals before us.

Here we have the junior Senator from Texas, the Speaker of the House, and the Republican leader saying we should have regular order. We should pass legislation, as we have done and the House has done, and then work it out in conference.

So we agree. I agree with those three people. Do you know something else. The American public agrees.

They suddenly don't like what they wished for. We passed our budget; the House Republicans passed theirs. The next step under regular order is to move to conference to negotiate a compromise.

I can't understand—maybe I do. I think I understand why Republicans don't want to debate their budget in the light of day.

You see, the Ryan budget, which they extol to each other, which passed the House, would turn Medicare into a voucher program—the end of Medicare as we know it.

The Ryan Republican budget would lower taxes for the rich while the middle class foots the bill. That is in their budget.

The Republican budget would rip the safety net from under the elderly, the middle class, veterans, and the poor. No wonder they don't want to go to conference. No wonder they don't want transparency.

The Democratic budget, by contrast, would preserve or protect Medicare for our children and grandchildren. The Democratic budget would ask the wealthiest Americans to contribute just a little bit more to help reduce the deficit. The Democratic budget would balance smart spending cuts with new revenue from closing loopholes.

It is obvious, then, why the Republicans don't want to compare the sensible Senate budget with the extreme House budget. The extreme House Republican budget was resoundingly rejected by the voters in November. That is what Governor Romney touted. Remember, Congressman RYAN was his Vice Presidential candidate. They ran together.

Now it is time for each side to stand for what it believes. As the junior Senator from Texas said late last year, we have ''got to go on record and say this is what we want to do, this is our budget.''

Democrats aren't afraid to debate our principles in the light of day. We aren't afraid to try to resolve our differences in a conference committee instead of behind closed doors. This has been the custom in the Senate and House of Representatives for more than 200 years.

Why are Republicans so afraid? Why are they blocking us from continuing this process in public?

We heard from the junior Senator from Texas: Republicans will only go to conference if Democrats agree ahead of time to give in to every one of their demands. That is a strange one. Sure, we will go to conference, but before we go you have to agree to everything we want.

If Republicans can't rig the game in their favor, he said, there will be no game, no conference, no legislating at all. Democrats want to put deadline-day negotiations and last-minute fixes behind us. We want to engage in a responsible legislative process under regular order, and we will keep pushing the process forward. Passing a budget in each Chamber is a good step to restoring regular order. It is only a first step. The next step is to sit down and resolve our differences.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, the Senate will be in morning business until 10 a.m. At 10 a.m., the Senate will recess until 11:30 to allow for the joint meeting of Congress with the President of the Republic of Korea. When the Senate reconvenes, we will resume consideration of S. 601, the Water Resources Development Act. At 2 p.m. there will be three rollcall votes in relation to amendments to the bill.

RECOGNITION OF THE MINORITY LEADER

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

WELCOMING THE PRESIDENT OF SOUTH KOREA

Mr. MCCONNELL. Later today we will welcome the President of the South Korea to address both Houses of Congress. President Park is a truly extraordinary woman, the first female chief executive of her country and, I might add, a conservative.

She is a strong leader too. I suppose that is because she endured so much in her own life; the assassination of her mother when she was only 22, the assassination of her father a few years after that, and the violent attack she herself endured in 2006.

Yet beyond a scar on her face, you would not know. She didn't recoil in fear. She threw herself right back into the rough and tumble of public life. So she is tough. I know this tenacious leader is committed to the United States-South Korea alliance which is so important to both of our countries. The transition from her predecessor, President Lee, could not have been smoother. Both his administration and hers have been true partners, especially at a time of high contention.

We welcome President Park and look forward to hearing what she has to say later today.

NOMINATION OF THOMAS PEREZ

Mr. MCCONNELL. Mr. President, this morning I would like to say a few words about the nomination of Thomas Perez as Labor Secretary.

The Perez nomination has generated a fair amount of controversy. For those who haven't tuned in yet to the debate surrounding his nomination, I would like to take a few minutes this morning to explain why.

The first thing to say about this nomination is that neither I nor anyone else on this side of the aisle has anything against Mr. Perez personally. As a graduate of Harvard Law School, there are a lot of things he could have done other than advocate for those struggling on the fringes of our society.

Yet when it comes to a vote such as this, we have to weigh a lot more than a nominee's intentions. We have to look at how those intentions square with the higher obligation that any nominee, but especially a Cabinet nominee, has to the rule of law. It is on this point where this nomination becomes so controversial and where the deference that Senators of both parties generally grant Presidents when it comes to picking Cabinet nominees begins to break down.

By all accounts, Tom Perez is not just a man with a heart for the poor, he is a committed ideologue who appears willing, quite frankly, to say or do anything to achieve his ideological end.

His willingness, time and again, to bend or ignore the law and misstate the facts in order to advance his far-left ideology leads me and others to conclude he would continue to do so if he were confirmed to another and much more consequential position of public trust.

Take, for instance, his efforts while on the Montgomery County Council to get Canadian drugs imported to the United States. According to the Washington Post, Perez tried to get the county to import these drugs even after—even after—a top FDA official said doing so would be, in his words, ''undeniably illegal.''

What was Perez's response? ''Federal law is muddled,'' he said at the time. ''Sometimes you have to push the envelope.''

Think about that statement. ''Sometimes you have to push the envelope.'' Is that the kind of approach to Federal law we want in those we confirm to run Federal agencies? Folks who think if a Federal law is inconvenient to their ends they can simply characterize it as

unclear and use that as an excuse to do whatever they want?

If that is not a red flag for those of us who have to review a Presidential nominee, I don't know what is.

Now, again, someone might say everybody in politics has to make judgments about how a given law is to be interpreted. Those who disagree with those judgments call it pushing the envelope. Mr. Perez, however, does not merely push the envelope. All too often he circumvents or ignores a law with which he disagrees.

Here are a few examples: As a member of the Montgomery County Council, Mr. Perez pushed through a county policy that encouraged the circumvention of Federal immigration law. Later, as head of the Federal Government's top voting rights watchdog, he refused to protect the right to vote for Americans of all races, in violation of the very law he was charged to enforce.

In the same post at the Department of Justice, Perez directed the Federal Government to sue, against the advice of career attorneys in his own office. In another case involving a Florida woman who was lawfully exercising her First Amendment right to protest in front of an abortion clinic, the Federal judge who threw out Mr. Perez's lawsuit said he was ''at a loss as to why the government chose to prosecute this particular case'' in the first place.

This is what pushing the envelope means in the case of Mr. Perez—a flippant and dismissive attitude about the boundaries everyone else has to follow for the sake of the liberal causes in which he believes. In short, it means a lack of respect for the rule of law and a lack of respect for the need of those in positions of power to follow it.

Just as troubling, however, is the fact that Mr. Perez has been called to account for his failures to follow the law, and he has been less than forthright about his actions when called to account. When he testified that politics played no role in his office's decision not to pursue charges against members of a far-left group who may have tried to prevent others from voting, for instance, the Department's own watchdog said ''Perez's testimony did not reflect the entire story.'' And a Federal judge said the evidence before him ''appear[ed] to contradict . . . Perez's testimony.''

Perez has also made misleading statements about this case under oath—under oath—to Congress and the U.S. Civil Rights Commission.

Mr. Perez's involvement in an alleged quid pro quo deal with the city of St. Paul, MN, also fits the pattern. Here was a case where Perez was allegedly so concerned about a potential Supreme Court challenge to the legality of a theory he championed in housing discrimination suits known as ''disparate impact,'' he quietly worked out a deal with St. Paul officials whereby they would withdraw their appeal to the Supreme Court of a disparate impact case if he arranged for the Federal Government to throw out two whistleblower complaints against St. Paul that could have recovered millions of dollars for the taxpayers that had been falsely obtained. The two whistleblowers' complaints were dropped, and the Supreme Court never heard the disparate impact case.

Perez told investigators he hadn't even heard of the disparate impact case until the Court initially decided to hear it. But that has been contradicted by HUD Deputy Assistant Secretary Sara Pratt, who told investigators she and Mr. Perez discussed the case well before that.

Taken together, all of this paints the picture, for me at least, not of a passionate liberal who sees himself as patiently operating within the system and through the democratic process to advance a particular set of strongly held beliefs but a crusading ideologue whose conviction about his own rightness on the issues leads him to believe the law does not apply to him. Unbound by the rules that apply to everyone else, Perez seems to view himself as free to employ whatever means—whatever means—at his disposal, legal or otherwise, to achieve his ideological goals.

To say this is problematic would be an understatement. As Secretary of Labor, Perez could be handling numerous contentious issues and implementing many politically sensitive laws, including laws enforcing the disclosure of political activity by labor unions. Perez's devotion to the cause of involuntary universal voter registration is also deeply concerning to me personally, and I would imagine many of my colleagues in the Senate also believe in the absolute centrality of maintaining the integrity of the vote.

Americans of all political persuasions have the right to expect the head of such a sensitive department, whether appointed by a Republican or Democrat, will implement and follow the law in a fair and reasonable way. I do not believe they could expect as much from Mr. Perez.

Mr. President, 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 10 a.m., with Senators permitted to speak therein for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees.

The Senator from Massachusetts is recognized.

Ms. WARREN. I thank the Chair.

(The remarks of Ms. WARREN pertaining to the introduction of S. 897 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF SOUTH KOREA, HER EXCELLENCY PARK GEUN-HYE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 11:30 a.m. for the purpose of attending a joint meeting with the House of Representatives to hear the President of South Korea, Her Excellency Park Geun-hye.

Thereupon, the Senate, at 9:59 a.m., recessed until 11:31 a.m. and the Senate, preceded by its Secretary, Nancy Erickson, Drew Willison, Deputy Sergeant at Arms, and the Vice President of the United States, proceeded to the Hall of the House of Representatives to hear an address delivered by Her Excellency Park Geun-hye, President of South Korea.

(The address delivered by the President of South Korea is printed in today's RECORD of the House of Representatives.)

At 11:31 a.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Ms. HEITKAMP).

WATER RESOURCES DEVELOPMENT ACT OF 2013

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 601, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

Boxer/Vitter amendment No. 799, in the nature of a substitute.

The PRESIDING OFFICER. Under the previous order, the time until 2 p.m. will be equally divided between the two leaders or their designees.

The Senator from California.

Mrs. BOXER. Madam President, what is the order?

The PRESIDING OFFICER. The Senate is in a period of debate prior to votes in relationship to S. 601.

Mrs. BOXER. Madam President, how much time is going to be controlled by Senator COBURN, the opposition to his amendments, and Senator WHITEHOUSE?

The PRESIDING OFFICER. The Senator from Oklahoma controls 40 minutes. The majority controls 75 minutes.

Mrs. BOXER. How much time is there as far as Senator WHITEHOUSE is concerned?

The PRESIDING OFFICER. There is no specific time agreement for Senator WHITEHOUSE.

Mrs. BOXER. Thank you very much. I wanted to get the order squared away so I could share the information with colleagues before Senator COBURN is heard on his amendments.

Madam President, we are on the Water Resources Development Act—it is a great day for the Senate—because we have received a D-plus rating on our infrastructure. This is the greatest Nation in the world. If we cannot move people or products, if our ports need to be deepened—and because they are not deepened, we cannot move commerce in and out—we have problems.

As we move into periods of extreme weather—there is some debate as to why, and I will not get into that because it is almost like a religious debate, so I will not go there. The fact is we have extreme weather, and now that we have some rules in place, this bill will make it a lot easier for people in the State of the Presiding Officer to deal with the corps after an extreme weather event. For the first time they will not have to come back for new authorizations. They can do some moves right then and there to improve the situation, and that is a reform I think is very necessary.

I certainly thank Senator VITTER, my ranking member, and every member of the Environment and Public Works Committee. I want to thank all the organizations that have come to support this legislation. We have them listed, and I am just going to read a few of those.

Madam President, may I speak for approximately 5 more minutes.

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

Mrs. BOXER. We have the American Association of Port Authorities, the American Concrete Pressure Pipe Association, the American Council of Engineering Companies, the American Farm Bureau Federation, the American Foundry Society, the American Public Works Association, the 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, and the International Union of Operating Engineers.

I will not read all of these as there are too many.

We received a letter today from the chamber of commerce, which I will talk about in a few minutes.

We also have listed the Laborers International Union of North America, surveyors, real estate people, Grain and Feed Association, the Retail Federation, the National Waterways Conference, National Stone Sand & Gravel Association, Portland Cement Association, the American Institute of Architects, the Fertilizer Institute, the United Brotherhood of Carpenters and Joiners of America, the Waterways Council.

This is just a sample. America is behind this bill. This is important. Everything we do here is important, and this is as important. It will, in fact, support over half a million jobs—not doing things we don't need but doing things we need and must do.

We have some very important letters. One letter is from the American Association of Port Authorities and the American Road and Transportation Builders Association. They talk about how it is important that this legislative progress should not be slowed or jeopardized by amendments that are not germane to the bill.

This is their language: If enacted, this long overdue legislation will ensure critical investments are being made.

They say nice things about Senator VITTER and me, which I will not read because it is too self-serving, but I am very proud to have it in writing. I will put it on my wall when I get back to the office.

There is another letter from the Transportation Construction Coalition, and it basically says: This bill will remove barriers to realizing the benefits of water resources projects. It needs to be bipartisan and bicameral. Let's swiftly pass this.

That is a very important message for us.

We have the Associated General Contractors of America, and they say: Please don't slow or jeopardize this bill.

We have a letter coming from the chamber of commerce, and it is going to say the same thing.

I know Senator COBURN feels very strongly about his amendments, and we have agreed to take them up and vote on them. Every Senator has the right to do anything they want. I just want to lay it out here for the American people: This is a public works bill dealing with water infrastructure. It is not a bill about guns, it is not a bill about a woman's right to choose, it is not a bill about gay rights or gay marriage, it is not a bill about those very hot button issues we know divide the American people.

I will have more to say after Senator COBURN talks about his amendment. I am just going to make a plea to my colleagues: We are trying so hard to accommodate everybody but, speaking for myself, I hope we can avert and avoid controversy on this bill. We have so much controversy every minute of every day. There have been terrible arguments on this floor about issues as to whether we should extend the debt ceiling, whether to default, do background checks. These issues are tough. I am not saying they should be avoided. We have to confront them. Every once in a while I hope we can take a pause from this controversy and do something for this country and come together without the rancor, without the upset, and without the divisiveness of some of these issues.

We will proceed to deal with these issues that Senator COBURN has brought forth on guns. After we dispose of these, I hope we will not have this kind of divisiveness on a bill that is so needed.

I thank the Presiding Officer very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, first of all, I thank my colleagues for the opportunity to have regular order in the Senate. The ranking member of the committee would like to have 2 minutes before I start.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, through the Chair, I thank the Senator from Oklahoma. I briefly want to say two things: No. 1, I too am very supportive of this bill, which I do think is a strong bipartisan and a reform-oriented effort. I think the best proof of that is that it came out of our EPW committee 18 to 0. We have a committee that reflects the wide spectrum of opinion of the entire Senate. The waterway infrastructure bill is important, so I am very supportive of it.

No. 2, I am also very glad we have this open amendment process. I think it reflects a lot of work and goodwill on a lot of folks' part, including the Chair and myself. I welcome this debate and vote. We want to take up and vote on amendments.

With that show of good faith, I hope Members can focus on germane—or at least relevant—amendments, and that is what we will be turning to in our next set of amendments.

I hope this open process and show of good faith engenders that response. I look forward to all of these amendments and debates and votes.

With that, I thank the Senator from Oklahoma for the time.

AMENDMENT NO. 805 TO AMENDMENT NO. 799

The PRESIDING OFFICER. The chairman—Senator from Oklahoma.

Mr. COBURN. The only thing I am chairman of, Madam President, is my dogs at home, but I thank the Presiding Officer for that misquote.

At this time, I call up Coburn amendment No. 805.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment No. 805 to amendment numbered 799.

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

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

The amendment is as follows:

(Purpose: To protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army)

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.

Mr. COBURN. A couple of years ago I added an amendment in our deliberative process that gave Americans their constitutional rights in the U.S. National Forest. There were two main reasons I did that.

No. 1, the amount of murders, rapes, robberies, and assaults were rising; and No. 2, there is some confusion with the conceal and carry State laws.

We have 35 or 36 States that have conceal and carry State laws, but when someone accidentally walks onto U.S. forest land, they are actually violating Federal law even though they might not know they are on State land versus Federal land.

I would note that since that time the amount of crime in our national parks has declined. So since then, we now have, throughout the country, the same approach we have in national parks on the Bureau of Land Management areas, the Forest Service, the National Park Service, and the National Wildlife Refuge.

The reason this is important for the Corps of Engineers is because after we passed those amendments, the corps proactively stated that none of this applied to them. Well, the fact is the corps has more visitors every year on their 422 lake and river projects, 11.7 million acres, 95,000 camp sites, and 6,500 miles of trails, and they have more than 370 million visitors. Corps projects are the most visited of any single Federal agency sites—even more than the 280 million annual visitors to our national parks.

Americans who camp, hunt, or fish on these federally managed lands are prevented from exercising their Second Amendment rights that have been guaranteed by the Supreme Court, but also are under the jurisdiction of their State laws.

The purpose of this amendment is so law-abiding citizens who are granted the authority in their State will not be vulnerable to criminals or dangerous wildlife while on Army Corps land, and we, in fact, will ensure they have their rights guaranteed. This does not include an exemption for Federal facilities, Army Corps headquarters, research facilities, lock or dam buildings, or any other significant infrastructure associated with the corps. This amendment would simply require the Corps of Engineers to follow State firearm possession laws on lands and waters managed by them—the same approach the Bureau of Land Management, the Forest Service, the National Parks, and the National Wildlife Refuges use.

It is a simple issue. This is the only area of Federal lands now where we put people in double jeopardy if they are accidentally on corps land; they are violating Federal law even though they are complying with their State laws. They are totally in compliance with the State laws, but if they step one foot onto corps land, they are violating corps regulations. This amendment makes it consistent across all government lands—we have already done it everywhere else—the corps land, which is the most visited, the most utilized lands we have in the country. It is straightforward.

I am very appreciative of the chairman of this committee for her cooperation in allowing this amendment. As a matter of fact, I am so cooperative I am not going to offer the other one so I can help move her bill forward. I congratulate her on the bipartisan work she has done on her committee.

Mrs. BOXER. I thank the Senator from Oklahoma.

Mr. COBURN. I think this is a principled stand. The question is, Why should we not have the same policy everywhere, No. 1; and No. 2, Why would we dare deny the rights we give everywhere else on Federal Government-owned land—why would we do something different on corps land?

I actually wouldn't even be offering this had the corps not proactively stated that what we passed did not apply to them. We actually intended for it to apply and, technically, they could get out. All we are saying is let's make it the same everywhere, so you can follow State law, be a good, law-abiding citizen; but if a person happens to walk onto corps land, they are violating a Federal statute according to the corps. Not on BLM lands, not on Forest Service lands, not in the Parks, but if a person walks up to a lake in Oklahoma that is run by the corps, they are violating Federal law but they are not violating State law. So we ought to have consistency with our law. This is about consistency, good government, and common sense. Wouldn't it be a tragedy—and it happens all the time—that a person is on a campsite in Oklahoma and because there is no law allowing that person to carry their weapon onto that campsite, they are vulnerable to the prey of people who are going to violate that law. That is exactly what was happening in the national parks. We were having women raped, we were having people murdered, we were having people accosted and robbed. Guess what. That has all markedly declined since we allowed gun owners to carry their guns. There has not been, to my knowledge, one case of an inappropriate use by a law-abiding citizen of their weapons in those areas. So it is common sense.

My hope is we will pass this amendment and have a consistent law on all Federal lands so people can be protected under the Second Amendment, people can follow their State's law and do it adequately and accurately and be great law-abiding citizens.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I wish to thank my friend from Oklahoma because it was tough for me on this bill to face the first amendment being a gun amendment. The Senator from Oklahoma has very strong emotions about it. So do I. We just come down on different sides. But I believe we want to show our good faith. I am also pleased we are not going to vote on the study amendment because, as I researched it, it looks as if there is already a study underway and I look forward to looking at the results of that study with the Senator from Oklahoma in terms of the buying of ammunition. I thank the Senator for that. It means a lot.

I ask the Chair, since Senator COBURN is now not going to take up one of his amendments and we only have one more, what is the status of time? How does that change things?

The PRESIDING OFFICER. The majority controls 65 minutes, the Republicans control 64 minutes.

Mrs. BOXER. I thank the Chair. Madam President, I am going to answer a question that was posed rhetorically by my friend, which is a fair question. Why make a difference as far as who can carry a gun on Federal land versus national park land? My statement will address this directly to my friend.

Coburn amendment No. 805 would make it legal for anyone to carry weapons on critical water infrastructure property managed by the Army Corps of Engineers. My view of this is it is a dangerous amendment. He and I just see it very differently.

I believe this amendment would put our national security at risk by making the Nation's dams, reservoirs, hydroelectric powerhouses, navigation locks, major river systems, levees, and other flood risk management features vulnerable to attacks.

Current law on Army Corps property is this: Army regulations prohibit the private possession of loaded firearms, ammunition, loaded projectile firing devices, and other weapons on Army Corps property unless—and this is important—unless the weapon is being used for hunting, fishing, or target shooting in designated areas. So let's establish that, yes, people can bring a gun onto corps property, but it needs to be for hunting, fishing, or target shooting.

I don't know what other usage there would be. I guess one could argue that a person wants to defend themselves, but they could argue that anywhere. So I don't know what more my friend wants. We have hunting, fishing, and target shooting in designated areas so we don't have these weapons near this critical infrastructure.

Similar to the regulations that govern private gun possession on military bases, corps regulations require guns to be unloaded when transported to and from these designated hunting, fishing, and target-shooting areas. In addition, under current law, the regulations allow for permission to be given to private individuals by the district commander of the corps. So if somebody has a need to do this, they can get permission to do it. As I look at the current rules, I see it very differently. I see the Army Corps cooperating, making sure people can take their weapons onto corps land, but making sure the uses are the recreational uses. If they have a special problem or a special issue, they can get permission to carry a gun for other circumstances.

So the law already allows for the transport of guns on and off Army Corps property when used appropriately for hunting or sport. I guess we would have to say why would we have an amendment here that I believe will put our critical water infrastructure installations and millions of Americans who visit corps land at risk? I think it is a public safety issue.

Why do I oppose this Coburn amendment and why do I say it is dangerous? First of all, Army Corps rangers are not trained or equipped to be law enforcement officers. That is quite different from the national park lands. Second, Army Corps facilities are infrastructure that is critical to national security, the economy, and the safety of the American people. Third, the amendment ignores significant increases in the budget deficit, and I know my friend is, if not the biggest deficit hawk, certainly one of the biggest deficit hawks in history—ever since I have been here, which is a long time. So we have costs—notifying the public of the change in law and somehow hiring security guards to protect dams and reservoirs and other critical infrastructure.

I have sat in on numerous discussions, both classified and unclassified, that talk about the need to protect the critical infrastructure of this world in which we live. In this world we live in, we may well see more homegrown terrorists who know our land and who know where these dams are, and who know where these reservoirs are, and who know where these locks are.

The Army Corps rangers are not trained or equipped to be law enforcement officers. They have no authority to carry firearms, to make arrests, or execute search warrants. Corps rangers are tasked with resource management and recreation maintenance. They are not law enforcement officers.

The Coburn amendment would allow individuals to carry loaded or concealed weapons on all corps land as long as the individual's possession is in compliance with the State law where the property is located. By the way, I appreciate the fact the Coburn amendment does that, because some others have offered amendments where if a person is in a State that allows conceal and carry, they can go to any State. The Coburn amendment doesn't do that. I appreciate that very much.

Now in the 49 States that allow concealed carrying of loaded weapons, the corps would not be able to prevent visitors from carrying concealed loaded weapons on corps campsites and hiking trails. Yet the corps has no employees who perform law enforcement duties. I have said this now three times. It is a very important point. We are putting our corps people in a situation where they are unarmed and people coming on the property are armed. So if someone carries a weapon onto corps land—and I agree with my friend that 99-something percent of the people are wonderful and would never think of committing any type of felony, but we know violent crime happens every day. Good Lord, all one has to do is read the paper. We know there are—how many deaths every day from guns? There are 87 deaths a day from guns. A lot of that is suicide and a lot of that is violence toward another person. So let me tell my colleagues what the corps can do in the case where there is a felony on the land there—someone doing something violent. They could write a ticket or call for backup. Since they have no weapons and no authority to arrest suspects, it is a dangerous situation. If this were to pass, we would have to spend a whole lot of dough making sure we train the corps personnel or allow them to hire law enforcement. We are talking about a lot of funds we don't have.

I don't know what the problem is. Honestly, maybe my friend has heard from colleagues or friends or people who are upset about this. But the fact is people can have weapons on corps land for all kinds of reasons pertaining to recreation, which is the point. Yes, one has to get them to the site not loaded and so on, and there are rules and regulations, but I don't think that is a problem. Some of the hunters I know are extremely proud of the safety record they have had and what they teach their kids.

Now let's talk about the facilities that I think are being put at risk—facilities important to our national security, to our economy, and to our public safety. The Department of Homeland Security under President Bush took action in 2003 to list—and I am quoting—this sounds funny—''dam''—D-A-M—''assets.'' Those include navigation locks, levees, and water retention facilities, as a sector that is critical to the function of the economy, to the government, to our society, to the well-being of our people. The inspector general notes that these assets are especially important because one catastrophic failure at some locations could affect populations exceeding 100,000 people and have economic consequences surpassing $10 billion. So we are talking about changing the law on corps land that would expand the right to carry a gun, which people now have on corps land as long as it is for recreation purposes—expanding it in a way that could threaten critical infrastructure. This is in a situation where there are no armed guards. One catastrophic failure could affect 100,000 people and could have economic consequences surpassing $10 billion.

This is a report from the Bush administration, folks.

A 2011 DHS Inspector General report indicated there were numerous security gaps already at critical dam assets across the Nation. So I do not know why we would allow anyone to bring firearms to those critical infrastructure facilities. They can use them for hunting and fishing, but we should have some rules that protect this infrastructure.

Just notifying the public of the change in law that my friend wants to see happen will cost an enormous amount of money—millions of dollars. The Coburn amendment does not address the costs, and normally he would do that in an amendment: address the costs the corps would incur in order to train their workers to carry weapons or to hire outside security for that.

I appreciate and respect the views of my friend, but I also think this is something we should not do today on this bill now, especially when we are seeing a lot of talk about more homegrown terrorism. We want to protect our infrastructure. It may be that the corps ought to look at more protection for these facilities. I am willing to look at that. But I do think we are making a problem where there is not a problem. People can go on corps land and use their guns for hunting and fishing, recreation and target shooting, and I think that is working out fine. This seems to be an amendment that is solving a problem that, frankly, does not exist.

I have 38 million people in my State. That is a lot of people. I asked: Do we

have a lot of letters on this? I, at this point, do not know of any. But I may have some now that the Senator has brought this up. We probably have it on both sides now. But I hate to see us do this because I think it is going to put critical water infrastructure at risk.

This is not the national parks. These are not facilities where we have armed guards. If something were to happen to a reservoir, to a dam, the Bush administration tells us it could be quite devastating to communities.

So I hope we will oppose this amendment. Again, it is with respect that I say these things. I say them because I truly do think this is misguided. I hope we can get on with the underlying bill.

I thank my colleague and yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Oklahoma.

Mr. COBURN. Madam President, first of all, our amendment exempts the areas the chairman talked about—locks and dams. All those areas are exempt from this amendment. As ranking member on Homeland Security, I know more about these issues than probably anybody other than our chairman and the past chairman and ranking member in terms of the safety.

The people the chairman talks about do not care what the law is now. They do not care what the law is. So the people about whom we are going to be worried—Boston has pretty tight laws. They did not care what the laws were. They broke multiple sets of laws, as we saw what happened in Boston. We have to prepare for that regardless of whether this amendment goes through.

I would also note, in several of our national parks we have corps land where we have hydroelectric facilities and we have these things. We have not had any problem with that. What we have had is a marked decline in the number of rapes and a marked decline in the number of murders in national parks since we instituted the State laws in national parks for guns.

On campgrounds we do have problems with rapes, with accosts, with assaults, with robberies; and we do have murders on corps land and campgrounds. So the point is, standardizing where you can go—I would also make the point, we only allow State law to apply. If Oklahoma law is different than California law, it is not Oklahoma law, it is whatever California law is and recognizing that individual right so we do not put people in jeopardy when they accidentally get on corps land.

I understand her inhibition toward it, toward any expression of the Second Amendment generally. But the fact is we ought to have a common policy in all areas. We already do it in Bureau of Land Management, we already do it in the Forest Service, we already do it in national parks. So we should not exempt the corps.

The fact is, the people who are going to violate our laws are not the law-abiding citizens. They are not the law-abiding citizens. It does not matter what we do; they are not going to pay attention to what we do. The one thing we have proven in the National Parks is, when we allowed people the ability to carry and follow their own State's law in terms of their Second Amendment, we saw rapes go down, we saw murders go down, we saw assaults go down, and we saw robberies go down in the national parks.

The same thing will happen on corps land. Most of the people will not carry. Most of the people will not come in. But to deny the ability to do that, that is what this amendment is about.

I will be happy to debate the Senator further. The fact is, there is a big difference in our view of what the Second Amendment should be about in this country and our trusting of law-abiding citizens to do the right things. Her issue on critical infrastructure—we are doing everything we can do to protect that now and building toward the ultimate goals of where we need to be, and this is not going to change our approach. It is not going to change it at all. So I would dispute the fact that it is going to change our approach.

As we look at critical infrastructure and the protection of it, we are going to do the same whether or not this amendment passes. It is not going to have any impact on it.

My hope would be that since I actually have withdrawn the other amendment we would yield back the time and move to Senator WHITEHOUSE's amendment as soon as we can.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I wish to ask my friend to show me where he excludes the areas that have the critical infrastructure because we have a report from CRS that says they are not excluded. The dams are not excluded.

Mr. COBURN. I will be happy to get it for the Senator.

Mrs. BOXER. No problem.

Madam President, I think the point is, the Senator tries to say what I think about the right to bear arms. He does not know my views. It is very clear the Supreme Court has stated the Second Amendment—that there is a right to bear arms. But just as any other right—free speech, freedom of the press—rights are not unrestricted. We all know the story: You have free speech, but you cannot go into a theater and yell ''fire, fire'' unless there is a fire because you could be charged for causing a riot. So there is no absolute right.

The corps has stated on their land you can already bring a gun as long as it is about hunting, it is about fishing, it is about recreation. But they say, if it is near their critical infrastructure—which the Bush administration says is a homeland security necessity to protect—you cannot carry a loaded weapon.

My friend says he excluded these areas. I am telling you—you can read this—there is no exclusion. And if you read the CRS——

Mr. COBURN. Will the Senator yield?

Mrs. BOXER. I will in 1 second. I want to read what CRS says:

> Proposed legislation does not explicitly provide the Corps with authority to restrict firearms at Corps facilities (e.g., dams) or in specifically designated areas.

I am happy to yield.

Mr. COBURN. I will get the Senator the actual statute.

Federal structures are covered under another statute and I will get that statute for it. The reason we did not specifically represent that is because they are already covered. We did not exclude those structures. We said: Corps land. We did not specifically say that, and we will get you the code where Federal structures are excluded.

Mrs. BOXER. Well, if I could say to my friend, through the Chair, fine, get me the code. But the Senator said his amendment specifically excluded it, and it does not. I am researching now that part, but there is no question there is no explicit prohibition here.

So now you get into a circumstance where you have one Federal law that says one thing, another Federal law that says something else, and we know where that leads, folks. That leads to court.

I think my friend wanted to exclude being able to carry weapons near levees and dams and so on. He ought to like the status quo because that is the status quo. The status quo is, if you want to use a gun for hunting, fishing, recreation, fine, the corps already allows it. You just cannot use it on critical infrastructure. He says that is his point. What is the problem? What is the problem?

As I discuss this with my friend, I do not see why his amendment is necessary. I hope he will withdraw it, frankly.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I do not have any intention of withdrawing the amendment. There is a Federal statute that already prohibits the carrying of firearms in Federal buildings and structures, and we will get the Senator the statute. That is very clear. We were advised by legislative counsel we did not have to put that in there because it is already prohibited. I will challenge the statement of the CRS and will give the Senator the section of the code that provides that.

Again, the point is, this critical infrastructure is already being beefed up. We are going to be doing that in Homeland Security. We are doing that in Homeland Security, and it has no bearing whatsoever on the Second Amendment right to unify our policies across all government-owned land in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent to have printed in the RECORD the CRS report summary that was done on this identical bill, which clearly states in their analysis that this would allow individuals to carry firearms—loaded—on to levees, dams, near reservoirs, and the rest. It is clearly stated here:

Proposed legislation does not explicitly provide the Corps with authority to restrict firearms at Corps facilities [like dams]. . . .

And it goes on to say that is their decision.

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

[From the Congressional Research Service, July 12, 2012]

FIREARMS AT ARMY CORPS WATER RESOURCES PROJECTS: PROPOSED LEGISLATION AND ISSUES FOR CONGRESS

(By Nicole T. Carter)

SUMMARY

As part of its civil works mission, the U.S. Army Corps of Engineers manages water resource projects. Reservoirs lying behind Corps dams, and Corps navigation locks and their pools, are popular recreation sites, attracting 370 million visits annually. Corps projects include some of the most densely used federal recreation lands. Currently, 36 C.F.R. Section 327 sets out the regulations for public use of Corps projects. Section 327.13 generally prohibits possession of loaded firearms by private (i.e., non-law enforcement) individuals at Corps-administered projects unless they are being used for hunting at designated sites (with devices required to be unloaded while transported to and from the sites) or at authorized shooting ranges. The regulation applies at projects regardless of their location in states allowing open or concealed carry of loaded firearms.

Proposed legislation—the Recreational Lands Self-Defense Act (H.R. 1865, S. 1588), and Section 111 of H.R. 5325, the Energy and Water Development and Related Agencies Appropriations Act of FY2013 (which are all substantively similar)—would bar the Secretary of the Army from promulgating or enforcing regulations that prohibit individuals from possessing firearms (including assembled or functional firearms) at Corps projects. The bills would require that firearms possession comply with state law. Supporters of the proposed legislation see it as a partial remedy to a current patchwork of regulations restricting firearms on federally managed lands, as a means to provide consistency for open and concealed firearms possession within a state, and as facilitating self-defense. They argue that enactment would establish Corps policies consistent with Section 512 of P.L. 111–24, which made it legal for individuals to possess firearms at National Park Service (NPS) and National Wildlife Refuge System (NWRS) units of the Department of the Interior (DOI). Other stakeholders are concerned that the proposed legislation may produce unintended public safety and infrastructure security issues at Corps projects.

The issue for Congress is not only possession of loaded firearms by private individuals but also how to maintain public safety and infrastructure security at Corps projects.

- Critical facilities security: Proposed legislation does not explicitly provide the Corps with authority to restrict firearms at Corps facilities (e.g., dams) or in specifically designated areas.
- Public safety and law enforcement: There are no armed federal law enforcement officers commissioned for public safety and security purposes at Corps projects. Unlike DOI, the Corps does not have authority to perform most law enforcement functions at its projects. Corps rangers are limited to issuing citations for regulatory violations and are not allowed to carry firearms. Most law enforcement is provided by local and state law enforcement personnel; the Corps' authority to contract for this assistance is $10 million annually.

A safety and security assessment of the proposed legislation for Corps projects has not been performed. DOI's Bureau of Reclamation is faced with similar safety and security issues at its water resource projects. It allows possession of firearms on Reclamation lands and waterbodies (e.g., reservoirs behind dams) when such possession complies with federal, state, and local law. The regulations restrict firearms at Reclamation facilities (e.g; dams, buildings). DOI and Reclamation also use multiple authorities and mechanisms to provide for armed and unarmed law enforcement and public safety and security. Whether the Corps, given its current authorities, could similarly provide for safety and security at its projects if the proposed legislation is enacted has not been assessed.

Mrs. BOXER. CRS did a big study of it. I appreciate my friend says he covers this. It is not in his legislation. It is just not in there. He does not refer to that other law. He does not say anything about the other law.

My point is that the corps already allows you to bring a loaded gun onto the premises. You can even get a special permit if you want to bring it to other areas. It is already the law.

So this is an amendment that, in my reading of it, would allow you then to go onto these other areas—the levees, the reservoirs, the critical infrastructure. CRS agrees. I have put it in the RECORD. My friend says no.

I will tell you something, I do not think we should move forward with this—he is—and we will see where the votes fall.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I would yield back the remainder of my time if the chairman of the committee would do as well.

Mrs. BOXER. Yes, I do. I yield my time back as well and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. May I ask further consent that time during all of the quorum calls be charged equally to both sides.

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

Mr. WHITEHOUSE. 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. BOXER. 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, for the interest of all Senators, we are moving forward with our bill. We have a first vote on an amendment at 2 o'clock. At this time we are determining whether Senator WHITEHOUSE will offer his amendment. If he does, there will be a vote on one of the two Coburn amendments—he has withdrawn the other—and then a vote on the Whitehouse amendment if, in fact, he offers it.

I would like say for the benefit of all Senators that this is a WRDA bill; this is a water bill. This is about dredging our ports. This is about making sure we have restoration of our wetlands. This is about making sure we have flood control protection. This is about the infrastructure of our country, the ability to move goods, and the ability to have an infrastructure that is much better than the D-plus it is rated at this time.

This is not a gun bill. I beg my colleagues, whatever side you are on, we cannot turn this bill into a gun bill because that is not going to happen. I hope my colleagues will look at the Coburn amendment and decide that the best course is not to have it on this bill. It doesn't belong on this bill, and it shouldn't be on this bill. It is nongermane, and, more important to me, it is very controversial.

I wish to ask the Senator from Rhode Island a question. I know the Senator has a wonderful amendment that deals with the protection of our oceans on a water bill. Guess what—an amendment about water on a water bill. This is good. I would ask my friend if he intends to offer his amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, through the Chair, I will tell the distinguished chairman that I, with great enthusiasm, intend to offer my amendment. I hope my colleagues on both sides of the aisle will support it.

You should support it if you are from a coastal State because the coastal problems that coastal States face are so often overlooked. If you are not from a coastal State but you visit coastal States to go to the beach, if you like to eat fish or, frankly, if you like imported products that come through our coastal ports, you too have an interest in this legislation. I hope you will support it.

Finally, this is a piece of legislation that was agreed to before by this body in the form of the RESTORE Act. In the RESTORE Act, we literally sent billions of dollars to our colleagues along the Gulf States for remediation, repair, and economic reconstruction after the two disasters of Hurricane Katrina and the explosion of the oil

well. Those two disasters. So for reasons that don't merit further discussion here today, that part of the agreement was left unaccomplished.

Whether you are from a coastal State or whether you enjoy coastal products or visits, I would urge my colleagues, for the sake of the Senate being a place in which a bargain once struck is honored, that we owe a vote strongly in support of the authorization—and this is only an authorization, no funding whatsoever—of a national endowment for the oceans that will allow coastal and Great Lakes States to at least be able to compete for funding to be obtained later through existing structures—no new bureaucracies—so we can do what we need to do to protect our coastal economies.

I thank the chairman.

Mrs. BOXER. Retaining my time, I would like to ask through the Chair if Senator WHITEHOUSE has to actually send his amendment to the desk and ask for the yeas and nays. Because, if so, I think it would be an appropriate time to do that since we intend to vote at 2 p.m.

The PRESIDING OFFICER. It can be offered at this time.

Mr. WHITEHOUSE. If I may seek recognition.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 803 TO AMENDMENT NO. 799

(Purpose: To create the National Endowment for the Oceans to promote the protection and conservation of United States ocean, coastal, and Great Lakes ecosystems)

Mr. WHITEHOUSE. At the Chairman's suggestion, and with her permission, I ask unanimous consent that my amendment be called up.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE], for himself, Mr. ROCKEFELLER, Mr. NELSON, Mr. BLUMENTHAL, and Ms. CANTWELL, proposes an amendment numbered 803 to amendment No. 799.

(The amendment is printed in the RECORD of Tuesday, May 7, 2013, under ''Text of Amendments.'')

Mrs. BOXER. Does the Senator need to ask for the yeas and nays or are the yeas and nays ordered?

The PRESIDING OFFICER. The yeas and nays would have to be requested.

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

The PRESIDING OFFICER. There is not a sufficient second at this time.

Mrs. BOXER. Madam President, I am very confused. Yesterday there was an agreement there would be a vote. What is my colleague's understanding?

OK, we just need to have some more time. So I recommend the Senator stay on the floor so we can get a colleague on the floor. That would be great. After we do that, I am going to encourage my friend to take some time and go into why it is so critical we pay attention to the oceans of our country, what is happening to the state of our oceans, and what is happening to the quality of our oceans, given so many factors, including the changes we are experiencing in climate, because he is a great expert on that.

Does my friend want some time now? I would like to see if I can get us to the yeas and nays.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, while the chairman goes about the parliamentary task of organizing a sufficient second on the national endowment bill, I do wish to describe some of the changes our coastal and Great Lakes States are seeing and need to deal with.

Probably the most obvious of all are the storms we have been seeing—the unprecedented and extreme storms we have been seeing—along our coasts. Whether it was Hurricane Katrina or Superstorm Sandy, we have seen unprecedented damage done at the merger of land and sea, where driven by these powerful storms the sea can wreak such havoc on the land. But it goes well beyond the damage of extreme storms. If we go out into the Gulf of Maine, we can see the cod catch, which is a historic fishery going back centuries, has now collapsed to the point where the Draconian measures that must be applied to that fishery actually risk extinguishing the fishing industry for cod in some of our Northeastern States.

We can move down the coast to the Carolinas, where highway departments are raising the bridges out to the Outer Banks in order to prepare for higher seas and stronger storm surges. We can go further south, to the Florida coast, where in some parts of that ocean—the Caribbean ocean nearby—as little as 10 percent of the coral remains alive. That is actually a pretty big industry for Florida. I think they do 15 million scuba dives a year for recreational purposes—15 million scuba dives—which are not just economically valuable for the dive boat owners and operators but for the people who travel, who have meals and who stay in hotels and buy equipment. They are not going to come to do scuba diving there as much if the famous Caribbean reefs and coral reefs off of Florida continue to die at the rate they are.

We can go all the way across the country to the West Coast, where we see the oyster fisheries in Washington and Oregon threatened by the acidification of the oceans. There have been oyster hatcheries that have had massive die-offs within the hatchery when acidified water from the sea welled up and came into the intakes of these, in many cases, multigenerational family operations and were too acidic to allow the larval oysters to develop their shells, resulting in massive die-offs and economic loss.

I can tell two stories about my home State of Rhode Island that are very current. In Rhode Island, the biggest storm we have seen, worse even than Superstorm Sandy in recent decades, was the famous hurricane of 1938, which did immense damage along our shoreline at a time when our shoreline was far less developed than it is now. Between the 1930s, when that hurricane took place, and now, the sea level at the Newport tide gauge in Newport, RI, has actually climbed 10 inches. So when the next hurricane of 1938 comes—or perhaps even a bigger one, as our current experience of storms would seem to suggest is possible—it will be driving a higher ocean against the shore and probably not just 10 inches higher, because a storm surge will stack that 10-inch increase as it crashes against our Rhode Island shores, and that can be a game changer.

States such as Rhode Island have to do a lot of work to reconfigure where the so-called velocity zones are, where it is safe to build or not safe to build, what is actually now vulnerable in a 100-year flood or a 500-year flood as things change along our coasts. That is something that is a little hard to debate. It is actually a measurement. It is a measurement of 10 inches on a tide gauge. This is not some theory. This is what has happened. That water lying out there 10 inches higher is a terrific risk to our State and something we have to prepare for. Given the way State budgets are, we would like to be able to compete, once we have found some Federal funding, for the ability to figure things out so investors and people living along coastal communities can have a solid and fact-based appreciation of what the risks are to them from this worsening condition of stronger storms and higher measured sea levels.

Another Rhode Island-specific example is the winter flounder. The winter flounder is a major catch species in Narragansett Bay—or at least it was. We can go back to the earliest Native American settlements and find winter flounder bones around the settlements. For many years the winter flounder was the biggest catch in Narragansett Bay. I know a certain amount about it because when my wife did her Ph.D. thesis, she studied the winter flounder in Narragansett Bay and what was happening to it and how its life cycle interacted with another bay creature called the sand shrimp—or the Crangon septemspinosa, which is the technical name. In the time between when she wrote her thesis and now, the catch of winter flounder in Narragansett Bay has crashed more than 90 percent. It is no longer an active direct fishery in Narragansett Bay.

I can remember not that many years ago, it doesn't seem, driving over the Jamestown Bridge or the Newport Bridge or the Bristol Bridge and looking down and seeing trawlers working the upper bay trawling for winter flounder. We don't see that any longer because that fishery has crashed.

It has crashed for two reasons. One is the bay is warmer in the winter. I am

having a dispute with PolitiFact right now, but I stand by my assertion it is 4 degrees warmer in the winter. They think it is more like 3 degrees warmer in the winter than it was 30 years ago. Four degrees in water temperature may not seem like much to us humans, but we don't live in that environment. If that is your environment, 4 degrees sends a signal to certain species they don't belong there any longer and to move to cooler waters.

The other thing it has done is it has allowed this other bay creature, the sand shrimp, to move in earlier to the bay when the larval winter flounders are still small enough to be eaten by the sand shrimp. It used to be the sand shrimp would come in and they would feed on the larval winter flounders, but enough of them would get big enough soon enough that they got too big to eat for the sand shrimp. In fact, as they got bigger, they would turn around and eat the sand shrimp. That was the cycle of life. Now the sand shrimp come in earlier. There are fewer winter flounder because of the temperature, and because they are getting in earlier, it is a much more dangerous environment because the larval winter flounder are smaller and remain prey longer. So for all those reasons, there goes what once was a very key fishery.

These are just individual examples. Every coastal State, every Great Lakes State could come and have their Senator give the same speech with at least two examples of things that are changing and making a dramatic difference in the coasts. The phrase I use is: The faster you drive, the better your headlights need to be. These changes are coming fast. Things that used to happen across centuries are happening in decades; things that used to happen over decades are happening in years. We need to have better headlights as we see these changes coming at us, and the headlights are the science, the research, the information, and the ability to do this kind of work.

I hope my colleagues, on the merits, will support my amendment. I hope even if they do not particularly care, even if they are from an inland State and don't have a great interest, that simply in the interest of the spirit of the Senate they will respect an agreement once it has been reached and will make an effort to make sure agreements, when struck, aren't broken and that I will get my partisan support.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. 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. BARRASSO. Madam President, I rise today in support of the 2013 Water Resources Development Act, or WRDA. I agree with my colleagues who believe that moving forward with a bipartisan WRDA bill is important for our communities.

As the ranking member of the Subcommittee on Transportation and Infrastructure, I believe we need to address the issues facing the Army Corps and the country. Today we have problems with aging infrastructure, with a lack of transparency, and with fiscal accountability—all of which impact the public health, the safety, and the economic welfare of our communities.

My staff and I have worked with our colleagues on the full committee and the subcommittee to create a bipartisan product to address these concerns. We may have our differences on a number of the issues, but the bulk of what we have accomplished is about protecting our States and protecting our constituents, not about partisan politics.

For example, issues such as flood mitigation are very important to my State. In 1984 the town of Baggs, WY, faced a major flood. The entire town had to be evacuated, and there was over $1 million worth of damage done. In mid-May of 2008, Baggs faced another major potential flood. The Wyoming National Guard was called in to assist, as well as the Department of Homeland Security. At the request of the Department of Homeland Security, the Army Corps Sacramento office sent an official who was able to oversee the reinforcement of existing berms and the construction of new ones. This time Baggs did not need to be evacuated and the damage was minimal.

Baggs is not the only town in Wyoming to need assistance to protect itself from the threat of flooding. Predicting floods and being better prepared for them is a major component in keeping Wyoming communities safe. That is why I proposed and successfully included language in this bill, with the help of the chair and ranking member, for an authorization for Upper Missouri Basin flood and drought monitoring. This program will restore the stream gauges and snowpack monitors through the Upper Missouri Basin at all elevations. These gauges are used to monitor snow depth and soil moisture, to help inform agencies such as the Corps as to potential flooding and also drought in the future. This type of monitoring will protect communities and save lives. The language is supported by the Upper Missouri Water Association.

I am also pleased that the language I have authored for technical assistance to help rural communities comply with environmental regulations was included in the bill. Rural communities often do not have the expertise or the funding to make important upgrades to their water systems. Dedicated professionals, such as the folks at the Wyoming Rural Water Association, use this funding to go into these communities and provide the critical assistance they need. I thank Subcommittee Chairman BAUCUS for his help in working with me to get this important language included in the bill.

As I mentioned, transparency and fiscal responsibility are also important components to tackling the issues that need to be addressed with the Army Corps. That is why I offered language to create an Army Corps project deauthorization process. It is one that mimics the Base Realignment and Closure Commission—you know, the BRAC Commission—that the Department of Defense uses to close or reconsolidate military bases.

Under my language, an independent commission appointed by the President would identify projects for deauthorization based on established criteria and then submit those projects as one package for an up-or-down vote by the Congress. There are many of these projects that are on the books. They are authorized for millions of dollars, and they are going nowhere. The backlog of Army Corps projects is currently about $60 billion according to the National Academy of Sciences. It is time for the Corps and Congress to clean the books, cut the waste, and bring fiscal responsibility to the WRDA process.

I am specifically thankful to Chairman BOXER and to Ranking Member VITTER and Subcommittee Chairman BAUCUS for supporting my language. I am also grateful to my colleagues for the bipartisan process under which this bill was considered. Our staffs worked well together. We put together a good product. I specifically want to thank a member of my staff, Brian Clifford, who worked diligently on this process and worked in a unified way. We see the results in the Senate.

The bill unanimously passed the Senate Environment and Public Works Committee.

Although the bill is not perfect and there is always room for improvement, I believe we have achieved a compromise, a solution that is substantive, effective, and in the public interest. This is a product that will save lives, will maintain the flow of commerce, and will protect communities for years to come.

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.

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

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

EDUCATION EQUALITY

Mr. COONS. Madam President, as the son and grandson of classroom teachers, as a father myself, as someone for whom education played a central role in my life, and as a passionate believer in the power of education to change others' lives, I rise today to talk about a bill that is one of the most important to me that I have moved as a Senator.

The fact is if we look at the American national condition, the lack of access to higher education as well as the

lack of an opportunity for a quality education is one of the greatest problems we face. Inequality in having some real hope, some real promise of a shot at college defines and distinguishes the drivers of social inequality in America in ways it has not in decades. If we want to ensure going forward that American workers can compete in the global economy, if we want to ensure a country that is capable of living up to our promise of liberty and justice for all, if we want to deal with one of the biggest civil rights issues in our country, then we have to ensure every child has an equal chance for high-quality education regardless of the ZIP Code they are born into.

Long before I was elected to public office, I spent years working with a nonprofit education center called ''I Have A Dream'' Foundation. In my role there, I visited schools all over the United States. More often than not, these were schools in very tough communities and neighborhoods, schools that were in public housing developments or that were in some of the most forlorn and troubled neighborhoods in all of America.

What struck me over and over when I would go into an elementary school and talk to a group of young kids and ask: What do you dream of? What do you hope to be when you grow up? They would raise their hands, and none of them said: I dream of being in a gang; I dream of being in jail; I dream of being a drug dealer; I dream of dying before I turn 20. They would say: I dream of being a Senator or a lawyer or owning my own business or being a star in the NBA or being a success. The dreams we hear from kids in elementary schools are the same regardless of the community in America. Yet the outcomes are so desperately different.

What I saw in the nearly 20 years I was active with the ''I Have A Dream'' Foundation was that the young people who came from a community, family, or school where there was little or no experience or expectation of a college education sent a powerful, persistent, and negative message at a very early age—that college is not for them. They are told indirectly that it is not affordable, it is not accessible, it is not part of the plan for their future. Those messages have a cumulative, powerful, and consequential impact.

Very few of the 50 ''Dreamers'' from the east side of Wilmington that my family and I worked very closely with had any expectation of a college education. In 1988 when our chapter of ''I Have A Dream'' Foundation promised them the opportunity for a higher education through a scholarship, we could see the change. First we saw the change in their teachers and parents, then in their mentors and classmates, and ultimately we saw it in them. We saw a change in their hopes and their expectations.

The most powerful thing the ''I Have A Dream'' Foundation did in our chapter, and in dozens of chapters around the country, was to hold up a mirror to young people of their future that was a brighter and more promising future than they had ever dreamed of on their own. They were challenged to walk through that open door and make college not just a distant dream, not something they heard of or watched on TV, but something that became a part of their lived life, and to change their outcomes.

That experience has inspired the bill I introduced in the last Congress, and I am most personally connected to in this Congress.

Last year I found a Republican partner who shares my passion for expanding access to college and for making it more affordable. That partner is Senator MARCO RUBIO of Florida. Some folks have noticed that here in the Senate we don't always get along and we don't always agree and sometimes partisanship divides us. I have been very pleased to have this strong and able partner in moving forward a bipartisan bill which we named the American Dream Accounts Act. This is a bill that bridges the opportunity gap by connecting students, teachers, parents, and mentors to create a new generation of higher education achievers.

There are too many American kids today who are cut off from the enormous potential of a higher education. The numbers are grim. If someone comes from a low-income family, the chance that student will complete a college degree by the time that person turns 25 is about 1 in 10 at best.

In order to have the prospect of employment and opportunity of accumulating wealth and providing an education and security for our family and kids, a college education is essential these days. We in the Federal Government spend billions of dollars on making higher education affordable through Pell grants, yet do almost nothing to make it clear to children at the earliest age that this funding will be available to them.

In my home State of Delaware, our Governor Jack Markell and our first lady Carla Markell have done a wonderful job of incorporating the power of this insight and lesson. They are ensuring there is a State-funded scholarship and network of engaged mentors and real reform in our public schools. We don't tell kids, even in our State, in elementary school of the possibilities that lie ahead of them in a way that changes their expectations. That is what this bill will hopefully do. It encourages partnerships between schools and colleges, nonprofits and businesses. It allows them to develop individualized student accounts, such as their Facebook account, married to a college savings account; individual accounts that are secure, Web-based, personal, and portable; accounts that contain information about each student's academic preparedness and financial literacy. It is something that combines a portfolio of their entire education experience with the very real savings for the future of higher education we want to pull them toward from their earliest years.

Instead of forcing motivated parents or concerned teachers or interested mentors or empowered students—instead of forcing all of these folks to track down these different resources separately, this legislation, this idea would connect them across existing silos and across existing education programs at the State and Federal level.

So tomorrow Senator RUBIO and I will reintroduce this legislation as the bipartisan American Dream Accounts Act of 2013. We are working hard to earn the support of our colleagues in the Senate and in the House, and I will keep at this for as long as it takes.

The American Dream Accounts Act addresses the longstanding challenges and barriers to college access: connectivity, financial resources, early intervention, and portability. Let me briefly speak to each of those.

First, connectivity. The journey from elementary school, to high school, to higher education is a long one, and for a student to be successful it takes lots of engaged and attentive adults—motivated parents, concerned teachers, supportive family. So many students in our schools all over this country disengage or drop out along the way because they are not connected, they are not supported by those concerned and engaged adults. The American Dream Accounts Act takes advantage of modern technology to create Facebook-inspired individualized accounts—an opportunity to deliver personalized hubs of information that would connect these kids and sustain and support them throughout the entire journey of education by continuing to remind them of the promise of higher education and its affordability.

Second, these dream accounts would connect kids with college savings opportunities. Studies show that students who know there is a dedicated college savings account in their name are seven times more likely to go to college than peers without one. Think about that for a moment. States such as Delaware and our Nation invest billions of dollars in programs to make higher education affordable. Yet so few of the kids I have worked with all over this country in the ''I Have a Dream'' program have any idea. They have never heard of Senator Pell. They don't know Pell grants exist. They don't live in States that have the HOPE scholars, the Aspire scholars, or the Dream scholarships that a number of States have, and they don't know they will be there for them when they are of age to go to college. Why don't we tell them early? Why don't we change their expectations? That is one of the things this program would do. And it is not a new idea; it is a demonstrated one that we know works.

The third piece of this American Dream Accounts Act is early intervention. As I said, States and Federal programs that provide billions of dollars

in support to make college affordable don't connect with kids early enough. By letting them know early, we can change their ultimate orientation and outcomes.

The last important piece is portability. One of the things I saw in my own experience with my Dreamers, the students in the ''I Have a Dream'' program I helped to run in Delaware, was just how often they moved. Children growing up in poverty, in families facing unexpected challenges, relocate over and over and bounce from school to school, district to district, often facing overstretched teachers with full classrooms who, when they move midyear into a new school, don't get any background information or insight on the student who has moved into their classroom. So instead of being welcomed and engaged in a positive way, sometimes they feel and are disconnected and develop into discipline problems or students who are difficult to teach. The mobility that comes with poverty sometimes also leads to disconnection from education.

This robust, online, secure, individualized account would empower teachers to connect with parents, to connect with mentors, and to know the entire education history of the student newly before them. So no matter what disruptions or challenges a student might face as they travel through the long journey of education, their own individual American dream act—their own portfolio of their dreams and their activities and their progress—would be there with them.

Our Nation's long-term economic competitiveness requires a highly trained and highly educated workforce, and our Nation's commitment to a democracy and to a country of equal opportunity demands that we do everything we can to make real the hope of higher education for kids no matter the ZIP Code into which they are born, no matter their background. While we spend billions on making higher education affordable, we aren't delivering it effectively enough to change that future. What I saw in my years with the ''I Have a Dream'' program was bright faces, raised arms, hope, and opportunity that sadly was not as often as it could be realized. This program, this connectivity, this new type of account is a way to make real on that promise.

We can meet this challenge by connecting students with a broad array of higher education options, informing them about them early, whether it is vocational school or job training, community college or 4-year universities. Not everyone is made for a 4-year higher education degree. This would connect kids with all of the different opportunities for skill training and higher education that are out there. It also would support students as they identify the type of education best for them, the career they most want, and give them the tools to get there.

As I visit schools across my own State of Delaware, one thing is clear: All of these different resources currently exist in different ways and at different stages of education, but they are not connected in a way that weaves together students, parents, mentors, and the resources of our highly motivated, highly engaged State.

So this vision—one that has stayed with me from my time at ''I Have a Dream'' to my service here as a Senator—is that when we ask a roomful of elementary school kids in the future, ''What do you dream of, what is your hope,'' when their hands shoot up in the air and they list all of the different dreams they have, regardless of background or income or community, we can make that possible. We can make our investments real, and we can make the dream of equal opportunity a reality.

This year, with the support of lots of groups, including the Corporation for Enterprise Development, a wonderful group called Opportunity Nation, the First Focus Campaign for Children, we are hopeful that bipartisan support for this American dream accounts idea will simply continue to grow. Let's work together to empower students and parents of all backgrounds to achieve their dreams from the earliest age.

THE BUDGET

Madam President, I rise today to speak about our current impasse over the progress of the Federal budget. I have been a Senator for just a little over 2 years. I have presided over this Chamber a great deal, as has the Senator now presiding. I have listened to dozens of speeches from colleagues—in particular, Republican colleagues—upset that this Chamber and the Budget Committee on which I serve hadn't passed a budget in several years. But this year we passed a budget, finally. We went through the long and grinding process known here in Washington as vote-arama where we considered, debated, and disposed of over 100 amendments over hours and hours of deliberation and debate and voting on this floor, and we passed a budget.

It has been 46 days since the Senate passed our budget, but we still need to reconcile it with the House of Representatives' budget for it to become a forceful resolution, a budget resolution that drives the decisions of the Congress. It is important we do that because it has been 66 days since the sequester kicked in.

I know ''sequester'' is Washington-speak, but all of us as Senators are hearing from our home States the very real, very human impact of these across-the-board spending cuts that have begun to really bite. We hear about potential furloughs of men and women who serve at Dover Air Force Base. We hear about the tens of thousands of children being kicked out of needed Head Start Programs. We hear about the thousands of women not getting the breast cancer screenings they need, and we hear about the hundreds of thousands of children not getting the vaccines they are supposed to get. The impacts of the sequester are becoming stronger and broader and more negative all across our country.

The sequester exists because of a lack of political will to come together and resolve a fundamentally different vision between the Senate and the House enacted in our respective budgets. This sequester exists because we haven't come together across the House and the Senate in the way that for 200 years and more this Congress has done. When we pass a bill and when the House passes a bill, it is supposed to go to conference or reconciliation, resolution, and ultimately passage. Here is our chance.

Why would Republicans actively keep us from going to conference to finalize a budget, especially after years of coming to this floor and giving speeches, claiming over and over how terrible it was that we would not pass a budget in the Senate? Americans are tired of this dysfunction. In my view, today Republicans are manufacturing a crisis by preventing the Senate and House from coming together to reconcile our budgets in conference.

As I said, I am a member of the Budget Committee, and I can say with some detailed knowledge, as can the Presiding Officer, that there are real differences between the budget adopted here in the Senate and the budget adopted in the House. I believe the Democratic budget promotes growth and the Republican budget focuses on cuts. I believe ours prioritizes the middle class while the other prioritizes more tax cuts for the wealthiest. In my view, ours prioritizes balance; the other, politics. I think our budget puts us on the path toward job creation while the other takes a path to austerity. But we will never reconcile these two budgets, achieve a shared path forward, and set aside this terrible sequester if we don't go to conference.

Reconciling these two budgets is the definition of what I have heard Member after Member come to the floor and call for, what we have heard here in the Senate called regular order—the process set out by the Founders of this Nation and to which we should return.

These political games, in my view, are destroying this institution. I think it is no wonder the opinion of the average American across this country of this institution simply sinks lower and lower.

What is standing in the way of our progress on this budget at this point is repeated Republican objections. It is my hope that they will step aside and allow us to walk the corridor to the House, get to the conference table, and resolve our budget differences.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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.

AMENDMENT NO. 805

Mrs. BOXER. Madam President, I ask unanimous consent to have up to 5 minutes to speak before the vote. Am I correct in assuming the vote is at 2 o'clock?

The PRESIDING OFFICER. The Senator is correct.

Without objection, it is so ordered.

Mrs. BOXER. Thank you very much, Madam President.

I wish to again let Senators know where we are. At 2 o'clock, we will be voting on a gun amendment. I would hope this gun amendment would not get the 60 votes required because I believe it is dangerous. Even though Senator COBURN says it would not allow guns to be carried on critical infrastructure such as dams and locks and reservoirs, we now have two studies that say, in fact, it would allow that.

According to the Bush administration, this critical water infrastructure is a target for terrorists. We are now entering into a stage when our leaders are talking about homegrown terror, and we do not have to look too much further than Boston to understand this is a problem.

Why would we want to have on a water infrastructure bill an amendment that allows people to come in with guns and go right to the heart of those critical water infrastructure projects—those dams, those reservoirs, those locks, et cetera—particularly since the corps already allows, for recreational use, the use of guns for hunting, target practice or fishing. That is already allowed.

There are rules. This is not comparable to the National Park Service. We could get into another debate on that. That one—I know some people here voted for that, to allow extensive guns being carried on parkland. That change was made. The corps is a different situation. The Park Service act like police. They can come in. They can quell a disturbance. They are armed. They are trained. The corps is not a law enforcement entity. That means what they would have to do, if there was a violent outburst, is call the local governments, the State governments, and we do not know how long it would take to have those law enforcement people arrive at such a situation.

So I am pleading with my colleagues, this is a water infrastructure bill. This is not a gun bill. This is not the place to add these types of amendments. We have a very bipartisan bill. It is supported by the chamber of commerce, it is supported by the unions, it is supported by local governments, by the Governors Association. I could go on and on. There is a list of literally 150 organizations. It came out of the committee with a bipartisan vote.

I hope when the clock strikes 2 we can have a vote that keeps us on track, that does not turn the WRDA bill into a gun bill. It is not necessary. It is not appropriate. The fact is, there is nothing in the amendment that would stop people from carrying guns onto critical water infrastructure. It sets up a national security threat. It endangers people.

I just want to be clear: I am not going to allow a bill to move forward that endangers the lives of the people I represent. I owe them a lot more than that, let alone the entire country. We all serve this Nation.

So I hope we will not pass this amendment. I ask for a ''no'' vote on the Coburn amendment.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). All time is expired. The question is on agreeing to the Coburn Amendment No. 805.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

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

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—56

Alexander	Fischer	McConnell
Ayotte	Flake	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Paul
Begich	Hagan	Portman
Blunt	Hatch	Pryor
Boozman	Heinrich	Risch
Burr	Heitkamp	Roberts
Chambliss	Heller	Rubio
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Isakson	Shaheen
Collins	Johanns	Shelby
Corker	Johnson (WI)	Tester
Cornyn	King	Thune
Crapo	Landrieu	Toomey
Cruz	Lee	Vitter
Donnelly	Manchin	Wicker
Enzi	McCain	

NAYS—43

Baldwin	Harkin	Reed
Bennet	Hirono	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	Kirk	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Stabenow
Carper	Levin	Udall (CO)
Casey	McCaskill	Udall (NM)
Coons	Menendez	Warner
Cowan	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	
Gillibrand	Nelson	

NOT VOTING—1

Lautenberg

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The majority leader.

Mr. REID. One of the three scheduled votes has been withdrawn, an amendment, so we only have one more vote. Senator BOXER and Senator VITTER have a number of other people wanting to offer amendments today, so if you have amendments, talk to the managers of the bill.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. CARDIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. I ask for the yeas and nays on the Whitehouse amendment and urge its passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 803 offered by the Senator from Rhode Island, Mr. WHITEHOUSE.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President and colleagues, if I could have my colleagues' attention for a moment, I would appreciate it. This is a measure that this body has voted on before in a strong bipartisan vote. This was part of the RESTORE Act, which was a part of the highway bill.

For reasons that don't merit further discussion now, this piece of it fell out of the bargain that had been reached at the last minute in conference.

I hope this will be a bipartisan vote with support on both sides. If you supported the RESTORE Act, you have already supported this bill. If you believe that deals should be deals in the Senate, then you should support this bill. For all of us in coastal States who are facing very unique pressures, it is very important that we as a body support this bill.

It does not create a single extra bureaucracy or person. It works within the existing government, and it adds no funding. I am going to have to work with all of you to find funding for it later and within our existing budget constraints.

This is just the authorization. Please give me a strong bipartisan vote.

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

Who yields time in opposition?

Mrs. BOXER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I understand there are some asking for a voice vote. Would that be all right with Senator WHITEHOUSE?

The PRESIDING OFFICER. It would require unanimous consent.

Mrs. BOXER. All right. I think we should go on with the vote then.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment No. 803 offered by the Senator from Rhode Island, Mr. WHITEHOUSE.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

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

The result was announced—yeas 67, nays 32, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—67

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

NAYS—32

Alexander	Enzi	Moran
Barrasso	Fischer	Paul
Blunt	Flake	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Coats	Heller	Rubio
Coburn	Hoeven	Scott
Corker	Inhofe	Thune
Cornyn	Johnson (WI)	Toomey
Crapo	Lee	Vitter
Cruz	McConnell	

NOT VOTING—1

Lautenberg

The PRESIDING OFFICER. The 60-vote threshold having been achieved, the amendment is agreed to.

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

The motion to lay on the table was agreed to.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, on rollcall vote 116, I voted ''yea.'' It was my intention to vote ''nay.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

Mrs. BOXER. Mr. President, I have a unanimous consent request. I will make it in a minute.

We are making good progress. We have three amendments in order now: the Blunt amendment No. 800, Pryor amendment 806, and Inhofe amendment No. 835. I ask they be the following amendments in that order to be considered; further, that no second-degree amendments be in order to these amendments prior to votes in relation to the amendments. That is my request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Mr. President, we are well on our way to getting this bill done, I hope. The Whitehouse amendment was one that was overwhelmingly supported. I hope that will set the tone for this particular bill; that we will come forward together; that we will not have contentious issues that divide us and divide the American people on a bill that is so motherhood and apple pie as this one is, which is to make sure our ports are dredged, that our flood control projects are done, that our environmental restoration of wetlands is done. It is a very simple, straightforward bill.

ORDER OF PROCEDURE

I further ask unanimous consent that immediately following my remarks here Senator WHITEHOUSE be recognized for up to 5 minutes to thank the Senate for this vote—I know he has worked exceedingly hard on this—and then there be a period of morning business for up to 30 minutes, with each Senator allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, amendment No. 799, as amended, is agreed to and is considered original text for the purposes of further amendment.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I appreciate the chairman's leadership and her offer of 5 minutes of time. I will not need anything near that. I want to take this moment to extend to all of my colleagues a very heartfelt thank you for that last vote.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is in a period of morning business.

The Senator from Virginia.

UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Mr. WARNER. Mr. President, I rise to make a few remarks and to make a motion. Everyone in this body knows one of the issues, the issue I believe is most holding back our economic recovery and most holding back our ability to sort through so many issues our country faces, is the issue of our debt and deficit. We are like $17 trillion in debt. The debt goes up over $4 billion every night when we go to sleep. This problem is structural in nature. Time alone will not solve this issue.

In the last 4 years, my time in the Senate, there has been no issue on which I have spent more time, spent more effort trying to reach out. I understand many of my colleagues actually try to avoid me in the hallways now because they fear they are going to get a Mark Warner harangue on the debt and deficit.

I also know the only way we are going to get this issue resolved is if both sides are willing to meet each other in the middle. This is a problem that cannot be solved by continuing to cut back on discretionary spending. It will require, yes, more revenues, and it will require entitlement reform. Those are issues where, unfortunately, in many ways our parties have not found agreement.

We have all agreed as well at least that, while we do not have to solve this problem overnight, we need at least $4 trillion in debt reduction over the next 10 years. The good thing is, while we have been lurching from budget crisis to budget crisis, we have gotten halfway to our goal. The good news as well is that this year both the Senate and the House adopted budget resolutions. As I said on the floor in March, I believe the Senate budget was a solid first chapter toward producing a balanced fiscal plan for our country. My vote for the Senate budget—and it was not a budget on which I would agree with every component part—was a vote for progress, a vote for regular order, regular order that so many of my distinguished colleagues who served here much longer than I say is the glue that holds this institution together.

It has now been 46 days since the Senate passed its budget. Unfortunately, there are certain colleagues on the other side of the aisle who seem to block our ability to go to conference. In a few minutes—just 2 minutes—I will ask my colleagues to agree to authorize the Chair to name a conference to the Budget Committee. Unfortunately, I expect that request to be objected to. I find that extremely disappointing. I can only speak at this point for folks from Virginia, but no single other issue is as overriding, as I travel across Virginia and I imagine for most of my colleagues as they travel across their States. At the end of the day, Americans, Virginians, want us to work together and get this issue solved.

We have seen, over the last 2½ years, as we have lurched from manufactured budget crisis to budget crisis, the effects on the stock market, on job creation, and our overall recovery. We have a chance to put this behind us. We need to find the kind of common ground between the House budget proposal and the Senate budget proposal on which so many have called upon us to work.

Again, I am going to make this motion in a moment. I want to add one last point. I appreciate some of the calls we have had from colleagues on the Republican side over the last couple of years for the Senate to pass a budget. I believed we needed to pass that budget. Mr. President, 46 days ago, after 100 amendments and a session that went until 5 o'clock in the morning, we passed such a document. I think it is time now that we allow the Senate to announce its conferees to meet with the House, to get a budget

resolved for the United States of America so we have a framework to make sure we get this issue of debt and deficit behind us; that we allow the economy to recover in a way that it needs.

Mr. President, I ask unanimous consent that the Senate proceed to 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, and H. Con. Res. 25, as amended, be agreed to, the motion to reconsider be considered made and laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees on the part of the Senate, all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, reserving the right to object, I point out what the Senator requests is for us to redo the budget debate where those amendments were considered and defeated in the Senate, and it is now up to us to go to conference to work out our differences with the House. There is no need to go back through another 50 hours of debate and 100-plus amendments to be considered. This body needs to go to work. We have been told time and time again we need a budget, we need a solution. We do not need to manage by crisis. There is no need to relitigate the budget on this side. We need to go to conference and litigate our differences with the House Republicans.

I object to the Senator's request and urge we move to conference and allow the request of the Senator from Virginia, Senator WARNER, to go forward.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia.

Mr. WARNER. Mr. President, while it is not unexpected, I am disappointed. The nub of this issue, as commentators from left to right, Democrat and Republican, pointed out, is if we are going to avoid the path we are on, the path of sequestration, which was set up to be literally the worst possible option—which right now is seeing cuts made in the most unsophisticated, unplanned, and inefficient way possible, plans that, if we continue on the path we are on, would so dramatically cut back this country's investments in education, infrastructure, research and development, that I don't believe, as a former business person, that America will be able to compete with the kind of economic growth we need to maintain our economy.

If we are going to avoid those kinds of Draconian cuts, if we are going to have a rational business plan for our country, I think most of us, or at least an overwhelming majority of the Senate, would recognize we have to generate both some additional revenues and—while there may be some on my side who disagree—we have to find ways to reform entitlement programs to make sure Medicare and Social Security are going to be there 30 years from now.

The only way to get that done is to take the House product, which focuses particularly on entitlement reform, combine it with the Senate product that makes reasonable increases in revenues and starts us on a path on changes in some of our entitlement programs but also puts in place a more reasonable and balanced approach on cuts. The only way we are going to get to that finish line, particularly for those who have advocated for regular order, is to have a conference.

It is with great distress that we heard opposition raised to regular order, an appeal for regular order, an appeal that was made consistently for the past 2½ years. I don't understand why my colleagues on the other side will not take yes for an answer. They asked for us to pass a budget. We passed that budget. I think it is a good first step in the process and I hope in the coming days there will be a change of heart, that the regular order will be allowed to proceed, conferees will be named for both the House and Senate, and that we can reach agreement on this issue that I think is important, not only to the future of our economy but quite honestly now has taken on the metaphor for whether institutions can actually function in the 21st century.

I see my good friend, the Senator from Virginia, who may want to add some comments to this discussion.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I rise in support of the motion of Senator WARNER and his argument for budget compromise and a budget conference that would enable us to find that compromise for the Nation. During my campaign for the Senate I heard this over and over. Every time I would turn on the TV it seemed there would be someone, even a colleague from this body, arguing that the Senate had not passed a budget in 2 years or 3 years or 4 years. That was a point that was repeated over and over. Then, coming into this body, often sitting there in the presider's chair, I have heard that speech delivered from the floor of this body in January and February, often with charts demonstrating the number of days it had been since the Senate passed a budget.

We know as part of the debt ceiling deal a bill was passed, signed by the President so, arguably, even the claim of no Senate budget was inaccurate. But taking that claim at its word, that the Senate had not passed a budget in 4 years, you would think that, having passed a budget, everyone would be excited and would be willing now to move forward to try to find a compromise for the good of the Nation.

Instead, what we have is an abuse of a Senate rule, an individual Senator standing up—even though they had a chance to vote against a budget and to vote on 100 amendments about a budget—they are utilizing and abusing a prerogative to block a budget conference.

For those listening to this who do not understand what a conference is, it is exactly what it sounds like. We passed a budget. The House passed a budget. The next step in normal business would be for the two budgets to be put in a conference and House and Senate Members to sit down and, God forbid, listen to one another and dialog and hopefully find compromise.

That is all we are asking to do, to have a process of listening and compromise. Yet individual Senators are objecting, blocking even the opportunity to have this discussion. In the 4 months I have been in this body we have had two major budgetary issues and I think it is important to point them both out. The first was the issue surrounding the sequester, a designed regimen of nonstrategic, stupid, across-the-board budget cuts that were never supposed to go into place. In late February this body developed a plan that was able to attain more than 50 votes, to turn off the sequester, to avoid the harm to the economy and other key aspects of the military, and to do it and find first year savings. That proposal was able to get more than 50 votes in this body. It had sufficient votes to pass. But the minority chose to invoke the paper filibuster process to block it from passing. They were not required to. Fifty votes is normally enough for something to pass. We could have avoided the filibuster altogether. We could have avoided the sequester altogether and the harmful cuts. Yet the other side decided: We are going to invoke the filibuster to block it from happening. That was the first instance of an abuse of the Senate rules to proceed with normal budgetary order.

Now we are in the second such instance. On March 23, this body passed a budget in accord with normal Senate order, and as we have seen over the past few days, the very group of people who criticize the Senate for not wanting to pass a budget have done everything they can and pulled out every procedural mechanism they can come up with to block the us from coming up with a budget. This is an abuse of rules, and it is directly contrary to the Members' claims—now for years—that they wanted to pass a budget. This is not just a matter of budget nor is it a

matter of numbers on a page. This is hurting our economy.

Everyone in this Chamber will remember that when the American credit rating was downgraded in the summer of 2011—in the aftermath of the discussion about the debt ceiling limitation—the reason cited for the downgrade was not that the mechanics of the deal were bad; instead, our credit was downgraded because of the perception that legislators were engaging in foolish behavior and threatening to repudiate American debt instead of focusing upon their jobs and trying to do the right thing for the economy.

It was legislative gimmickry, not the details of the deal, that caused us to have a bond rating downgrade for the first time in the history of the United States. It hurts the economy when we elevate legislative gimmickry above doing the Nation's business, especially on matters such as the budget.

There are some signs of economic progress these days. The unemployment rate is moving down, the stock market is moving up, the deficit projections going forward are moving down, but we know we have a long way to go. There is more work to be done, and finding a budget deal that addresses the components which Senator WARNER mentioned is one of the factors that can create confidence to additionally accelerate the economy.

A budget deal will provide an additional acceleration to the economy. I have to ask the question: Is that what people are truly worried about? Are they worried about doing the budget deal that will accelerate the economy because it might not work to their particular political advantage? That is the concern I have; otherwise, why wouldn't they be true to the cause they have had for the past few years to actually have a conference and find a deal?

This is not only hurting the economy, this is hurting defense. The hearing I had earlier with Senator KING was the hearing of the Seapower Subcommittee of Armed Services. In that hearing we talked about the effect on the Nation's security and on our defense that is being visited upon us as we are going through budgetary challenges, including the sequester.

We talked about the effect of the sequester on what the witnesses called the platform, the shipbuilding, and the assets we need to keep us safe in a challenging world. We talked about these budget crises and how they hurt our planning. Because instead of planning in a forward-looking way, we are tying up all of our planning time to meet one self-imposed crisis after the next. We talked about the effect on readiness. Because of the sequester, one-third of the air combat command units in this country are standing down at a time when we may well need them today or tomorrow.

Finally, and most important, we talked about the effect of this budgetary uncertainty on our people, whether it is civilians being furloughed, whether it is private sector ship repairers getting warning notices because the ship repairing accounts cannot be done consistent with the sequester. This also affects people who are trying to make a decision about whether they want to make the military a career, and they look at Congress's unwillingness to provide budgetary certainty so they may decide maybe it is not the best thing to do right now.

Whether it is our platform, whether it is our readiness, whether it is our planning or whether it is our people, this sequester and these budgetary challenges and crises are hurting our ability to defend our Nation at the very time when the world is not getting simpler or safer but it is getting more challenging.

Many of my colleagues came from a joint session this morning with the President of South Korea, who is visiting at a time of incredible concern because of Northern Korea's nuclear ambitions that will call upon us, the United States—just as with so many other challenges around the world—to have a well-planned and well-financed defense of the Nation.

I join Senator WARNER in expressing disappointment. We passed this budget. We passed it 46 days ago. We were here until 5 in the morning. We voted on 100 amendments. Everyone had a chance to have their say and have their vote. Guess what. After our conference, they will have a chance to have their say and vote again. They will have a chance to express their opinions.

I urge my colleagues to rethink their position and allow this budget to move into conference so we can do the business of the United States of America.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Washington.

Mrs. MURRAY. Mr. President, I wish to thank my budget colleagues who are here with me today. They have spent many hours putting together a budget and coming to the floor with all of the Senate to work on over 100 amendments way into the middle of the night in order to get a budget passed. We are all here ready because we came to the Senate—to this Congress—to solve problems. We decided, as a committee and as a Democratic caucus, it is very important we move forward on a budget.

We want to solve this problem so we can get back to regular order so our country—businesses, communities, and everyone—knows where our priorities are and what path we are on so we can bring some certainty to this country again.

It is so disappointing to me that four times now the Republicans have objected to us now taking the necessary next step, which is to work together with our House colleagues, find a compromise, and move forward. We are working for certainty. It is disappointing to me that those on the other side of the aisle—and we all remember they spent month after month and had chart after chart on the floor telling us we had not passed a budget, we need to go to regular order—are now saying: No. No regular order, no budget, no process, no certainty, no conclusion to this very important problem on which we have all come together to work. This is disturbing for a number of reasons, and my colleagues have talked about it.

We have constituents at home—whether it is a business, a school, delivering Meals On Wheels, planning their military operations for the next year, as well as the agricultural industry—wondering what their plan is for the future. What they are being told—now for the fourth time in a row—by the Republicans in the Senate is: We are not going to give you any certainty. We like to live with uncertainty.

There is no doubt that moving to conference is not going to be easy; solving this problem is not going to be easy. I want our colleagues to know what I have consistently heard from the Democratic side is that we understand the word ''compromise.'' We know that in order to solve this huge problem, we have to come to the table and compromise and listen to the other side.

We cannot do this in the dead of night. We cannot do it with a couple of people sitting in a room. That has been done before, and it doesn't work. We need to have regular order, and we need to have this process out in the open. We need to have the American people hear what the different sides say, and then we are all going to have to take some tough votes.

I can assure the American people that on this side we understand what it means to take tough votes and we understand the word ''compromise'' and the need to get our country back on track.

As the Senator from Virginia said, we need to show the country that democracy can work. We are willing to take that step to make it work, and I urge our Republican colleagues to step forward and allow us to make that move. Do not object to us trying to solve problems because that is what is happening.

I urge our Republican colleagues—and the House as well—to move to conference so we can have a debate and discussion on this deeply urgent matter for our country.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I wish to thank the chair of our Budget Committee for doing such a terrific job in bringing us all together. I wish to thank my colleagues on the committee. We worked very hard together in order to be able to put together a balanced budget that reflects the values of the American people. It is fair

and balanced in values as well as in numbers, and we did that 46 days ago.

So we passed that 46 days ago after hearing for over 3 years about how the Senate had not passed a budget. By the way, we did pass a law—this is a caveat—called the Budget Control Act which actually had done the same thing as a budget. Those of us who were on the ballot this last time heard that over and over from our opponents.

So I am stunned that we would now be 46 days—and counting—into a situation where we have been trying to take the budget we passed by a majority vote—by the way, this passed on a majority vote. Each one of us ran for election, and we can win by one vote, and that is the majority. Decisions are made by a majority vote.

We went through 110 amendments. We were here all hours of the night. There were a lot of tired faces by the time we got done, but we got it done, and we made the commitment we were going to get a budget done.

The House did a budget—a very different budget, no question about it. There is no question we have a very different vision of the country. The budget in the House eliminates Medicare as an insurance plan. That is certainly not something I or the majority here would support. We rejected that approach, but that was in their budget. They have a right to put forward their vision for how things should be done.

There were many differences in values and perspectives, and that is what the Democratic process is all about. So we passed a budget by a majority and they passed a budget by a majority. The next step is to negotiate and come up with a final budget. That is the next step, and that is how the process works. We have different views, different perspectives, and then we sit down in something called a conference committee.

We cannot get to that next step. We have had 46 days of trying to get to a point to get it done by working with the House, and all we get is objection after objection after objection. I appreciate that colleagues on the other side of the aisle who have voted for similar budgets to the Ryan Republican budget would have preferred if we would have eliminated Medicare. We didn't do that, and we are not going to do that.

The majority here said we are putting forward a budget that is going to move the country forward and address the deficit and reflect the values around education and innovation and outbuilding the competition in a global economy. We are putting forward our vision. The House has their vision, which cuts innovation and cuts education and does not allow us to build.

We have very different visions. The Democracy we have says: We take both of those visions and then we sit down and try to figure something out. That is the next step.

We are not interested in just being on the floor and counting the days, although we will be on the floor and counting the days. That is not how we want to spend our time. We would rather spend our time listening to our colleagues in a respectful way about very different visions and very different values so we can find a way—if we can—to come together. We need to come together so we can tackle the last part of deficit reduction.

We have gone about $2.5 trillion toward the $4 trillion that everyone says we need to do to begin to turn the corner as it relates to the economy and the deficit. In order to get the rest of it, we need to sit down in a room together and figure it out.

We are going to continue to come to the floor and ask for an agreement. Unfortunately, if there is an objection, we have to go through the whole process of trying to get it done. We are going to keep pushing and pushing until we can get a budget done.

Why is this so important? It is very important because in our bill we stop what everyone feels is a very crazy approach to the final step in deficit reduction, which is to have across-the-board—regardless of value, importance or impact—cuts in the investments and in the discretionary budget of our country.

We know there needs to be spending reductions. We have voted for them. We have already put in place about $2.5 trillion in deficit reduction, and right now about 70 percent of that has been in spending reductions.

The concern that I have and that others in the majority have is that most of those have fallen right in the laps of the middle class, our children, the future through innovation, and seniors. We have said in our budget: No more. No more. We have to look at an approach that is balanced and that says to those who are the wealthiest in our country, who are the most blessed economically: You have to be a part of the solution in a significant way.

We want to look at spending under the Tax Code. How many times do we talk about special deals in the Tax Code, things that don't make sense in terms of spending, special deals that support jobs going overseas rather than keeping them here at home. There is spending in the Tax Code that needs to be addressed so it is more fair for American businesses, for small businesses, for families, for the future of the country. Our budget does that by saying we are going to tackle spending in the Tax Code, we are going to tackle the question of fairness in the code and asking those who are the wealthiest among us to contribute a little bit more to be able to help pay down this deficit, not just cutting Meals On Wheels or Head Start or cancer research, which is what is happening right now.

So the intensity we feel about getting this budget done is to be able to stop the things happening now that are very harmful. We saw the lines at the airports. We don't as readily see the lines of people who can no longer participate, such as people I know, in cancer research efforts that may save lives. We know there is incredibly important research going on in science, in medicine, in agriculture, including food safety and pest and disease control and every area of research where our country, the United States of America, has led the world. And that doesn't show up in lines at the airport, but it does show up in the future of our country. It does show up in the lives of someone who has Alzheimer's or Parkinson's disease or breast cancer or other diseases where we are this close to cures, where there is treatment going on that can save lives—is saving lives—and it is stopping.

We don't see the seniors who get Meals On Wheels lining up. They are getting one meal a day right now—one meal a day that allows them a little bit of a visit from a volunteer and one meal a day to eat through Meals On Wheels. Now, because of these irrational cuts, we are told there are waiting lists for one meal a day. How do we have a waiting list for one meal a day? I don't get that.

So we are saying we want to fix the airports; we appreciate that. We want to fix the one meal a day going to somebody's grandma who can't figure out what is going on in terms of the priorities of this country. The children who are getting a head start to be successful in school—how many times do we all say: Education, the most important thing; children, the most important thing. But because they don't directly have a voice here, as do a lot of other special interest groups, who gets cut first? Our budget values children and families, opportunity, innovation, fairness, and the ability to grow this economy, to create jobs so everyone has the dignity of work.

We want to get to conference committee. We want to get about the business of negotiating a final budget because we do not accept what is happening right now without a budget. Tackle the deficit, yes. Do it in a way that works for growth in America and jobs, do it in a way that supports families, that lifts our children, that respects our elders, yes. That is the budget we voted for in the Senate and the budget we want to see come to completion in this process. We can't get there unless we can negotiate, and that is what this whole discussion is about.

It has been 46 days since we passed a budget. We are ready to go. We are more than ready to go. Let's sit down in a room and work it out. We know it is a negotiation. We know we have to have give-and-take. But we are blocked right now from even getting in the room, and that is wrong. We are going to keep coming every day, and we are going to keep counting the days until our colleagues on the other side of the aisle decide they are willing to get in the room and get a budget done that works for the growth and the families of our country.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, this discussion, this debate isn't about budgets. It is not about deficits. It is about governing. That is the fundamental question that is before this body. It is about governing.

I rise surprised and disappointed. I expected to come here and debate issues. Instead, we are debating debating. We are having to argue and debate about the very act of getting to talk about these issues. And the problem with the economy of this country right now, to my mind, is very largely attributable to the uncertainty about whether the government in Washington is competent. It is the uncertainty that is killing us.

A reporter asked me this last week in Maine: What do you think you can do in Washington to help us create jobs?

My immediate answer was that the most important thing we can do is pass a budget in a kind of rational process, in the normal way it has been done for 200 years, and show the country we can govern. What is in the budget is less important than whether we can do it at all. That is why I am so surprised and disappointed to have come to this impasse where we can't even get to the point of negotiating with the majority about the budget in the other body. It makes me wonder if the Members on the opposite side of the aisle in the Senate lack so much confidence in their colleagues in the House that they don't think they can hold the line on whatever issues they believe are important.

These two budgets are very different, but I think there are items of value in both, and I can see the outlines of a compromise. We need deficit reduction. We need to clean up the Tax Code. We need a tax rate reduction as part of cleaning up the Tax Code. We need to make investments in the future of this country. But the idea that we can't even get to talk—I, frankly, am perplexed. I don't understand what the strategy is because when I was running last year and when I was in Maine just last week, the single question I got more than anything else was, why in the heck can't you people do something down there—only they stated it a little less elegantly than I just did. Why can't you get anything done?

The question that was raised in the hearing this morning was from people in the street: We are having a hard time understanding what is happening and why.

Well, I am a U.S. Senator, and I am having a hard time understanding what is happening and why.

Budgeting is one of the most fundamental obligations of government. I was a Governor. I know about putting budgets together. I know about making choices. It is not easy. It is not going to be easy to make the choices required for this budget. It is going to be very difficult, but that is what we were sent here to do. That is our job. That is our obligation to the American people. I believe there are areas of consensus and there are some areas in the House budget that I think are ideas worth considering.

The American people simply want us to act. Sure, everybody in this body has different views, and they are partisan views, but as somebody who was sent down here explicitly to try to make the place work—I think that was why I was elected as an Independent, because people are so frustrated with this warfare that they don't understand and that doesn't contribute to the welfare of the country.

So I hope, from the point of view of someone who sees values on both sides and believes that the only way we are going to solve these problems is by discussion and, yes, by compromise, that is what we move forward toward. That is what we have to do in order to regain the confidence of the American people.

We have a long way to go, but I believe that if we can move in a regular, orderly way to go to conference, which is what my civics book always told me we are supposed to do next—the House passes a bill, the Senate passes a bill, they have differences, they go to conference, they resolve the differences, both Houses then vote, and it goes to the President. That is the way the system was designed. If we could do that, almost regardless of what the content of the budget is, that in itself would electrify the country. It would be so remarkable, and people would say: Oh, now they are finally doing something.

So I hope my colleagues on the other side will decide to engage, to allow the conference to go forward with Members of both parties who go over to the House and sit down and try to work something out. We all know what the issues are. We all know what the amounts are. We all know what the dollars are.

I believe that people who enter a room in good faith could solve this in about an afternoon if they left their ideological blinders at the door. I believe there are solutions to be had, and we have a responsibility to find them. But today we can't even begin to talk about it, and that is what is so puzzling to the American people. That is what is puzzling to me. I don't understand what is wrong with debating, what is wrong with working on the problem. And to just say: Oh, well, we can't do it; the sequester is going to be with us, and it is going to be with us for another couple of years—I think that doesn't meet our fundamental responsibility as people who came here to govern.

We all know there was something passed last year about no budget, no pay. Well, unfortunately, it only said that if you pass a budget in the House, they get it, and if you pass a budget—well, we have done that. It should have been no budget that finally gets done, no pay, because now we are just stuck at an impasse.

I don't know what the outcome of the negotiations would be. I am not sure I would like them. But I believe the real task before us today is not budgets and deficits. The question before us is, Is this experiment in democracy that is an aberration in world history, is it still working? Are we able to make this idea work in the 21st century and meet the challenges of this country? It seems to me the only way to begin that process is to talk and debate and argue and work through the process the Framers gave us in order to solve the problems of the country.

I hope that before long we will reach a point where all of us can agree in this body that it is time to go to work on trying to bring a budget back to both Houses that we can all support and move this country forward. The act of at least coming up with a solution—not a perfect solution but a solution—would be the most important gift we could provide today to the people of this country.

Thank you, Mr. President.

The PRESIDING OFFICER. The Republican whip.

HEALTH CARE

Mr. CORNYN. Mr. President, a few weeks ago the chairman of the Senate Finance Committee, Senator BAUCUS of Montana, warned that the President's premier domestic legislative accomplishment—ObamaCare—was turning into a huge train wreck. Now, that is pretty remarkable for a number of reasons, one of which is that Senator BAUCUS was one of the principal authors of ObamaCare. So his comments cannot be dismissed as simply partisan rhetoric or politics as usual.

A few days after he made those comments, another important contributor to ObamaCare, Dr. Zeke Emanuel, brother of Rahm Emanuel, the President's former Chief of Staff, acknowledged that the massive uncertainty generated by the health care law is already causing insurance premiums to go up. Here is the scary part: ObamaCare hasn't actually been fully implemented and won't be until next year, 2014. So when it does take effect in 2014, we can expect insurance premiums to continue to rise, particularly for young people who are being asked once again to subsidize their elders, this time in the context of health care premiums.

So much for the President's promise that the average family of four would see a reduction in their insurance premiums under his premier health care law by $2,500. That is right. If people remember, the President said: If you like what you have, you can keep it, which is proving not to be true as employers are going to be shedding the employer-provided coverage and dropping their employees into the exchange. He also said the average family of four would see a reduction in their health care costs of $2,500. Neither one of these is proving to be true.

It gets worse from there. According to a new study, there is a new tax that

was created by ObamaCare on insurance premiums. So we have to pay a tax on our insurance premiums too, which will reduce private sector employment anywhere from 146,000 jobs to 262,000 jobs by the year 2022. And, of course, the majority of those jobs will be in small businesses. It is not surprising, since small businesses are actually the engine of job creation in America, that they will be disproportionately hit.

To make matters worse, ObamaCare's looming employer regulations are already prompting businesses to lay off workers, to reduce their working hours, and transform many full-time jobs into part-time jobs just so they can avoid the penalties and the sanctions in ObamaCare for employers.

Last month alone the number of Americans doing part-time work ''because their hours had been cut back or because they were unable to find a full-time job'' increased by 278,000—more than a quarter million Americans. Indeed, the total number of involuntary part-time workers was higher in April 2013 than it was in April 2012, just a year before.

So the message for President Obama could not be any more obvious: His signature domestic legislative initiative is driving up health care costs, destroying jobs, and damaging our economic recovery. That is why it is so important we repeal this law, which I will grant the President his best intentions but in practice has shown to be the opposite of what he promised in so many different instances.

But the consequences on long-term unemployment are what most people will feel; and that is the story of a very human tragedy for many people, some of whom have just simply given up looking for work. In fact, the Bureau of Labor Statistics has something called the labor participation rate. You can search it on the Internet. Look under ''labor participation rate.'' It will reveal that the percentage of Americans actually in the workforce and looking for work is at a 30-year low.

What that means is some people have simply given up. We all know the longer you are out of work, the harder it is to find a job because your skills have gotten rusty. Others may, in fact, be more qualified to get a job opening if one presents itself.

I cannot imagine the pain and frustration felt by millions of Americans who have been jobless for more than half a year. That is a long time. Unfortunately, the President does not seem to have an answer to this unemployment crisis—and that is exactly what it is—other than more taxes, after he got $620 billion in January as a result of the fiscal cliff negotiations, the expiration of temporary tax provisions. The President seems to believe more spending—even after his failed stimulus of a $1 trillion, which ratcheted up the debt even more—and more regulations is the answer to the unemployment crisis: more taxes, more spending, more regulations.

Since the President has taken office, he has raised taxes by $1.7 trillion already. That includes the $620 billion I just mentioned—but $1.7 trillion. His policies have increased our national debt by $6.2 trillion. He has added another $518 billion worth of costly new regulations on the very people we are depending on to create the jobs and provide employment opportunities. The consequence is the longest period of high unemployment since the Great Depression.

Now for some good news: Tomorrow the President is traveling to Texas, to the city of Austin where my family and I live. According to Forbes magazine, Austin is one of America's 10 Best Cities for Good Jobs. In fact, half of the top 10 Best Cities for Good Jobs in America include Dallas, Fort Worth, Houston, and San Antonio. So, yes, I am bragging. But we must be doing something right, and I hope the President goes with an open mind to try to learn what is the cause of the Texas miracle when it comes to job creation and economic growth.

Let me just point out that for 8 consecutive years Texas has been ranked as the best State for business by Chief Executive magazine. That explains why between 2002 and 2011 Texas accounted for almost one-third of all private sector job growth in America—one-third—many of these in high-paying industries. I know we like the claim about being big, but we are only 8 percent of the population, and we accounted for one-third of all of the U.S. private sector job growth between 2002 and 2011.

Now, there is not a secret sauce or a secret formula. It is pretty clear why we have enjoyed that sort of job growth in America, and it is something I think the rest of the country could learn. It is low taxes on the very people we are depending upon to create jobs; it is limited government; it is the belief in the free enterprise system as the best pathway to achieve the American dream; and it is sensible regulations.

We also believe in taking advantage of the abundant natural resources we have in our State and using those resources to expand the domestic energy supply, to bring down costs for consumers, and to create jobs in the process.

I was recently in the Permian Basin—that is the Midland-Odessa region, as the Presiding Officer knows. This is an area that since 1920 has been one of the most prolific energy-producing regions of our State and the country. But because of new drilling technology—horizontal drilling and fracking—it is anticipated that from this point forward that region will produce as much as it has since 1920. That is amazing. That is something we ought to be very excited about, and it has created a lot of jobs.

The nominal unemployment rate in the Permian Basin is about 3.2 percent. But employers will tell you they are hiring everybody they can get their hands on. Some of these folks have had problems in the past that might otherwise disqualify them for work, but as one employer told me: There is nothing like a job to provide an opportunity for people to rehabilitate themselves and get themselves on the right track.

Well, President Obama's policies, in contrast to what we are seeing in Texas, seem to send the message that only Washington knows how to revive our economy, and by raising taxes and spending more money we do not have to boot. In other words, with all due respect to my colleagues from the west coast, he favors the California model. Unfortunately, that model has not worked too well for even our friends in California, and it will not work well for the rest of America either.

By comparison, in that laboratory of democracy known as the State of Texas, our State has become a powerhouse for job creation, and it would go a long way to restoring the fiscal and economic health of the United States. Yes it would help those people who have been unemployed for 6 months or more, or even a shorter period of time, find work that will help them regain their sense of dignity and productivity and allow them to provide for their families, which is a goal I know we all share.

NOMINATION OF THOMAS PEREZ

Mr. CORNYN. Mr. President, on another matter—but it is an important matter—I want to share a few words and a few observations about the President's nominee to be the Secretary of the Department of Labor, who is currently serving in the Justice Department. I am talking about Assistant Attorney General Thomas Perez.

Of course, we know the Department of Labor plays a very significant role in our economic policy and even U.S. immigration policy, which is a very controversial topic that we are just getting to take up tomorrow in the Senate Judiciary Committee, of which I am a member.

During his tenure at the Justice Department, Mr. Perez has been in charge of the Civil Rights Division, which includes the Voting Section—obviously, a very important responsibility, but one that ought to eschew politics. Unfortunately, under his watch as head of the Civil Rights Division and Voting Section, that section has compiled a disturbing record of political discrimination and selective enforcement of our laws—something antithetical to what we consider to be one of the best things we have going for us in America, which is the rule of law: that all of us, no matter who we are, are subject to the same rules and play by those rules.

You do not have to take my word for it—how the Voting Section and the Civil Rights Division have gotten dangerously off track under Mr. Perez's leadership. The Department of Justice inspector general published a 258-page report that said the Voting Section

under Mr. Perez's leadership had become so politicized and so unprofessional that at times it became simply dysfunctional, it could not function properly.

This 258-page report by the Department of Justice inspector general cited ''deep ideological polarization,'' which began under his predecessors and which has continued under Mr. Perez's leadership. The inspector general said this polarization ''has at times been a significant impediment to the operation of the Section and has exacerbated the potential appearance of politicized decision-making.''

This is at the Department of Justice. So instead of upholding and enforcing all laws equally, the Department of Justice, Civil Rights Division—the Voting Section—under Mr. Perez, has launched politically motivated campaigns against commonsense constitutional laws, such as the voter ID laws adopted by the States of Texas and South Carolina.

In addition, he delivered misleading testimony to the U.S. Commission on Civil Rights back in 2010. The inspector general said Mr. Perez's testimony about a prominent voting rights case ''did not reflect the entire story regarding the involvement of political appointees.'' So when you are not telling the whole truth, you are not telling the truth.

Before joining the Department of Justice—and this is part of his unfortunate track record—he served as a local official in Montgomery County, MD. During those years, he consistently opposed the proper enforcement of our immigration laws. In fact, Mr. Perez testified against enforcement measures that were being considered by the Maryland State Legislature.

I would ask my colleagues, because we have an important function to play under our constitutional system, one of advice and consent—that is the confirmation process for Presidential nominees—is this really the type of person we want running the Department of Labor, especially at a time when Congress is contemplating passage of important immigration reform laws?

Given his record, I am concerned Mr. Perez does not have the temperament or the competence we need in our Secretary of the Department of Labor. I fear that, just like he has at the Department of Justice, he would invariably politicize the Department of Labor and impose ideological litmus tests. For all these reasons, and more, I will oppose his nomination.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The Senator from Iowa.

NOMINATION OF THOMAS PEREZ

Mr. HARKIN. Mr. President, I come to the floor today to express my deep disappointment that once again Republican obstructionism and procedural tricks are preventing this body from carrying out its constitutional duty and responsibility, its obligation to consider important Presidential nominations.

This time the target is Mr. Tom Perez, the President's extremely qualified nominee to be Secretary of Labor.

The HELP Committee, which I chair, was scheduled to vote on his nomination at 4 o'clock this afternoon. Obviously, we are not doing that. An anonymous Republican has invoked an obscure procedural rule to prevent our committee from meeting at that scheduled time. This pointless obstructionism is extremely disturbing.

I would like to point out that we had previously been scheduled to vote on his nomination in my committee 2 weeks ago. In an effort to bend over backwards and to be accommodating to our colleagues who requested more time to consider documents related to the nomination, I deferred it for 2 weeks as sort of senatorial courtesy.

This time there is no allegation that they have had insufficient time for consideration, just delay for delay's sake on the nomination. Tom Perez has been before our committee since March. We have had our hearing, during which Mr. Perez fully answered all questions posed to him. I cut off no one. I allowed anyone to ask whatever questions they wanted.

Mr. Perez has met with any interested Senator personally and answered over 200 written questions for the record. It is an understatement to say his nomination has been thoroughly vetted. This continuing delay is unconscionable and only hurts the American workers and businesses that rely on the Department of Labor each and every day.

As our country continues to move down the road to economic recovery, the work of the Department of Labor is becoming even more vital to the lives of our working families. Whether it is making sure workers get paid the wages they deserve, helping returning veterans reenter the workforce, protecting our seniors' retirement nest eggs, ensuring that a new mother can care for her baby without losing her job, the Department of Labor helps families build the cornerstones of a middle-class life.

Now more than ever we need strong leadership at the Department to help strengthen our fragile recovery and build a stronger and revitalized American middle class. That is why this nomination is so important.

There has been a lot of public discussion about Mr. Perez but remarkably little of it has focused on what should be the central question before our committee today: Will Tom Perez be a good Secretary of Labor. The answer is unequivocally yes. Without question, he has the knowledge and experience needed to guide this critically important agency.

Through his professional experiences, and especially his work as Secretary of the Maryland Department of Labor, Licensing and Regulation, he has developed strong policy expertise about the many important issues for American workers and businesses that come before the Department of Labor every day. He spearheaded major initiatives on potentially controversial issues, such as unemployment insurance reform and worker misclassification, while finding common ground between workers and businesses to build sensible, commonsense solutions.

He also clearly has the management skills to run a large Federal agency effectively. He was also an effective manager and a responsible steward of public resources, undertaking significant administrative and organizational reforms that made the Maryland DLLR more efficient and more effective.

His outstanding work in Maryland has won him the support of the business community and worker advocates alike. To quote from the endorsement letter of the Maryland Chamber of Commerce:

> Mr. Perez proved himself to be a pragmatic public official who was willing to bring differing voices together. The Maryland Chamber had the opportunity to work with Mr. Perez on an array of issues of importance to employers in Maryland, from unemployment and workforce development to the housing and foreclosure crisis. Despite differences of opinion, Mr. Perez was always willing to allow all parties to be heard, and we found him to be fair and collaborative. I believe that our experiences with him here in Maryland bode well for the nation. That is a pretty strong endorsement by a chamber of commerce for a nominee whom the minority leader today on the floor characterized as a ''crusading ideologue . . . willing to do or say anything to achieve his ideological ends.'' That is how he was characterized by the Republican leader today, but the Maryland Chamber of Commerce didn't seem to think so. So that grossly unfair characterization by the Republican leader is manifestly inconsistent with the experiences of the Republican leaders and businesses that have actually worked with Tom Perez.

Mr. President, I ask unanimous consent to have printed in the RECORD letters from businesses and Republican leaders demonstrating the strong bipartisan support for Mr. Perez's nomination. These people clearly disagree with the Republican leader's assessment of Mr. Perez's qualifications and character.

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

MARCH 19, 2013.

JOINT STATEMENT FROM STATE ATTORNEYS GENERAL IN SUPPORT OF NOMINATION OF TOM PEREZ AS SECRETARY OF U.S. DEPARTMENT OF LABOR

''Tom Perez is a brilliant lawyer and leader, who listens thoughtfully to all sides and

works collaboratively to solve problems. He has dedicated his career to serving the public, and his experience as Secretary of the Maryland Department of Labor, Licensing and Regulation and in the U.S. Department of Justice make him ideally suited to serve as the Secretary of the U.S. Department of Labor.

''As state Attorneys General, we have found Perez to be open, responsive and fundamentally fair. He is committed to justice and the rule of law and able to work across party and philosophical lines to achieve just results.

''The U.S. Department of Labor and the country will be well served by a leader who understands the need to forge partnerships with state and local officials and who values cooperation to bring about successful results for both employers and employees.''

''The following Attorneys General issued this joint statement in support of Perez's nomination:

''California Attorney General Kamala Harris, Delaware Attorney General Beau Biden, Illinois Attorney General Lisa Madigan, Iowa Attorney General Tom Miller, Mississippi Attorney General Jim Hood, North Carolina Roy Cooper, Oregon Attorney General Ellen Rosenblum, Tennessee Attorney General Robert Cooper, Jr., Former Utah Attorney General Mark Shurtleff and Former Washington Attorney General Rob McKenna.

MARCH 15, 2013.

Hon. BARACK OBAMA,
President of the United States, The White House, Washington, DC.

DEAR PRESIDENT OBAMA: The Maryland Chamber of Commerce supports the nomination of Thomas E. Perez to serve as the United States Secretary of Labor.

During his tenure as Secretary of Maryland's Department of Labor, Licensing and Regulation, Mr. Perez oversaw a wide range of regulatory programs of critical importance to the state's business community, including unemployment insurance, the regulation of financial institutions, worker safety and professional licensing.

Mr. Perez proved himself to be a pragmatic public official who was willing to bring differing voices together. The Maryland Chamber had the opportunity to work with Mr. Perez on an array of issues of importance to employers in Maryland, from unemployment and workforce development to the housing and foreclosure crisis.

Despite differences of opinion, Mr. Perez was always willing to allow all parties to be heard and we found him to be fair and collaborative. I believe that our experiences with him here in Maryland bode well for the nation.

The Maryland Chamber of Commerce is Maryland's leading statewide business advocacy organization. Our 800 member companies employ more than 442,000 people in the state. The Chamber works to support its members and advance the State of Maryland as a national and global competitive leader in economic growth and private sector job creation through its effective advocacy, high level networking and timely communications.

Sincerely,

KATHLEEN T. SNYDER,
CCE, President/CEO,
Maryland Chamber of Commerce.

GREATER PRINCE GEORGE'S
BUSINESS ROUNDTABLE,
Bowie, MD, March 18, 2013.

TO WHOM IT MAY CONCERN: Tom Perez is one of the most honest and dedicated public officials that we in the Prince George's County business community have ever worked with. His understanding that government must work in partnership with business to find solutions that succeed in today's marketplace highlights his continual accessibility and his empathic approach to working with job creators nationwide.

We applaud the President's nomination of Tom Perez as Secretary of Labor because we have experienced, first hand, the fruits of Tom's open door policy and his steady approach to finding solutions that work for the benefit of all.

Sincerely,

M.H. JIM ESTEPP,
President/CEO.

THE MARYLAND MINORITY
CONTRACTORS ASSOCIATION, INC.,
Baltimore, MD, March 21, 2013.

President BARACK OBAMA,
The White House, Pennsylvania Avenue, Washington, DC.

DEAR PRESIDENT OBAMA, The Maryland Minority Contractors Association applauds the nomination of Tom Perez as the United States Secretary of Labor, and encourages a quick confirmation. While serving as Maryland's labor secretary, Tom proved to be fair-minded, and always had an open door.

The Maryland Minority Contractors Association is composed primarily of merit shops, so our member companies have employees that are not under union collective bargaining agreements. We found ourselves at the table with Tom on a range of issues, from workplace safety to apprenticeships to the proper classification of employees. Although our perspectives often differed, we always had a seat at the table, and I can confidently say that our perspective was always taken into consideration. Tom pursues his role of protecting workers with vigor, but he always took the concerns of our members seriously, and, when presented with sound arguments, was willing to compromise.

We strongly support the nomination of Tom Perez, and we believe that he will make an excellent Secretary of Labor. He is a smart, honest person who will serve our county well.

PLESS JONES,
President, Maryland Minority Contractors.

WHITEMAN OSTERMAN
& HANNA LLP,
Albany, NY, April 15, 2013.

Re Thomas Perez, Nominee for
Secretary of Labor.

Sen. THOMAS HARKIN (D–IA),
Hart Senate Office Building,
Washington, DC.
Sen. LAMAR ALEXANDER (R–TN),
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATORS HARKIN AND ALEXANDER: I write as an appointee by former President George H.W. Bush to the United States Department of Justice in support of Thomas Perez who has been nominated by President Obama to serve as Secretary of Labor and urge your favorable consideration of his candidacy.

As the Assistant Attorney General for Civil Rights (1990–1993), I worked directly with Tom (in fact, I hired him in 1990) on a variety of sensitive matters, including criminal and voting rights issues. During a number of face-to-face meetings, I had the opportunity both to review his legal-based memoranda and to engage in a number of intense debates as to what should be the Division's final course of action. As a result of those experiences, I found Tom to be an excellent lawyer, a dedicated public servant with a deep commitment to the common good, and a person of legal and moral integrity; qualities that enable him to recognize the value of contending parties' positions in order to achieve workable solutions.

I believe that he will bring those skills and strong personal qualities to the duties of the Secretary of Labor and enable him to perform in a manner worthy of your trust.

Thank you for listening to my support for this very special and patriotic man.

Respectfully yours,

JOHN R. DUNNE.

Mr. HARKIN. Indeed, I think Mr. Perez's character—his character—is exactly what qualifies him for this job—his character.

Tom Perez has dedicated his life to making sure every American has a fair opportunity to pursue the American dream. At the Maryland Department of Labor, he revamped the State's adult education system so more people could successfully train for better jobs and brighter futures. As the Assistant Attorney General for Civil Rights at the U.S. Department of Justice, where he is right now, he has been a voice for the most vulnerable, and he has reinvigorated the enforcement of some of our most critical civil rights laws. He has helped more Americans achieve the dream of home ownership through his unprecedented efforts to prevent residential lending discrimination. He has helped to ensure that people with disabilities have the choice to live in their own homes and communities rather than only in institutional settings and to make sure people with disabilities receive the support and services they need to make independent living possible. He has stepped up the Department's efforts to protect the employment rights of servicemembers so our men and women in uniform can return to their jobs and support their families after serving their country.

I can tell you that Tom Perez is passionate about these issues. He is passionate about justice and about fairness, and I believe these are qualities that Tom Perez learned at the hand of his former employer here in the Senate, our former committee chairman of the HELP Committee, Senator Ted Kennedy. But, as he explained in his confirmation hearing, he also learned from Senator Kennedy ''that idealism and pragmatism are not mutually exclusive.'' Mr. Perez knows how to bring people together to make progress on even controversial issues without burning bridges or making enemies. He knows how to hit the ground running and quickly and effectively become an agent of real change. That is exactly the kind of leadership we need at the Department of Labor. We need his vision, we need his passion, and we need, yes, his character at the helm of this important agency.

Allow me to state very clearly that while I know there has been generated controversy—not real controversy but generated controversy—surrounding Mr. Perez's nomination, there is absolutely nothing that calls into question his ability to fairly enforce the law as it is written. There is absolutely nothing that calls into question his professional integrity or his moral character or his ability to lead the Department of Labor.

As I mentioned, Mr. Perez has been as open and aboveboard as he could possibly be throughout this entire confirmation process. He has met with any Member personally who requested a meeting. As I said, he appeared before our committee in a public hearing. He has answered more than 200 written questions. He has bent over backward to respond to any and all concerns raised about his work at the Department of Justice.

This administration—President Obama—has also been extraordinarily accommodating to any Republican colleague, especially to their concerns about Mr. Perez's involvement in the global resolution of two cases involving the city of St. Paul, MN—Magner v. St. Paul and Newell v. St. Paul. The administration has produced thousands of documents concerning these two cases. They have arranged for the interview of government employees. They have facilitated almost unprecedented levels of disclosure to alleviate any concern about his involvement in these cases.

As chairman of the committee, I have also tried to be as accommodating as possible, joining in requests for documents that I, quite frankly, thought were unnecessary but willing to acquire and postponing the executive session for 2 weeks to provide Members additional time for consideration.

All this extensive process has revealed is that Mr. Perez acted at all times ethically and appropriately to advance the interests of the U.S. Government. For example, with respect to the Magner and Newell matters, Mr. Perez consulted with both outside ethics and professional responsibility experts at the Department of Justice, and Mr. Perez acted within their guidelines at all times. It is no surprise that outside ethics experts have confirmed that Mr. Perez acted appropriately in these matters.

I would like to submit again for the RECORD letters and statements from several legal ethics experts and experts in the False Claims Act confirming that Mr. Perez's handling of the Magner and Newell cases was both ethical and appropriate. And I ask unanimous consent to have printed in the RECORD these letters.

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

STATEMENT OF STEPHEN GILLERS, ELIHU ROOT PROFESSOR OF LAW, NEW YORK UNIVERSITY SCHOOL OF LAW, MAY 6, 2013

The Joint Staff Report makes many assertions and contains many factual allegations, which may or may not be contested. However, only one issue is described as ethical. It is this issue that the Democratic Staff memo mainly addresses. Stated most favorably from the Joint Staff perspective, the issue is:

''Assuming that Assistant Attorney General Tomas E. Perez (Civil Rights Division) was mainly responsible for reaching the agreement with the City of St. Paul described below—even assuming that the agreement would not have happened without his intervention—but assuming, too, that Assistant Attorney General Tony West (Civil Division), who had ultimate authority to decide whether or not to intervene in Newell and Ellis, chose not to do so after considering their merits, the United States interest in preserving the disparate impact test under the Fair Housing Act, and the U.S. interest in ensuring (so far as possible) that a Supreme Court ruling on the proper test be based on favorable facts, did Perez violate any rule of professional conduct (ethics rule) governing him as a lawyer by encouraging others at DOJ or HUD (or elsewhere) to refrain from intervention in Newell and Ellis in exchange for St. Paul's agreement to withdraw the Magner appeal?''

The Joint Staff Report argues that linking the two cases—withdrawal of the Magner appeal and U.S. non-intervention in the two Qui Tam actions, Newell and Ellis (hereafter Newell)—was unethical. However, it cites no professional conduct rule, no court decision, no bar ethics opinion, and no secondary authority that supports this argument. In fact, no authority supports it.

The duty of lawyers for the United States is no different from the duty of lawyers generally, namely to pursue the goals of their client within the bounds of law and ethics. Clients generally identify those goals, but when the client is the government, its lawyers often do so, sometimes in conjunction with agencies, elected officials, or other representatives of the government who are authorized to speak for the client.

The United States had interests in Magner and also in Newell. Qui Tam actions are brought to vindicate interests of the sovereign, here the U.S. The U.S. interest was to recover money assuming, of course, that Newell had merit. The U.S. interest in Magner was to avoid Supreme Court review of a legal issue in Magner, whose facts were seen as unfavorable to a decision that would sustain a disparate impact test for violations of the Fair Housing Act. Perez believed that preserving the disparate impact test was important to his client and more important than intervention in Newell.

I assume that Perez persuaded others with decision-making authority, and in particular West, that withdrawing the Magner appeal was more important to U.S. interests than intervention in Newell. I also assume, though it is contested, that Newell was meritorious and that but for the agreement with St. Paul, the United States would have intervened in Newell and perhaps prevailed.

Of course, it is legitimate to argue that Perez, West, and others made the wrong choice and that pursuing Newell was more important to U.S. interests than how the Supreme Court would ultimately resolve the issue in Magner. I have no view on that question. It is not an ethical question. The question I can answer is whether Perez could ethically make the decision he did and which he encouraged others to accept. Could he ethically decide, when faced with a situation where only one of two possible choices could be made, and where each choice offered a benefit to his client, to choose option A over option B?

The answer is unequivocally yes. Perez was not choosing to advantage one client over another client. There was no conflict here between the interests of two clients because there was only one client. That client, we are assuming, had two interests—withdrawal of Magner or intervention in Newell—but under the circumstances, it could pursue only one. Perez made a choice between these options and encouraged others to agree. His conduct violates no ethical rule that governs lawyers. He was acting in what he believed to be the best interests of his client, which is what lawyers are required to do.

THE VERNIA LAW FIRM,
Washington DC, May 6, 2013.

Re Declination by the United States Department of Justice in *United States* ex rel. *Newell* v. *City of St. Paul*, Civil No. 09–SC–001177 (D.Minn.).

Hon. Representative JIM JORDAN,
Chairman, Subcommittee on Economic Growth, Job Creation & Regulatory Affairs Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

Hon. Representative MATT CARTWRIGHT
Ranking Minority Member, Subcommittee on Economic Growth, Job Creation & Regulatory Affairs, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

Hon. Representative TRENT FRANKS
Chairman, Subcommittee on the Constitution and Civil Justice, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

Hon. Representative JERROLD NADLER
Ranking Minority Member, Subcommittee on the Constitution and Civil Justice, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MESSRS. JORDAN, CARTWRIGHT, FRANKS, AND NADLER:

I am writing in advance of the Committee's May 7, 2013 hearing regarding the Department of Justice's declination of the False Claims Act *qui tam* cases, *United States* ex rel. *Newell* v. *City of St. Paul, Minnesota*, Civil No. 09–SC–001177 (D.Minn.), and *United States* ex rel. *Ellis* v. *City of St. Paul*, Civil No. 11CV–0416 (D.Minn.), to provide my comments on certain of the conclusions reached in the Joint Staff Report, *DOJ's Quid Pro Quo with St. Paul: How Assistant Attorney General Thomas Perez Manipulated Justice and Ignored the Rule of Law* (April 15, 2013). I appreciate the opportunity to address the Committee.

For most of my twenty years practicing law, I have handled investigations and cases brought under the False Claims Act, 31 §U.S.C. §§3729, *et seq*. Early in my career, I served for eight years as a Trial Attorney in the Fraud Section of the Commercial Litigation Branch of the Department of Justice's Civil Division. In that capacity, I handled dozens of False Claims Act cases involving numerous federal agencies, including the Department of Housing and Urban Development (HUD). I left the Fraud Section to be a prosecutor in the Criminal Division where, in 2005 I received a John Marshall Award from the Department of Justice, and the National Exploited Children's Award from the National Center for Missing and Exploited Children.

That same year, I joined Covington & Burling LLP, initially focusing on the defense of False Claims Act investigations and suits. I started my own firm in 2009, in part to have the flexibility of representing whistleblower clients as well as defendants. I have filed numerous *qui tam* suits, and I am now litigating some of those, including a major case against a long-term care pharmacy for prescriptions reimbursed by Medicare Part D. In addition to my work on these cases, I have made presentations on the False Claims Act and related statutes, and I write the best-read legal blog on the topic, www.falseclaimscounsei.com.

I have had no professional involvement in the *Newell* or *Ellis* cases, and have not spoken about them with any of the persons described in the Joint Staff Report. I have, however, reviewed that Report, its attached documents, the Democratic Staff's Report on the same topic (April 14, 2013), and certain of the documents publicly available on the District Court for the District of Minnesota's PACER website.

As one of the few attorneys in private practice with significant Department of Justice experience who represents both defendants and whistleblowers, I read these documents with great interest. With all due respect to the Joint Staff, however, I feel compelled to write to take issue with certain of their factual conclusions. I will limit my comments to those that I feel are critical to assessing the conduct of Department of Justice officials involved in these cases.

MERITS OF THE NEWELL CASE

Because the documents do not treat the *Ellis* case as a significant factor in the Department's decision-making, I have not undertaken to analyze the merits of that matter. Let me also preface my remarks by stating that I do not intend this letter to disparage Mr. Newell or his counsel. The Department of Justice appears to have largely corroborated his allegations and his *qui tam* complaint is well-drafted.

I disagree, however, with the Joint Staff's conclusion that ''The Department of Justice Sacrificed a Strong Case Alleging a Particularly Egregious Example of Fraud.'' *See* Joint Staff Report at 37. Instead, I believe that the documents evidence significant bases for skepticism by Department of Justice officials.

The Joint Staff's conclusion rests in large part on its rejection of statements by Department of Justice supervisors that whether or not to intervene in *Newell* was a ''close call,'' and its reliance instead on earlier positions in support of intervention taken by the trial attorney and others assigned to the case. But the draft memorandum urging intervention acknowledges several significant potential problems with the case—problems that clearly rebut the conclusion that the case was a ''strong'' one, as the Joint Staff asserts.

Newell's most prominent weakness was the potential difficulty in proving that St. Paul's noncompliance with Section 3 was material to the decision of HUD to make grant payments. The trial attorney handling the case candidly admitted that there was litigation risk regarding materiality:

''The City will argue that even if HUD did not say it explicitly, HUD's silence over many years is tacit approval. We will have to admit that the City was failing to comply with Section 3 in ways that should have been apparent to HUD. The City did not send its HUD 60002 forms each year. HUD never objected to this failure. The City will argue that HUD was so unconcerned with Section 3 compliance that the City's failure to comply did not affect, or could not have affected HUD's decision to pay.

''The City will argue that HUD's failure to monitor its Section 3 compliance was consistent with HUD's general lack of oversight of Section 3 during the relevant period. The city has already noted that previous federal administrations were not concerned with Section 3 (a position with support in recent HUD comments), and that it is unfair to require a City to make boilerplate certification each year, ignore the City's non-compliance year-after-year, and then seek FCA relief when a new administration comes in that is more concerned with compliance with Section 3.

Draft Intervention Memo at 7. Although the trial attorney was optimistic that these arguments could be overcome, there can be no doubt that significant concerns about proving materiality of the City's noncompliance were evident long before the alleged *quid pro quo*.

RELIABILITY OF THE DRAFT INTERVENTION MEMORANDUM'S DAMAGES CALCULATION

I also respectfully disagree with the Joint Staff's assertion that the Department of Justice's decision to intervene in the case cost taxpayers a significant opportunity to recover over $200 million. *See* Joint Staff Report at 61. This, too, significantly overstates the strength of *Newell*.

The draft intervention memo very briefly describes only one damages theory, which the trial attorney characterizes as ''aggressive'': that the damages under the False Claims Act were the entire amount of the Section 3 construction project grants (which was some unknown fraction of the overall $86 million in HUD grants). That ''aggressive'' theory is an unsettled area of law, however, and the Joint Staff's reliance on it in calculating the cost to taxpayers of declining to intervene in the suit is dubious.

For much of the False Claims Act's 150–year history, computing damages was relatively straightforward: the fact-finder calculated the difference between what the Government actually paid and the value of the goods or services it received. *See United States* v. *Bornstein*, 423 U.S. 303, 316 n. 13 (1976). When a third-party, and not the Government is the intended recipient of the tangible benefit from the outlay of federal funds, this approach arguably breaks down. The traditional ''benefit-of-the-bargain'' approach is strained further when the false claim relates not to quality of the goods or services received by the third-party, but to the fund recipient's satisfaction of some other condition intended to benefit society more generally. The *Newell* case falls into this category: the city receives Section 3 funds to improve housing, and allegedly false claims relate to its compliance with a condition unrelated to the quality of that work.

The Courts have struggled with these issues, and four Courts of Appeals—for the Second, Fifth, Seventh, and Ninth Circuits—have chosen to follow the ''aggressive'' approach the trial attorney described. The District of Columbia and Third Circuits instead continue to employ the ''benefit-of-the-bargain'' approach, which might result in a very low damages calculation in a case such as *Newell*. I am not aware of any controlling precedent on this issue in the Eighth Circuit, in whose jurisdiction *Newell* was filed.

Given the unsettled nature of this area and the imprecision in the Draft Intervention Memorandum's damages figure, $86 million represented only a *theoretical* upper limit on the Government's damages for St. Paul's alleged violations. The Department of Justice trial attorney acknowledged the limitations of this approach, writing in the Draft Intervention Memorandum: ''We acknowledge this is an aggressive position, and that some less aggressive approach may be needed for trial. To date, however, we have not yet determined an alternative approach.'' *Id.* at 5.

Even if the Department of Justice had intervened and secured a judgment against the City on False Claims Act liability, moreover, there is a significant risk that the District Court or the Court of Appeals for the Eighth Circuit would, under the facts of this case (including HUD's apparent disregard of Section 3 enforcement, and the defendant's status as a taxpayer-funded entity) reject the ''aggressive'' approach of seeking to recoup all Section 3 grants. Such a decision would hinder the Government and relators in future False Claims Act cases in the Eighth Circuit's jurisdiction.

THE RISK OF NEWELL'S DISMISSAL ON PUBLIC DISCLOSURE GROUNDS

The Joint Staff Report also criticizes the Department's declination on the grounds that it exposed Mr. Newell to dismissal of his *qui tam* suit on grounds that the Court lacked jurisdiction under the False Claims Act's public disclosure bar. *See* Joint Staff Report at 58; 31 U.S.C. § 3730(e)(4)(A) (2010). I respectfully disagree with the premise of this criticism, which is that the Department of Justice does, or should, evaluate the potential success of a motion to dismiss on public disclosure grounds.

In my experience, both at the Department and in private practice, the Government does not typically investigate the common grounds on which declined qui tam suits founder: public disclosure and particularity under Fed. R. Civ. P. 9(b). Although I, as a whistleblower attorney, would prefer that the Department investigate these possible grounds for dismissal prior to deciding whether to decline or intervene a case, there are sound reasons for not doing so: the Department of Justice has inadequate resources to investigate the merits of the fraud allegations; routinely investigating the public disclosures that might lead to the dismissal of a declined *qui tam* would ultimately detract from the Department's ability to carry out the False Claims Act's core mission of detecting and remedying fraud.

Certainly no one has done more than Senator Grassley to encourage whistleblowers to assist the Government in uprooting fraud. The recent amendment to the public disclosure bar demonstrates well his interest in improving enforcement of the Act. I nevertheless believe that Congress could best improve whistleblowers' involvement in fraud enforcement by addressing more significant problems besetting them (such as the application of Fed. R. Civ, P. 9(b) to False Claims Act complaints, which is by far the most common grounds for dismissal of declined *qui tam* cases).

In conclusion, after reviewing the publicly available materials on the Department of Justice's decision to decline to intervene in *United States* ex rel. *Newell* v. *City of St. Paul*, I believe that Department officials acted well within the scope of their discretion in declining to intervene in that case. I must respectfully disagree with the contrary conclusions the Joint Staff reached in its Report. I appreciate your consideration.

Truly yours,

BENJAMIN J. VERNIA.

COHEN MILSTEIN
SELLERS & TOLL PLLC,
Philadelphia, PA, May 6, 2013.

The Hon. JIM JORDAN,
Chairman, Subcommittee on Economic Growth, Job Creation & Regulatory Affairs Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

The Hon. MATT CARTWRIGHT,
Ranking Minority Member, Subcommittee on Economic Growth, Job Creation & Regulatory Affairs, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, D.C.

The Hon. TRENT FRANKS,
Chairman, Subcommittee on the Constitution and Civil Justice, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

The Hon. JERROLD NADLER,
Ranking Minority Member, Subcommittee on the Constitution and Civil Justice, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMEN JORDAN AND FRANKS AND RANKING MEMBERS CARTWRIGHT AND NADLER: The undersigned are partners and co-chairs of the Whistleblower/False Claims Act Practice Group at Cohen Milstein Sellers & Toll, PLLC. For over ten years, we have assiduously represented whistleblowers in legal actions brought pursuant the federal False Claims Act, 31 U.S.C. §§3729, *et seq.*, and its state counterparts in federal and state courts throughout the country. We regularly engage in the evaluation of the viability of

potential claims under those statutes and work with relators to combat fraud against the government. We have been asked by committee staff to offer our opinion regarding the effect of the Department of Justice's decision to decline to intervene in the *qui tam* cases of *United States* ex rel. *Newell* v. *City of St. Paul* and *United States* ex rel. *Ellis* v. *City of Minneapolis, et al.* What follows is that opinion.

On May 19, 2009, Relator Frederick Newell filed his *qui tam* action under the federal False Claims Act against the City of St. Paul in the United States District Court for the District of Minnesota. On February 9, 2012, the Department of Justice advised the court that it declined to intervene in the case. On March 12, 2012, Mr. Newell filed an amended complaint in response to which the City of St. Paul filed a motion to dismiss based, in part, on the Public Disclosure Bar.

At the time that Mr. Newell filed his initial complaint in his action, the False Claims Act provided a jurisdictional bar to a relator's *qui tam* action commonly referred to as the Public Disclosure Bar. Subsequently amended and rendered a non-jurisdictional basis for dismissal in the Patient Protection and Affordable Care Act of 2010, this section, 31 U.S.C. §3730(e)(4), provided as follows:

''(A) No court shall have jurisdiction over an action under this section based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, in a congressional, administrative, or Government Accounting Office report, hearing, audit, or investigation, or from the news media, unless the Attorney General or the person bringing the action is an original source of the information.

'''(B) For purposes of this paragraph, 'original source' means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the Government before filing an action under this section which is based on the information.''

On July 20, 2012, the court granted St. Paul's motion to dismiss, finding that it lacked subject matter jurisdiction over Mr. Newell's action because of manifold public disclosures of his allegations predating the filing of his complaint and because he was not an original source of the information on which the allegations were based. Mr. Newell has appealed the dismissal of his case and his appeal is currently pending before the United States Court of Appeals for the 8th Circuit.

On February 18, 2011, Relators Andrew Ellis, Harriet Ellis and Michael Blodgett filed their *qui tam* action under the federal False Claims Act against, among others, the Cities of Minneapolis and St. Paul in the United States District Court for the District of Minnesota. On June 18, 2012, the Department of Justice filed a Notice of Election to Decline Intervention. The defendants in that case subsequently filed motions to dismiss the Relators' complaints, which the court denied without prejudice. That case remains pending as of the date of this letter.

The effect of the government's decision not to intervene in these two *qui tam* cases is central to the issues presently being considered by your subcommittees. Indeed, it is important to understand that, contrary to conclusory statements set forth in the Congressional Committees' Joint Staff Report of April 15, 2013, the decision by the Department of Justice not to intervene in Mr. Newell's case did not allow the City of St. Paul to move for dismissal of the case ''on grounds that would have otherwise been unavailable if the Department had intervened.'' (Joint Staff Report, p. 58). In fact, the same motion would have been available to the City whether or not the government had intervened in the case. In *Rockwell Intl. Corp.* v. *United States ex rel. Stone*, 549 U.S. 457 (2007), the United States Supreme Court rejected the argument that government intervention provides jurisdiction to a Relator who is not an original source. Even had the government intervened, Mr. Newell would have been vulnerable to the exact same public disclosure jurisdictional bar.

Likewise, in declining to intervene in Mr. Newell's *qui tam* action, the Department of Justice did not ''give up the opportunity to recover as much as $200 million.'' (Joint Staff Report, p. 4). A declination of intervention has never been recognized by any court as tantamount to the termination of the government's right to pursue the claim asserted in the action. In fact, the federal False Claims Act specifically provides that if the government initially elects not to proceed with the action, it may intervene at a later date upon a showing of good cause. 31 U.S.C. §3730(c)(3). The government can decline to intervene in one action and, after that complaint is dismissed, decide to intervene in a subsequently filed action. Or the government can institute and pursue its own action under the False Claims Act. Moreover, the dismissal of Mr. Newell's complaint does not affect the government's ability to pursue the same claims itself. Thus, in declining to intervene in the Newell and Ellis actions, the government is not foreclosed from pursuing the claims that Mr. Newell could no longer himself pursue or to intervene at a later date in the Ellis action, nor is it foreclosed from pursuing remedies that might be available under any other statutory or regulatory provisions. In fact, in declining to intervene in these actions, it ''gave up'' no rights or opportunities whatsoever.

We trust that the foregoing sheds light on the effect of the government's decision not to intervene in the Newell and Ellis *qui tam* actions and that this letter is helpful to the work of your committees.

Respectfully submitted,

GARY L. AZORSKY.
JEANNE A. MARKEY.

Mr. HARKIN. As Professor Stephen Gillers, who has taught legal ethics for more than 30 years at New York University School of Law, wrote in one of these letters, Mr. Perez's actions in these cases ''violate[d] no ethical rule that governs lawyers. He was acting in what he believed to be the best interests of his client, which is what lawyers are required to do.''

In short, Mr. Perez did his job at DOJ, and he did it well. When it comes down to it, I think the fact that he did his job well is probably the source of much of the generated controversy surrounding his nomination. Maybe some people just don't like Tom Perez precisely because he is passionate about enforcing our civil rights laws and has vigorously pursued such enforcement in his current position.

I take great issue with the minority leader's suggestion today that Mr. Perez doesn't follow the law or believe that it applies to him. I would respectfully suggest that the Republican leader needs to check his facts. To the contrary, Tom Perez has had a remarkable career as a result of a determination to make the promise of our civil rights statutes a reality for everyday Americans. Maybe these are some of the same laws that some colleagues sometimes would like to forget are on the books, but these laws matter. Voting rights matter. Fair housing rights matter. The rights of people with disabilities matter. These laws are part of what makes our country great. I am incredibly proud of the work Mr. Perez has done at the Department of Justice to make those rights a reality after years of neglect. He should be applauded, not vilified, for the service he has provided to this country.

Mr. President, it almost seems that when Mr. Perez's name came up, there was a controversy generated about these cases in St. Paul involving whistleblower types and that somehow he acted inappropriately and denied the government the ability to get back a couple hundred million dollars or so. That seemed to be a belief some of my colleagues on the other side had. So we looked into it. We went through all the documents, all the e-mails, and thousands of pages, with ethics lawyers both in the government and out. What we came up with was that Mr. Perez acted ethically and appropriately at all times. There is no ''there'' there. So the facts belie the belief, but it seems that the belief carries on and that somehow the belief trumps the facts.

Well, if some of my colleagues want to believe the worst about Tom Perez, they can believe that, but they have no facts to back it up. It is an unfounded belief. Is that what is going to guide this body in approving nominations for this President or any President—that if I believe something and I can get maybe some of my colleagues to join in and believe it, that is enough? That is sufficient to vilify a nominee, to try to tear him down?

What about the facts? Don't facts matter? Doesn't the record matter? Of course it does. And the facts, as proven time and time again, are that Mr. Perez acted ethically and appropriately at the Department of Justice at all times and especially in the two cases—Magner v. St. Paul and Newell v. St. Paul. That has been clearly brought forth, that he acted appropriately and ethically.

So I say to my colleagues on the other side, believe what you want, but that belief, mistaken as it is, should not be used to tear down a good person, to vilify a good person, to cast this person in a light which is totally false.

So, yes, Mr. President, there was an objection to our meeting today under this obscure rule of the Senate, but we have rescheduled the meeting for 1 week hence. So in 1 week we will meet again, and we will vote to report out the nomination of Tom Perez, and then we will come to the floor. Again, I hope that it won't be filibustered by my Republican colleagues but that we will be able to vote up or down on Mr. Perez based not upon what someone believes but what the facts are, what his record is, what his record has been both in local government, State government, and at the Department of Justice.

When you look at that record, it is an exemplary record of unstinting public service in the best interests of the civil rights and equal rights of our country. That is why, with his background, his experience, and his dedication to fairness and justice, the fact that he has actually worked in the Senate on the HELP Committee—the committee that has jurisdiction over the Department of Labor—gives tremendous weight to his background and insight into how to be a truly great Secretary of Labor.

So we will vote next week. I hope there are not other kinds of roadblocks—unfounded roadblocks—thrown into the path of his confirmation. We will do everything we can to make sure this good person takes his rightful place as our next Secretary of Labor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Utah.

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

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

UNANIMOUS CONSENT REQUESTS

Mr. LEE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 133 submitted earlier today. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. BLUMENTHAL. Reserving the right to object, I will have a request with another resolution momentarily, but I understand the resolution of my friend from Utah. I believe this problem is broader than the one cited in his resolution. In fact, looking to the conduct of the Philadelphia instance, I would prosecute that case to the fullest extent of the law. I think the conduct—or, more correctly, misconduct—in that instance was absolutely despicable and abhorrent.

I am concerned about patient safety in a variety of areas. They may be a small fraction of the total number of health care cases in this country, but anytime, anywhere patients are endangered or threatened by criminal conduct or malpractice, people should be prosecuted and disciplined to the full extent of the law. These cases shock and horrify our sense of decency and we understand the responsibility of health care practitioners anywhere, anytime.

My resolution, which I intend to offer after the Senator from Utah concludes his, will call upon our colleagues to condemn these actions in all health care settings, whether clinics, hospitals, nursing homes, or dental offices across the country.

So with that, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, this week in Philadelphia, a jury is deliberating the case of Kermit Gosnell. That doctor has been charged and tried for some of the most gruesome atrocities ever encountered by the American justice system.

As the grand jury opened its harrowing report:

> This case is about a doctor who killed babies and endangered women. What we mean is that he regularly and illegally delivered live, viable babies in the third trimester of pregnancy—and then murdered these newborns by severing their spinal cords with scissors.

Yet according to defense attorneys, Dr. Gosnell is not a monster, not a serial killer, not a predator of vulnerable mothers and their helpless children. He is just an abortionist.

Mr. President, let me suspend my speech momentarily. I understand my friend, the Senator from Connecticut, wishes to make a motion.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I wish to offer the resolution that I and Senator BOXER, who is a long-time champion of better health care for the citizens of our country, and Senator SHAHEEN, expressing the sense of the Senate that these practices will not be tolerated in any setting, regardless of personal beliefs about the type of health care being offered.

This resolution is broader than the resolution of the Senator from Utah. I understand and sympathize with the basic objectives which, as I understand it, are to improve health care generally and to make sure the kinds of abuses being prosecuted in Philadelphia will not occur anywhere in this country.

I offer my resolution calling on the Senate to condemn such practices in all health care settings, be they clinics or hospitals, dental offices, anywhere in this country. They may be a small fraction and, hopefully, are a very small fraction, of the kinds of cases we would want to condemn. But we should condemn them wherever they occur, not just in one instance, not just singling out one case, but everywhere, anytime.

I might add as a former U.S. attorney that while this case is before the jury, I think we need to be very careful about what we say in a public forum as respected as this one about the facts of that case and about potentially prejudging the result. My understanding is the jury has not yet come back. If the allegations are true—if the jury concludes they have been proved beyond a reasonable doubt—then the punishment should certainly be sufficiently severe and serious to fit those circumstances and well deserving of our condemnation. But equally deserving of our condemnation are any circumstances where health care patients are put in danger, where safety is in peril, where the consequences do damage, or threaten damage, to the recipients of health care. Whatever the kind of health care, whatever we may think of it personally in terms of the merits and the type of care provided, we ought to condemn it, and that is the purpose and sense of the resolution I am offering.

So if I may, I ask unanimous consent that the Senate proceed to the consideration of a Senate resolution expressing the sense of the Senate regarding all incidents of abusive, unsanitary, or illegal health care practices be condemned—the text is at the desk; and I ask that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Reserving the right to object, as my friend, the Senator from Connecticut, is aware, we have only just received the language of this resolution in the last few minutes. Without having to read it closely, I am reluctant to grant consent at this time. But I will say I am heartened, and I think all Americans should be heartened, and the entire pro-life movement should be heartened by the clear implication that health regulations should be equitably applied and enforced on abortion clinics as they are on other health care facilities.

Part of the reason we fear that Dr. Gosnell's clinic, if, in fact, the allegations are proven true, was not a rare outlier is that abortion clinics are generally held to the same safety standards as hospitals, ambulatory, surgical facilities, et cetera. So on that basis, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, if I may continue my remarks which I started a few moments ago.

According to his defense attorneys, then, Dr. Gosnell is not a monster, not a serial killer, not a predator of helpless mothers and their children. He is just an abortionist. In this context, Dr. Gosnell's alleged crimes were just abortions, and his facility, the so-called Women's Medical Society—reportedly strewn about with animal waste, infectious instruments, and fetal remains—was not, as the grand jury alleged, ''a baby charnel house.'' No, it was just a clinic.

His staff of allegedly unqualified, untrained frauds were not coconspirators in the contract killing of newborns. No, they were just health care providers. And the failure of local health inspectors and political officials to investigate repeated claims of Dr. Gosnell's barbarism was just a bureaucratic oversight—perhaps—or perhaps, as the

panicked abortion industry would have us believe, Dr. Gosnell is an outlier, an outcast, nothing like the professional, competent, law-abiding late-term abortion providers around the country. But then again perhaps not.

Just a few weeks ago, a Planned Parenthood representative testified before the Florida State legislature and suggested that infants born alive during botched abortions might not be entitled to medical attention—in clear violation of Federal law, to say nothing of fundamental human rights and dignity. Even since then, undercover videos have caught late-term abortion providers telling pregnant mothers that even if their babies are accidentally born alive during the procedure, even if the law requires them to treat the newborn as a patient and citizen of the United States, and also telling them that even if the baby is born somewhere other than their clinic, they will see to it that the child does not survive.

So is the case of Dr. Gosnell an outlier or is the legitimacy of the late-term abortion industry merely a lie? The American people deserve to know.

Yesterday I introduced legislation to end the practice of late-term abortion in Washington, DC, after 20 weeks, the point at which science tells us unborn children can feel pain, in light of the chilling details coming in from Pennsylvania, Maryland, the District of Columbia, and various abortion clinics around the country that late-term abortions on pain-capable, unborn children are an important issue we need to debate.

Opinions will obviously be divided, as they always are on abortion-related issues. But we owe it to the American people to see if we can find common ground to protect innocent women and innocent children.

But there should be no division or controversy surrounding the sense-of-the-Senate resolution I called up a few minutes ago. The resolution has the support of every Republican Senator, pro-life and pro-choice Members alike.

The resolution expresses the sense of the Senate, affirming: The duty of the State and Federal Government agencies to protect women and children from violent criminals posing as health care providers; the equal human and constitutional rights of fully born infant children; the need to prevent and punish abusive, unsanitary, and illegal abortion practices.

One of the newborns Dr. Gosnell is accused of murdering, ''Baby Boy A,'' was born alive—breathing and moving—to an underage girl almost 30 weeks pregnant. Witnesses describe Gosnell severing the baby's spine, discarding the child in a shoebox, and joking that he was big enough ''to walk me to the bus stop.''

Joking. Joking.

A clinic employee estimated Baby Boy A's birth weight at about 6 pounds, larger and heavier than two of my own children when they were born.

If there are other Kermit Gosnells out there waging their own personal war on women, we need to know about it, and we need to stop them.

I don't think I can make a stronger argument for this resolution than the one the grand jury in the Gosnell case made itself:

> Let us say right up front we realize this case will be used by both sides of the abortion debate. We ourselves cover a spectrum of personal beliefs about the morality of abortion. For us as a criminal grand jury, however, the case is not about that controversy; it is about disregard of the law and disdain for the lives and health of mothers and infants. We find common ground in exposing what happened here and in recommending measures to prevent anything like this from ever happening again.

I hope the Senate too, whose Members cover a similar spectrum of views on abortion, can follow the grand jury's lead to find common ground in the pursuit of truth and justice for American women and children.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Again, Mr. President, I accept and sympathize with the goals of the resolution offered by my friend from Utah. What I am suggesting is a resolution that includes those criminals who may be posing as health care practitioners in one field of practice but extends the condemnation to all areas of practice.

I hope Senator LEE, my friend from Utah, will share my outrage at reprehensible and illegal actions that occur, unfortunately and tragically, in other areas of practice. Let me mention a few.

We ought to speak about the tragedy at the Pennsylvania clinic, where these incidents occurred, but we also should talk about the Oklahoma dentist who exposed as many as 7,000 patients to HIV and hepatitis B and C through unsanitary practices. Thousands of his patients are being tested to see if they have been infected. So far 60 of his patients have tested positive for these viruses. That is 60 people who trusted their dentist, a health care provider in a position of trust and responsibility, relying on him to respect and care for them safely and responsibly, and, instead they are now facing potentially life-threatening diseases that are as abhorrent and despicable in the lack of responsibility and care as what happened in Pennsylvania. We ought to talk about that incident with the same outrage that we talk about what happened, allegedly, in Pennsylvania.

We ought to speak about the health care practitioners at the Endoscopy Center of Southern Nevada who exposed 40,000 patients to hepatitis C through unsanitary practices. These unsanitary practices went on for years, and that is why this clinic may have hurt as many as 40,000 people. We are talking about 40,000 people, again, exposed to unnecessary danger because of the lack of trust and responsibility on the part of their health care provider.

We also ought to talk about the nursing director at Kern Valley nursing home in California who inappropriately medicated patients using antipsychotic drugs for her own convenience, resulting in the death of at least one patient.

We should be talking about the compounding pharmacies in Massachusetts and elsewhere in this country that provided products that killed and harmed thousands of people.

These incidents, as alleged, are willful violations of law, violations of human dignity and decency, that ought to shock the conscience of the Nation every bit to its core as much as the alleged misconduct and potential criminal activity in Pennsylvania.

These standards of care—or more appropriately and correctly, the violation of them—are simply unacceptable and intolerable, which is why my resolution would take as common ground the alleged Pennsylvania misconduct and include many other instances where standards of care—basic standards of decency and trust—are violated. I ask my friend from Utah to join me in espousing a resolution that establishes this kind of common ground.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. LEE. Mr. President, I appreciate the insight and the concern shared by my friend and colleague from Connecticut. These are all things we all ought to be thinking about, be concerned about, and be debating from time to time. To reiterate one of the points we need to make here: As with all health-care-providing institutions, all clinics, all hospitals need to be subjected to the scrutiny of some outside regulator. They need to have some accountability to those who will ensure that conditions there are safe, that the treatments being provided are effective, and that they are not going to result in more injury, in more disease, in life-threatening conditions, in emergency responders who show up not being able to access the patient in time because the hallways are too narrow, the exits are blocked or the hallways are crowded.

I appreciate the insight from my colleague from Connecticut and thank him for his remarks.

Thank you, Mr. President.

WATER RESOURCES DEVELOPMENT ACT OF 2013—Continued

Mrs. BOXER. Mr. President, can I ask what the order is at this time?

The PRESIDING OFFICER. The Senate is considering S. 601.

Mrs. BOXER. OK. So this is my understanding: I ask Senator BLUMENTHAL, do you have more to say on this matter with the resolution?

Mr. BLUMENTHAL. I do not.

Mrs. BOXER. OK. I know Senator COATS has some very important remarks to make about the death of a figure whom he cares about very much.

What I wish to propose, if I can, is to talk a little bit about this little back

and forth we had going between my two friends here, and then immediately following what will only take about 2 or 3 minutes is to yield the floor to Senator COATS for 10 minutes.

Mr. COATS. Less than that.

Mrs. BOXER. Less than that. For the benefit of all Senators, we think we are going to have a vote tonight on the Brown amendment. So everyone stay around. We are hoping to have that in the next half hour or so. That is our plan. We hope it will happen.

But I wanted to say in this back and forth we heard between two Senators why I was very strongly for the resolution that was put forward by Senator BLUMENTHAL.

Clearly, what we have in our society today are callous, abusive, unsanitary, or illegal health care practices. These horrible, callous practices turn into tragedies. They produce tragedies. As Senator BLUMENTHAL said, it goes across a wide array of various health care settings.

We do not come down here every day to call out one horrific problem after another. Certainly what has happened in Pennsylvania—and, again, I would take the admonition of Senator BLUMENTHAL, who was a prosecutor, we have to be careful when a jury is deliberating—but certainly if these allegations are true, the individuals involved should be punished to the full extent of the law—and the toughest kind of punishment—and I believe in other cases too.

I know my colleague has talked about a horrible situation in southern Nevada, where 40,000 patients were exposed to hepatitis C. Hepatitis C is a serious and life-threatening condition. Mr. President, 40,000 people were exposed to it. They did nothing. That is deserving of condemnation as well.

He talked about a nursing home in California, where we had the death of a patient because the nurse in that particular case—and nurses are some of the most extraordinarily wonderful people, but in this particular case she had her own convenience ahead of the situation. She improperly medicated patients using antipsychotic drugs, and we know one patient died.

Whatever the setting is—if it is a reproductive health care clinic, if it is a dentist, if it is any type of doctor, any kind of clinic—where there are willful violations of the law and violations of human dignity and violations of standard of care, we should call them out.

What I thought was so important about Senator BLUMENTHAL's resolution is that he took the spirit of Senator LEE's resolution. He did. He actually included in that what occurred in Pennsylvania. And we did get it to the Republicans 2 hours ago, so it was not a few minutes. I think that is a case in point where we could come together, where we say: Absolutely what happened in Pennsylvania is an outrage, it is a violation of everything we hold dear; and here are some other cases.

As long as I have the floor, I will conclude with this: I have been getting involved in issues that deal with medical errors. I was stunned to find out, as I think are my colleagues—as a matter of fact, I met with a doctor from a Texas hospital where they have improved very much where they were losing patients, dozens of patients every month, because of medical errors, terrible errors that are preventable errors: the wrong prescriptions, the lack of monitoring, infections, terrible infections in hospitals. These are all horrible deaths that are preventable.

I think my colleague's resolution was very statesmanlike. I think what he did was he said to our colleagues who wanted to pass their resolution: Of course we will work with you. Let's broaden it. Let's include condemnation of other horrible tragedies that are occurring throughout the Nation, not just this one case, which is tragic and despicable and every word I could think of, but all these other cases, so we do not every day come here with another example. This is a broad problem in our country. We do the best out of most developed countries, but we still have a long way to go.

I wanted to explain why I supported my friend when he opposed the narrower resolution and support his broad resolution. I would urge my colleagues to work with us.

With that, I yield the floor to my friend from Indiana.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Indiana.

Mr. COATS. Mr. President, I thank my colleague for allowing me to speak as in morning business, and I ask unanimous consent to do that.

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

REMEMBERING OTIS RAY BOWEN

Mr. COATS. Mr. President, this past Saturday my State of Indiana lost a humble giant whose soft-spoken yet very firm convictions influenced many Hoosiers for many years, including me.

Former Indiana Governor Otis Ray Bowen, known affectionately to Hoosiers as ''Doc,'' passed away at the age of 95, the culmination of a life spent in service to others.

Born in 1918, near Rochester, IN, Doc Bowen earned both a bachelor's degree and a medical degree from Indiana University, joining the Army Medical Corps, after completing his internship, in 1943.

He served in the Medical Corps of the U.S. Army during World War II and went ashore with the first wave of Allied troops during the invasion of Okinawa in 1945.

After the end of the war, Doc Bowen started a family medical practice in Bremen, IN, which he continued for the next 25 years. He estimated that during his career this family doctor delivered more than 3,000 babies.

He was first elected to political office in 1952 as Marshall County's coroner and then to the Indiana House of Representatives in 1956.

Doc lost the reelection following that 2-year stint by only 4 votes in 1958 but then subsequently was elected to seven consecutive house terms, beginning in 1960. He became minority leader in 1965 and speaker in 1967. He served as speaker of the Indiana House through four legislative sessions.

As the 44th Governor of Indiana, from 1973 to 1981, Dr. Bowen served Hoosiers with dignity and respect. His tenure included numerous accomplishments, including landmark tax restructuring, improvements to State park facilities, and the development of a Statewide emergency medical services system.

One of the most significant accomplishments of Governor Bowen was a medical malpractice bill he signed into law. Aimed to reduce the cost of health insurance and the burden on doctors, Governor Bowen's medical malpractice law became a national model.

Hoosiers will also remember the Governor's passionate love of Indiana basketball. When the TV cameras would scan the players' bench, there was Doc, encouraging the team and, at times, casting a critical eye on the referee who just missed an important call.

Following his service as Governor, Dr. Bowen returned to medicine as a professor at the Indiana University Medical Center.

But his time in public service did not end there. President Ronald Reagan called Dr. Bowen out of private life and back into public service in 1985 by naming him Secretary of Health and Human Services—the first physician to serve in this position.

In 1989, Dr. Bowen returned to his Bremen home and continued to serve others through various charities and commissions.

I was privileged to be able to meet with him on some occasions—quietly, nonpublicly, just sharing stories, talking about his career, and, more importantly, his love for Indiana, his love for his wife, his love for his country.

This good doctor and good Governor will long be remembered as an example of political leadership and human decency. The imprint of his leadership and, most of all, the imprint of his character will live on in the minds and hearts of Hoosiers for generations to come.

My wife Marsha and I join millions of Hoosiers as we extend our deepest condolences to his family and also our gratitude for his shining example of a life well lived.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague for his very warm remarks.

I ask unanimous consent that notwithstanding the previous order, the Brown amendment No. 813, as modified with the changes that are at the desk, also be in order; that there be no amendments in order to the Brown amendment prior to a vote in relation to the amendment; that at 5:45 p.m. today, the Senate proceed to vote in relation to the Brown amendment No.

813, as modified; further, that all other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I just asked unanimous consent to vote on the Brown amendment. I am going to be supporting that amendment. I think it is an important amendment. I just want to say to colleagues, we are making progress. It is not as fast as Senator VITTER and I would like, but considering the Senate it is not bad. We have moved through a number of amendments already, one particularly contentious amendment.

We are moving toward the finish line. I urge everyone to get their amendments in. I urge them, as best I can, to stay away from nongermane amendments that are controversial, that cause us to pause in our work. This is an important bill. This bill was last done in 2007. You would ask, why does it take so long? We used to do these bills every 2 or 3 years. But the reason it has taken this long, in the interim we decided we would no longer have earmarks.

That made this bill particularly difficult because normally we would mention the projects by name. We could not do that. So we had to figure a way to move forward by making sure we never listed any particular project. We did it in a good way. We said if there is a completed Army Corps report, the project runs forward. If there is a modification that has to be made that did not add to the cost of the project, it goes forward. In the future the local governments can come forward and pitch to the Corps directly. We need flood control in this country. We know that. We knew that before Superstorm Sandy. We certainly know it now. We need port dredging in this country to move our goods. Our goods must be moved, and goods to our country have to come into our ports.

We need environmental restoration. We need to take care of the Everglades. We need to take care of the Chesapeake. I have a place called the Salton Sea that is drying up. We need to take care of these kinds of challenges. We are going to turn to the Brown amendment. I am going to give up the floor now and hope he will explain it. I will be strongly supporting it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 813, AS MODIFIED

Mr. BROWN. I thank the Senator from California, the chair of the committee who has done an extraordinary job with Senator VITTER on this bill.

I ask unanimous consent to call up amendment No. 813.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself, Mr. TOOMEY, Mr. CASEY, Ms. KLOBUCHAR and Mr. DURBIN, proposes an amendment numbered 813, as modified.

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

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

The amendment is as follows:

(Purpose: To provide a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries)

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 in the Upper Mississippi and Ohio River basins and tributaries;

(D) any quantitative measures that Director intends to use to document progress in controlling the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries; and

(E) a cross-cut accounting of Federal and non-Federal expenditures to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries.

Mr. BROWN. Mr. President, I am pleased to offer today, with my colleagues from Pennsylvania, Senator TOOMEY and Senator CASEY, this amendment. As many of you know, the spread of Asian carp poses a threat to the Great Lakes' ecosystem. Because of the work of my Great Lakes State colleagues from Minnesota to Michigan, Pennsylvania, we are working to address this problem.

But it is not, contrary to what many believe, limited just to the Great Lakes. The Ohio and Upper Mississippi River Basins also face the threat of these invasive species. This no-cost amendment that Senator TOOMEY and I are offering would support multiagency efforts to hold the spread of Asian carp in the Ohio and Upper Mississippi Basin.

I ask my colleagues for their support.

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. TOOMEY. 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. TOOMEY. Mr. President, I would like to begin by thanking my colleague Senator BROWN for his leadership on this issue, and Senator CASEY, my colleague from Pennsylvania, who is supportive of this effort as well.

This is not a complicated amendment. I do not think it is a controversial amendment either. The fact is in southwestern Pennsylvania, we have three iconic rivers. In northwestern Pennsylvania we have access to and a coastline along a beautiful and important national treasure, Lake Erie.

On all of these, the rivers and Lake Erie, the commerce and the recreation that occurs on these waterways are potentially at risk to an invasion of the Asian carp. This, as we all know, is a very aggressive, large, nonindigenous species that could be very disruptive to the ecosystem of the rivers, to the ecosystem of Lake Erie.

What we discovered is that there is no single entity in the entire Federal Government that is responsible for coordinating our response, a response that will help to minimize the risk that the Asian carp would be able to invade the waterways and ultimately make their way into the Great Lakes.

It would be potentially devastating if the Asian carp were to do so. We have introduced this amendment to this bill which would simply do two things. It would place the U.S. Fish and Wildlife Service in charge of coordinating the Federal multiagency effort. That would include the National Park Service, the U.S. Geological Survey, and the Army Corps of Engineers. It would require an annual report on what is being done at

the Federal and State level to minimize the risk of an invasion of the Asian carp.

As I say, I believe this is a very constructive, modest amendment. I trust it is not controversial. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I ask for the yeas and nays on the Brown amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio, Mr. BROWN.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER) and the Senator from Nebraska (Mr. JOHANNS).

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—95

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

NOT VOTING—5

Cardin	Johanns	McCaskill
Heller	Lautenberg	

The amendment (No. 813), as modified, was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have made progress on this bill in the last couple of days. We have had a difficult time on some of the amendments that were nongermane, but we worked our way through those. The two managers on this bill are waiting for amendments to be offered.

I hope we could get this bill done as quickly as possible. It is an important bill for every State in the Union. I hope it is not bogged down with a lot of nonrelevant, nongermane amendments. If people want to offer them, have at it. I just don't think it is the right thing to do on this bill. We have already been through that. I have talked to Senator BOXER and Senator VITTER and they want to move through this bill.

There is a lot of good stuff in this legislation, and they have worked so hard. They have listened to all of their colleagues who have situations, and some of that can be resolved with a managers' amendment. So if Senators have to offer an amendment, go ahead and offer it, but let's try to get this legislation complete.

Monday is a no-vote day. We should do everything tomorrow to at least come up with a finite list of amendments because we are not going to spend all week on this bill next week, that is for sure.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 10 or 11 minutes.

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

INSIDER TRADING LAWS

Mr. GRASSLEY. Mr. President, with the passage of the STOCK Act last year, Congress made an important statement: When it comes to insider trading laws, there is no special exemption for Congress. If anyone in government provides confidential information to someone for the purpose of trading on it, that is insider trading.

It is illegal if the information is both material and nonpublic. The word ''material'' means a reasonable investor would want to know it before investing. ''Nonpublic'' means the information has not been released to the general public. To violate the law, the person making the disclosure must have a duty to keep the information secret.

Frankly, there is very little information in Congress that must be kept secret. Of course, that is a good thing. Unlike the executive branch, most of what Congress does is public immediately. But disclosing material nonpublic information can be a crime. Even if it is done intentionally, people might be investigated before getting a chance to clear their name. And there is a big difference between material nonpublic information and an expert's educated guess about what a government agency might do.

We now know that Wall Street has been harvesting expertise and tidbits of information from Washington, DC, for years while keeping us largely in the dark. In fact, the political intelligence industry is so big and so opaque that the Government Accountability Office was unable to quantify it or judge its size despite 1 whole year of investigating.

Political intelligence firms extract pieces of information from the government and use that intelligence to make money on Wall Street. Each detail a political intelligence firm gathers may not be material or nonpublic on its own, but the purpose of collecting and analyzing those details is to get an edge in the markets over other investors.

That is not illegal, and I have never suggested that it should be. People should not be discouraged from sharing information and opinions about how our government operates. We should be more transparent, not less. The less open and transparent government is, the more opportunities there are to exploit government information for profit in the markets.

I have been investigating the role of political intelligence firms in the early release of information about Medicare Advantage rates prior to the public announcement on April 1st. There has been some confusion over the scope of my inquiry, so I want to be clear.

There are reports that the Securities and Exchange Commission is investigating whether material non-public information was released about the Medicare Advantage rates. My interest is much broader than that. Political intelligence is not the same thing as material non-public information. Gathering political intelligence includes a lot of activity that falls short of material non-public information. So, just because I am asking questions about how certain information or expert opinions flowed to these political intelligence firms, does not mean I am accusing anyone of any wrongdoing.

I am not seeking to ban the gathering of political intelligence. I am not suggesting that if someone was the source for some piece of political intelligence, that the source did anything illegal. But, the goal of these firms is to get an edge on other investors, and that should be understood by everyone who communicates with them.

This investigation has shed a great deal of light on the political intelligence industry. I hope to use this information to improve the legislation on political intelligence disclosure that I plan to re-introduce with Representative SLAUGHTER. I am trying to learn how these political intelligence firms function by using this real-world example, so that I can write better legislation on disclosure.

To be clear, I am not focused on examining whether particular Congressional staff acted properly with regard to their professional duties. Any reports to the contrary are simply inaccurate. What I think we need is more transparency. Government officials need to know what happens with the information they provide to outside parties. I want to arm government officials with knowledge about who they are talking to.

My inquiry started with Height Securities, the firm that put out an alert 18 minutes before the markets closed on April 1st. That alert caused a huge spike in the health insurance stocks

that stood to gain from the rate announcement.

I initially learned that an email on April 1st from a healthcare lobbyist to the analyst at Height Securities looked like the basis for the flash alert that moved the markets. In the interest of full disclosure, it has been reported in the press that the lobbyist was formerly on my staff. But, I continued to press for more information.

I learned that Height paid for his expertise on healthcare, although his entire billing amounted to only 1.75 hours of work before sending the email on April 1st. I learned that the Height analyst had also communicated with two other healthcare policy experts before putting out his alert to the market.

Then, I learned that the Centers for Medicare and Medicaid Services—CMS—had already made its decision to reverse the rate cuts much earlier, two weeks before the Height Securities alert.

The press has reported that there were major spikes in options trading on March 18th and March 22nd. Options trading is one way folks on Wall Street make big bets on a stock when they think they have a sure thing. March 18th happens to be the first trading day after CMS made its decision internally. March 22nd happens to be the day that CMS transmitted its draft decision to the White House more than a week before the public announcement. On that date, the circle of people in the administration who would have known about the CMS decision expanded significantly.

This suggests that political intelligence firms may have obtained key information for their clients in mid-March, not just the day of the announcement on April 1st.

The press also reported on the possible involvement of another political intelligence firm, Capitol Street. Capitol Street arranges conference calls between investors and governments experts.

In addition, I have asked two major hedge funds mentioned in the press whether they profited from trades in advance of the rate announcement. So the scope of my inquiry is broad. It is not focused on particular people. It is focused on the facts.

The Securities and Exchange Commission is also investigating. It is their job to determine whether any material non-public information was passed to Height or to anyone else in this case. That is not my job.

I am working on legislation to make the political intelligence industry more transparent. I am gathering facts to inform that legislation.

Remember, political intelligence does not necessarily involve material non-public information. But, people in government need to know who they are talking to and what they will do with your information. That is why it is so important to ensure that political intelligence relationships are transparent. Even if the information you provide is merely an educated guess, it can still move markets. It can still create an impression that a fortunate few are making money from special access to insiders.

If political intelligence transparency is passed, government officials would be more fully informed when they provide expertise to these firms about how the information might be used. But as things stand, without transparency, you do not necessarily know what firms like Height Securities or Capitol Street do with the information you provide to them. You don't know if they have a contract with a lobbyist who is bringing in some other client for a meeting. You don't know that your discussion with that lobbyist's client might be repeated to people who are looking for an edge in the stock market. What you think may be an innocent detail or an educated guess may move markets.

At the end of the day, that is what these firms want to exploit. That is what they are after. That is what they sell. They should be honest and upfront with people about how they make money. Lobbying disclosure isn't perfect, but it has brought more transparency to the process.

Now, we need political intelligence disclosure too, for the same reasons.

Transparency increases the public's ability to trust that we are working for them, not for just for special interests. That principle should apply just as much to special interests on Wall Street as it does to special interests on K Street.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask consent to follow Senator MORAN at the conclusion of his remarks.

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

The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

CHARITABLE GIVING

Mr. MORAN. Mr. President, April 15 has now come and gone, known as tax day to most Americans. Millions of Americans filed their returns last month and many took into account in filing that return the dollars they contributed to charitable and worthwhile causes. According to an organization called Giving USA, Americans gave nearly $300 billion in 2011 to support important programs and services, from food pantries and medical research to youth programs and seed grants to start new businesses. Because of those generous donations of millions of Americans each year, not-for-profits have impacted the lives of countless individuals for decades.

An example back home in my State, an example of where a charitable contribution made a tremendous difference in the life of an individual is William Wilkerson, a 16-year-old from Overland Park, KS. At age 3, William was diagnosed with moderate to severe bilateral hearing loss.

After visiting several doctors, William was taken to Children's Mercy Hospital, where he was fitted with his first set of hearing aids. He later put into words what he experienced that day: With so many different things that I had never heard before, it was as if somebody had turned on the world!

Denise Miller, the manager of the Children's Mercy Hearing and Speech Clinic, said this about the importance of donations: Because of the donor support we receive, we are able to fit the most appropriate hearing aids on each and every child, based on their own unique needs.

In 2011, the clinic fit nearly 500 patients with hearing aids bringing the world of sound to their ears and changing their lives forever.

Nonprofits like Children's Mercy Hospital depend on the generosity of Kansans and other Americans to help support their ongoing care for children.

But President Obama has proposed changes to the 100-year-old tradition of providing tax incentives for charitable giving that could significantly diminish this support for nonprofits.

In the President's 2014 budget is a proposal to cap the total value of tax deductions at 28 percent for higher income Americans—including the charitable tax deduction.

According to the Charitable Giving Coalition, this proposal could reduce donations to the nonprofit sector by more than $5.6 billion every year. This reduction amounts to more than the annual operating budgets of the American Red Cross, Goodwill, the YMCA, Habitat for Humanity, the Boys and Girls Clubs, Catholic Charities, and the American Cancer Society combined. A reduction in giving of this magnitude would have a devastating impact on the future of charitable organizations in our country.

Given our country's current economic situation, more Americans have turned to nonprofits for help in recent years. According to the Nonprofit Finance Fund, 85 percent of nonprofits experienced higher demand for their services in 2011 and at least 70 percent have seen increased demand since 2008. Our country depends upon a strong philanthropic sector to provide a safety net for services, especially given the tighter local and State budgets.

Americans understand the value and impact of the charitable deduction, which is why a recent United Way Worldwide survey found that two out of every three Americans are opposed to reducing the charitable tax deduction.

Nonprofits are best equipped to provide assistance on the local level and can often do so in a far more effective manner than many government programs. Studies have shown that for every $1 subject to the charitable deduction, communities will receive $3 in benefits.

The Federal Government will be hard-pressed to find a more effective way to generate that kind of public impact. Congress has previously acknowledged the benefits of private investments and regularly passes charitable giving incentives in the wake of a natural disaster to encourage more giving.

Last October, when Hurricane Sandy tore across the east coast, the storm left thousands of residents without the basic necessities of life: food, water, and shelter. Within 6 weeks, the American Red Cross served more than 8 million meals, provided more than 81,000 shelter stays, and distributed more than 6 million relief items to thousands of residents impacted by the storm.

In times of crisis, Americans depend on relief service organizations such as the American Red Cross, Catholic Charities, and the Salvation Army—all not-for-profit organizations whose main purpose is to help their fellow citizens when they need it the most.

Nonprofits such as Habitat for Humanity also help families make a fresh start in life after a disaster. In May of 2007, an EF5 tornado swept through my home State of Kansas devastating 95 percent of the town of Greensburg.

Diana Torres, a single mom, had lived in Greensburg for nearly 7 years when the tornado destroyed the home they were renting. Diana faced the likelihood of having to move out of State when the Wichita Habitat for Humanity stepped in with 1,400 volunteers to build a new home. Thanks to special financing and donated supplies, Diana could afford to purchase the home for her family.

Executive director of the Wichita Habitat for Humanity Linda Stewart said those who support Habitat ''know they are making a difference in someone's life that lasts for years.'' That is what not-for-profits do every day across Kansas and around our country. They make a difference one life at a time.

Since the founding of our Nation, neighbors have been helping other neighbors. They lend that helping hand that is so often needed. The charitable deduction is one way to encourage that tradition to continue.

Any change in the Tax Code related to charitable giving would have a long-lasting and negative consequence, not necessarily to the generous donor but, more importantly, to the millions of Americans who rely upon the services provided by a charitable organization. With our economy still recovering and the tremendous need for charitable causes, the President should be encouraging Americans to give more, not less, and Congress should reject this administration's proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

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

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

CLIMATE CHANGE

Mr. WHITEHOUSE. As I am sure the Presiding Officer suspects, I am back on the floor again to urge that we awaken to what carbon pollution is doing to our planet, to our oceans, to our seasons, and to our storms. I wonder why is it that we are so comfortably asleep when the warnings are so many and so real. What could beguile us away from wakefulness and duty?

I was recently at a Senate meeting when I heard a Member of our Senate community say: ''God won't allow us to ruin our planet.'' Maybe that is why we do nothing. We are comfortable that God somehow will not allow us to ruin our planet. That seems like such an extraordinary notion, I thought I would reflect on it in my remarks this week.

First of all, the statement refers to God and is couched in religious terms, but is it truly an expression of religious inquiry? I think not. It is less an expression of religious thinking than it is of magical thinking. The statement that God will not allow us to ruin our planet sweeps aside ethics, responsibilities, consequences, duties, even awareness. It comforts us with the anodyne assumption that no matter what we do, some undefined presence will—through some undefined measure—make things right and clean up our mess. That is seeking magical deliverance from our troubles, not divine guidance through our troubles.

Is God truly here just to tidy up after our sins and follies, to immunize us from their consequence? If that is true, why does the Bible say in Galatians 6:7, ''Do not be deceived . . . whatever one sows, that will he also reap.'' If God is just a tidy-up-after-us God, why does the book of Job 4:8 warn that ''those who plow iniquity and sow trouble reap the same.'' If God is not a God of consequences, why does Luke 6:38 tell us, ''For with the measure you use, it will be measured back to you.'' Proverbs 22:8 tells us, ''Whoever sows injustice will reap calamity.''

Jeremiah 17:10 says, ''I the Lord search the heart and test the mind to give every man according to his ways, according to the fruit of his deeds.''

So it seems we should not walk in the counsel of the wicked or sit in the seat of the scoffers and then expect there will be no bitter fruit of our deeds, no consequence.

We are warned in the Bible not to plow iniquity, not to eat the fruit of lies. Where in the Bible are we assured of safety if we do? I see no assurances of that. The Bible says in 1 Samuel 2:3 that ''the Lord is a God of knowledge, and by him actions are weighed.'' At Thessalonians 1:6, ''God considers it just to repay with affliction those who afflict.'' Those who ''sow the wind,'' the Bible says, ''they shall reap the whirlwind.''

Look at our own American history. If God is just here to tidy up after our sins and follies, how could Abraham Lincoln say this about our bloody Civil War to free and redeem us from the sin of slavery? Here is what Lincoln said about that war:

> Yet, if God wills that it continue, until all the wealth piled by the bond-man's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said: ''The judgments of the Lord, are true and righteous judgment altogether.''

That was Abraham Lincoln. Blood drawn by the sword in equal measure to that drawn by the lash as the true and righteous judgment of the Lord—that doesn't sound like a God of amnesty.

Go to the very beginning. If we live in a state of God-given general amnesty from consequences, why were Adam and Eve expelled from Eden for their sin? Why was Cain sent into the wilderness, condemned to wander for the crime against his brother? If it is your assertion that God's love has no measure of tough love, wander a bit through the Old Testament before getting too married to that idea.

If the Old Testament is too bloodthirsty for you, look at Revelations 11:18:

> And thy wrath is come, and the time . . . that thou . . . shouldest destroy them which destroy the earth.

If we believe in an all-powerful God, we must then believe that God gave us this Earth, and we must in turn believe God gave us its laws of gravity, chemistry, and physics. We must also believe that God gave us our human powers of intellect and reason. He gives us these powers so we, his children, can learn and understand Earth's natural laws, which he also gave us, so that as his children we can use that understanding of Earth's natural laws to build and create and prosper on his Earth.

Hasn't that, in fact, been the path of human progress? We learn these natural laws, and we apply them to build and create and we prosper.

Why then when we ignore his plain, natural laws, when we ignore the obvious conclusions to be drawn by our God-given intellect and reason would God—the tidy-up God—drop in and spare us? Why would he allow an innocent child to burn its hand when it touches the hot stove but protect us from this lesson? Why would he allow a badly engineered bridge or building to fall, killing innocent people, but protect us from this mistake? Why would he allow cholera to kill in epidemics until we figure out that the well water is contaminated?

The Earth's natural laws and our capacity to divine them are God's great gift to us, allowing us to learn and build great things and cure disease. But God's gift to us of a planet with natural laws and natural order has as an integral part of that gift consequences—consequences when we get

that law and order wrong. The child's hand burns, the bridge falls, the disease spreads. If it didn't matter whether we got it right or wrong, there would be no value to God's creation of that natural law and order in the first place.

So is that then to be our answer to polluting our atmosphere with carbon by the megaton and changing our climate and changing our seas? Is it to be our answer to that, that God would not allow us to ruin our planet? We are to continue to pollute our Earth with literally megatons each year of carbon, heating up our atmosphere, acidifying our seas, knowing full well by His natural laws what the consequences are? Instead of correcting our own behavior, we are going to bet on a miracle? That is the plan? Excuse me, but that is not the American way. President Kennedy described the American way as he ended his inaugural address connecting our work to God's:

> . . . let us go forth, to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.

That is the order of things. We are here to do God's work. He is not here to do ours. How arrogant. How very far from humility would be the self-satisfied smug assurance that God—a tidy-up-after-us God—will come and clean up our mess; that on this Earth, God's work need not be our own.

Remember the story of the man trapped in his house during a huge flood. A faithful man, he trusted God to save him. As the waters began to rise in his house, his neighbor came by and offered him a ride to safety, and he said: I am waiting for God to save me. So the neighbor got in his pickup truck and drove away.

As the water rose, the man climbed to the second floor of his house, and a boat came by his window with people who were headed for safe ground. They threw a rope and they yelled at the man to climb out and come with them, but he told them: No, I trust in God to save me. They shook their heads, and they moved on.

The flood waters kept rising, and the man clambered up onto his roof. A helicopter flew by, and a voice came over the loud speaker offering to lower a ladder to the man, let him climb up and fly to safety. The man waved the helicopter away, shouting back that he counted on God to save him, so the helicopter left.

Well, eventually the floodwaters swept over the roof, and the man was drowned. When the man reached Heaven, he had some questions for God:

God, he asked, didn't I trust in You to save me?

Why did You let me drown?

God answered: I sent you a pickup truck, I sent you a boat, I sent you a helicopter. You refused my help.

Just as God sent the pickup truck, the boat, and the helicopter to the drowning man, he has sent us everything we need to solve this carbon pollution problem. We just refuse. We just refuse. Some of us even deny that the floodwaters are rising.

As I have indicated in previous speeches, climate denial is bad science. Indeed, it is such bad science it falls into the category of falsehood. Climate denial is bad economics, ignoring that in a proper marketplace the costs of carbon pollution should be factored into the price of carbon. Climate denial is bad policy in any number of areas—bad national security policy, bad environmental policy, bad foreign policy, bad economic policy.

Although I am a Senator, not a preacher, from everything I have learned and believe, it seems to me that climate denial is also bad religion and bad morals. Hopes for a nanny God who will, with a miracle, grant us amnesty from our folly is not aligned with history or text of the Bible.

We need to face the fact that there is only one leg on which climate denial stands: money. The polluters give and spend money to create false doubt. The polluters give and spend money to buy political influence. The polluters give and spend money to keep polluting. That is it—not truth, not science, not economics, not safety, not policy, and certainly not religion, nor morality. Nothing supports climate denial—nothing except money.

But in Congress, in this temple, money rules. So here I stand in one of the last places on Earth that is still a haven to climate denial. In our arrogance, we here in Congress think we can somehow ignore or trump Earth's natural laws—laws of chemistry, laws of physics, laws of science—with our own political lawmaking, with our own political influence. But we are fools to think that. The laws of chemistry and the laws of physics neither know nor care what we say or do here.

So we need to wake up. We need to walk not in the counsel of the wicked, nor sit in the seat of scoffers, but with due humility awaken to our duty and get to work because here on Earth God's work must truly be our own.

Thank you very much. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I just want to say to Senator WHITEHOUSE before he leaves the floor how much I appreciated his remarks tonight and how much I learned from his remarks. I wish to say to the Senator that I think he put forward the most cogent argument from a religious perspective as to why we have to take action to make sure we don't lose this planet. We are in a planetary emergency. As he said, this is the last place in the world, almost, that doesn't get it.

I wish to say to the Senator from Rhode Island that the reason so many religious leaders are in our coalition to call attention to climate change, to call attention to global warming, to call attention to the rising waters, to call attention to the terrible droughts, to the terrible fires, to the terrible storms, to the extreme weather and all the things we are seeing around us—the Senator from Rhode Island has laid it out chapter and verse, we can truly say, chapter and verse, and I so appreciate what he is doing here. I so appreciate his consistent voice, his passionate voice.

I so appreciate that he is on the committee I am so proud to chair, the Environment and Public Works Committee. We are on a bill that deals with the public works side of the committee. We have good camaraderie there. But when it comes to protecting the environment, it is as if there are just two totally different species of humanity—the deniers and the believers. I am proud to be on the side of the believers. I believe America is built on facts. It is built on, yes, religious beliefs and scientific proof.

I think the Senator from Rhode Island laid it out tonight in such a magnificent way that I intend to send the Senator's remarks, with his permission, to all of our colleagues, to put them up on my Web site because I am so proud to stand with the Senator from Rhode Island in this fight. This is a fight, and as my friend from Rhode Island said it is a fight that puts on one side the special interests, the polluters, the money, versus those who just say we have to save this planet. It is our responsibility. It is our God-given responsibility.

I thank the Senator from Rhode Island so much, and I yield to him.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I just want to say how honored I am to serve on Senator BOXER's committee with her as our chairman and leader and how eager I am to fight beside her in the struggles ahead.

With that, with my appreciation, I yield the floor.

Mrs. BOXER. Mr. President, I wish to say to my friend, today was a great day for the Senator from Rhode Island, not only because of the speech that I think is quite memorable but also because of the amendment he passed with the help of our Republican friends, to set up an oceans trust fund. I think this is a good, positive day, and I am very pleased about that.

I would ask the staff if we are ready to make the unanimous consent request.

We will be in 2 minutes. So I would say to my colleague that we are going to dispose of about six amendments very quickly on the floor, with the indulgence of the Senator, and we should be free and done with this business in a few minutes.

Mr. HOEVEN. I thank the Senator. No objection.

Mrs. BOXER. I thank the Senator.

So we will put in a quorum call. I ask unanimous consent to complete my remarks after the remarks of Senator HOEVEN.

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

The PRESIDING OFFICER. The Senator from California.

AMENDMENTS NOS. 801, 806, 835, 833, AND 832, EN BLOC

Mrs. BOXER. Mr. President, I ask unanimous consent that notwithstanding the previous order, the following amendments which have been cleared on both sides be considered and agreed to en bloc: Pryor amendment No. 801, as modified, with the changes at the desk; Pryor amendment No. 806; Inhofe amendment No. 835, with a modification to the instruction lines; McCain amendment No. 833; and Murray amendment No. 832; further, that all of the provisions of the previous order remain in effect.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 801, AS MODIFIED

(Purpose: To direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms)

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 the legal requirement to report a discharge of oil under applicable law.

(7) SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.—The term ''Spill Prevention, Control, and Countermeasure rule'' means the regulation, including amendments, promulgated by the Administrator under part 112 of title 40, Code of Federal Regulations (or successor regulations).

(b) CERTIFICATION.—In implementing the Spill Prevention, Control, and Countermeasure rule with respect to any farm, the Administrator shall—

(1) require certification of compliance with the rule by—

(A) a professional engineer for a farm with—

(i) an individual tank with an aboveground storage capacity greater than 10,000 gallons;

(ii) an aggregate aboveground storage capacity greater than or equal to 20,000 gallons; or

(iii) a reportable oil discharge history; or

(B) the owner or operator of the farm (via self-certification) for a farm with—

(i) an aggregate aboveground storage capacity not more than 20,000 gallons and not less than the lesser of—

(I) 6,000 gallons; or

(II) the adjustment described in subsection (d)(2); and

(ii) no reportable oil discharge history of oil; and

(2) not require a certification of a statement of compliance with the rule—

(A) subject to subsection (d), with an aggregate aboveground storage capacity of not less than 2,500 gallons and not more than 6,000 gallons; and

(B) no reportable oil discharge history; and

(3) not require a certification of a statement of compliance with the rule for an aggregate aboveground storage capacity of not more than 2,500 gallons.

(c) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For purposes of subsection (b), the aggregate aboveground storage capacity of a farm excludes—

(1) all containers on separate parcels that have a capacity that is 1,000 gallons or less; and

(2) all containers holding animal feed ingredients approved for use in livestock feed by the Commissioner of Food and Drugs.

(d) STUDY.—

(1) IN GENERAL.—Not later than 12 months of the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture, shall conduct a study to determine the appropriate exemption under subsection (b)(2)(A) and (b)(1)(B) to not more than 6,000 gallons and not less than 2,500 gallons, based on a significant rise of discharge to water.

(2) ADJUSTMENT.—Not later than 18 months after the date on which the study described in paragraph (1) is complete, the Administrator, in consultation with the Secretary of Agriculture, shall promulgate a rule to adjust the exemption levels described in subsection (b)(2)(A) and (b)(1)(B) in accordance with the study.

AMENDMENT NO. 806

(Purpose: To provide a work-in-kind credit)

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''.

AMENDMENT NO. 835, AS MODIFIED

(Purpose: To provide for rural water infrastructure projects)

On page 319, between lines 9 and 10, 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 527, 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 $5,000,000.

AMENDMENT NO. 833

(Purpose: To protect the American taxpayer by establishing metrics to measure the effectiveness of grants administered by the national levee safety program)

In section 6004(i)(2), add at the end the following:

(C) MEASURES TO ASSESS EFFECTIVENESS.—Not later than 1 year after the enactment of this Act, the Secretary shall implement quantifiable performance measures and metrics to assess the effectiveness of the grant program established in accordance with subparagraph (A).

AMENDMENT NO. 832

(Purpose: To modify the definition of the term ''cargo container'')

On page 305, strike lines 11 through 14 and insert the following:

''(i) CARGO CONTAINER.—The term 'cargo container' means a cargo container that is 1 Twenty-foot Equivalent Unit.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise in support of amendment No. 802, which I understand will be offered to the WRDA bill by my colleague from Louisiana Senator LANDRIEU which would stop flood insurance premiums from skyrocketing until FEMA completes its study on the affordability of premiums of the National Flood Insurance Program.

As everyone here knows, my home State of New Jersey was at the epicenter of Superstorm Sandy which destroyed thousands of homes, left millions without power, and caused billions of dollars in damage. But despite the devastation, the people of New Jersey didn't give up. They began rebuilding, and we showed the country that ''Jersey Tough'' isn't just a slogan.

But even as we slowly recover from the worst natural disaster in our State's history, a manmade disaster is looming in the distance, jeopardizing our recovery. The combination of updated flood maps and the phaseout of premium subsidies for the National Flood Insurance Program threaten to force victims out of their homes and destroy entire communities.

It is like a triple whammy. We have the consequences of Superstorm Sandy, which devastated homes, so they have to rebuild. Many times, that insurance didn't rise to the level of the cost of rebuilding. Secondly, and as a result of flood maps that came in after the storm, there are now requirements for new elevations. Thirdly, the premiums are going to skyrocket because the subsidies go down. So we have a triple whammy.

Now, many homeowners are going to be forced to pay premiums that are several times higher than their current policy. Those who cannot afford the higher premiums will either be forced to sell or abandon their homes. This, in turn, will drive down property values and local revenues at the worst possible time—when we are doing everything we can to bring communities back to life after the storm.

I have heard from countless New Jerseyans. Many who are facing this

predicament have come to me in tears. These are hard-working middle-class families who have played by the rules, purchased flood insurance responsibly, and now are being priced out of the only home in which they have ever lived. This amendment would delay these potentially devastating changes until FEMA completes its study on premium affordability.

This study is the result of a requirement I authored in the flood insurance bill last year because I was concerned that premiums could become unaffordable for too many families. Of course, at that time the challenge was made by many of our colleagues, particularly on the other side of the aisle, who said: Well, we will let the flood insurance program die unless it can be self-sufficient.

Given the choice between having no flood insurance program—that, therefore, would mean no homeowner would have any insurance available to them, and, of course, it dramatically reduces the value of the home if you cannot get flood insurance and you are in a flood plain—or having a flood insurance program under the conditions our colleagues insisted on, there was a need to have a flood insurance program. But because I knew that had some potential rate shock to individuals, the study I required and sought and achieved in the flood insurance bill last year was because of this concern of unaffordability for too many families. That was even before Superstorm Sandy struck.

While my friends on the other side of the aisle protested my efforts to provide assistance to help low- and middle-income families afford insurance, I was able to include a requirement that FEMA conduct this study on affordability. Well, it has been 10 months since we passed the reauthorization, and there is still no study.

Unfortunately, my concerns about premiums becoming unaffordable have already come true for many New Jersey homeowners. Until FEMA does its job and provides options, according to the law, to improve affordability, the people of New Jersey should not have to face these skyrocketing premiums at a time they are, in essence, getting a triple whammy: They lost their homes or their homes are dramatically uninhabitable, they have to rebuild—in many cases, because of new flood maps, they will have to elevate—and they will have to pay incredibly higher premiums. That is simply a devastation that should not take place.

We all remember the devastation that happened in New Jersey in late October and the way the country came together to help the victims. Last week we marked the 6-month anniversary of Sandy, and the work is far from over. We still have too many people out of their homes and too many people who are afraid of losing their homes.

New Jersey families already suffered from a natural disaster. The next disaster should not be a manmade one. I urge my colleagues to support this amendment.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Connecticut.

MORNING BUSINESS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO JOEL NAJMAN

Mr. LEAHY. Mr. President, to many Vermonters, Joel Najman is part of rock-and-roll radio history. Taking the reins of the Vermont Public Radio show ''My Place'' 30 years ago this spring, he captivated rock-and-roll enthusiasts from around the region and staked his claim in Vermont radio history.

Marcelle and I have known Joel for many years and have followed his career with great interest. Starting in radio at Vermont's own Middlebury College, Joel went on to WJOY in South Burlington and continues to work WDEV in Waterbury, in addition to hosting ''My Place'' on Vermont Public Radio.

Joel first joined ''My Place'' as a substitute host in 1982. After taking over full time in 1983, he took the show far beyond an ''oldies rock radio hour'' and made it his mission to apply cultural and historical context to rock music for his listeners. In each hour-long episode, he examines rock-and-roll history, providing his listeners with details that often take years to accumulate. He has even been known to spend his entire radio hour picking apart a single song.

In 2004, he was inducted into the Vermont Broadcaster's Hall of Fame, and the Vermont State Legislature recently passed a resolution honoring him as a ''rock and roll impresario.'' Today, I would like to congratulate Joel for his 30 years as host of ''My Place.'' I ask unanimous consent an article from the Vermont publication, Seven Days, entitled, ''Vermont Legislature Honors 'My Place' Host Joel Najman'' be printed in the RECORD.

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

[From Seven Days, Apr. 26, 2013]

VERMONT LEGISLATURE HONORS ''MY PLACE'' HOST JOEL NAJMAN

(By Dan Bolles)

On Wednesday, April 24, the Vermont Legislature surprised Joel Najman with a resolution congratulating the local DJ on his 30th anniversary as the host of the Vermont Public Radio show, and rock-and-roll time machine, ''My Place.''

''My Place'' was originally hosted by David Field and began life as a wide-ranging, interactive retrospective of rock and roll from the 1950s and '60s. But Najman dramatically revamped the show's format when he took over in 1983, after serving as a substitute host the year prior.

Najman is as passionate a musicologist as he is a fan, which is really saying something. In each hourlong episode, he hones in on a specific theme or topic, sometimes sharpening his focus to a single song, and examines its historical context and cultural importance in painstaking detail.

He's said those details can take years—yes, years—of sleuthing to fully unearth. Recent episodes of ''My Place'' have explored the first and second waves of the British Invasion, Berry Gordy's pre-Motown canon and ''Popular Songs About Women.''

''There are a lot of oldies stations, and you can buy oldies CDs, or go online and MP3 them or however you want to get the music,'' said Najman in a 2007 interview with Seven Days celebrating his 25th anniversary. ''But it's relating it to the evolving culture of that time and the stories behind the songs—how they came about, how they were made—which has always been my hobby.''

Some hobby.

If you're into stiff, overly formal verbiage with lots of ''Whereas''-es, you can read the full resolution here. Whereas, if you'd like to hear from the man himself, Najman will appear as a guest on VPR's ''Vermont Edition'' on Monday, April 29.

Whereas, you could also listen to ''My Place'' on VPR Saturdays at 8 p.m.

Congrats, Joel.

TRIBUTE TO BRIAN JOSEPH DAVID

Mr. REID. Mr. President, I rise today to pay tribute to Mr. Brian Joseph David, who retired from the Department of Defense on December 31, 2012, after 30 years of dedicated service to the Federal Government. Mr. David's expertise in continuity issues greatly enhanced the safety and security of the legislative, executive, and judicial branches of government.

While serving as the Detection Project Officer for the Joint Program Office of Biological Defense, JPO-BD, Mr. David supervised and operated DOD's first integrated biological and chemical detection system, which was deployed overseas for force protection during Operation Desert Thunder in Kuwait. He also created the Concept of Operations for the Portal Shield biological detection Advanced Concept Technology Demonstration, ACTD, Program, which was implemented during actual deployment conditions. He was awarded the Superior Civilian Service Award for successfully leading this deployment overseas.

Mr. David played an integral role providing advice and counsel to assist national emergency managers as they worked to mitigate and recover evidence from biological warfare attacks on the Senate. Mr. David's knowledge and expertise significantly reduced the recovery time and expenses related to the anthrax and ricin attacks on the Senate. He oversaw a major chemical, biological, radiological, and explosives defense effort to protect our country's national assets. By combining surveillance and identification technologies, defensive measures and mitigation capabilities, Mr. David formed a standard

by which other large-scale protective efforts are now measured.

I commend Mr. David's contributions and longstanding career in public service. I, along with my colleagues on both sides of the aisle, congratulate him on his well-earned retirement and wish him well in his future endeavors.

JOINT COMMITTEE ON THE LIBRARY

RULES OF PROCEDURE

Mr. SCHUMER. Mr. President, on May 7, 2013, the Joint Committee on the Library organized, elected a Chairman, a Vice Chairman, and adopted its rules for the 113th Congress. Members of the Joint Committee on the Library elected Senator CHARLES E. SCHUMER as Vice-Chairman and Congressman GREGG HARPER as Chairman. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD a copy of the Committee rules.

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

RULES OF PROCEDURE OF THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY 113TH CONGRESS

TITLE I—MEETINGS OF THE COMMITTEE

1. Regular meetings may be called by the chairman, with the concurrence of the vice-chairman, as may be deemed necessary or pursuant to the provision of paragraph 3 of rule XXVI of the Standings Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more that 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personal or internal staff management or procedures;

(C) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to kept confidential under the provisions of law or Government regulation. (Paragraph 5(b) of rule XXVI of the Standing Rules of the Senate.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members at least 3 days in advance. In addition, the committee staff will email or telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman waived such a requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum.

2. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony; provided, however, once a quorum is established, any one member can continue to take such testimony.

3. Under no circumstance may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a recorded vote will be taken on any question by rollcall.

3. The results of the rollcall votes taken in any meeting upon a measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall be include a tabulation of the votes cast in favor and the votes cast in opposition to each measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matters shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION AND AUTHORITY TO THE CHAIRMAN AND VICE CHAIRMAN

1. The chairman and vice chairman are authorized to sign all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf on all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, on behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

JOINT COMMITTEE ON PRINTING

RULES OF PROCEDURE

Mr. SCHUMER. Mr. President, on May 7, 2013, the Joint Committee on Printing organized, elected a Chairman, a Vice Chairman, and adopted its rules for the 113th Congress. Members of the Joint Committee on Printing elected Senator CHARLES E. SCHUMER as Chairman and Congressman GREGG HARPER as Vice Chairman. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD a copy of the Committee rules.

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

JOINT COMMITTEE ON PRINTING, 113TH CONGRESS

RULE 1.—COMMITTEE RULES

(a) The rules of the Senate and House insofar as they are applicable, shall govern the Committee.

(b) The Committee's rules shall be published in the Congressional Record as soon as possible following the Committee's organizational meeting in each odd-numbered year.

(c) Where these rules require a vote of the members of the Committee, polling of members either in writing or by telephone shall not be permitted to substitute for a vote taken at a Committee meeting, unless the ranking minority member assents to waiver of this requirement.

(d) Proposals for amending Committee rules shall be sent to all members at least one week before final action is taken thereon, unless the amendment is made by unanimous consent.

RULE 2.—REGULAR COMMITTEE MEETINGS

(a) The regular meeting date of the Committee shall be the second Wednesday of every month when the House and Senate are in session. A regularly scheduled meeting need not be held if there is no business to be considered and after appropriate notification is made to the ranking minority member. Additional meetings may be called by the Chairman, as he may deem necessary or at the request of the majority of the members of the Committee.

(b) If the Chairman of the Committee is not present at any meeting of the Committee, the vice-Chairman or ranking member of the majority party on the Committee who is present shall preside at the meeting.

RULE 3.—QUORUM

(a) Five members of the Committee shall constitute a quorum, which is required for the purpose of closing meetings, promulgating Committee orders or changing the rules of the Committee.

(b) Three members shall constitute a quorum for purposes of taking testimony and receiving evidence.

RULE 4.—PROXIES

(a) Written or telegraphic proxies of Committee members will be received and recorded on any vote taken by the Committee, except for the purpose of creating a quorum.

(b) Proxies will be allowed on any such votes for the purpose of recording a member's position on a question only when the absentee Committee member has been informed of the question and has affirmatively requested that he be recorded.

RULE 5.—OPEN AND CLOSED MEETINGS

(a) Each meeting for the transaction of business of the Committee shall be open to the public except when the Committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public. No such vote shall be required to close a meeting that relates solely to internal budget or personnel matters.

(b) No person other than members of the Committee, and such congressional staff and other representatives as they may authorize, shall be present in any business session that has been closed to the public.

RULE 6.—ALTERNATING CHAIRMANSHIP AND VICE-CHAIRMANSHIP BY CONGRESSES

(a) The Chairmanship and vice Chairmanship of the Committee shall alternate between the House and the Senate by Congresses: The senior member of the minority party in the House of Congress opposite of that of the Chairman shall be the ranking minority member of the Committee.

(b) In the event the House and Senate are under different party control, the Chairman and vice Chairman shall represent the majority party in their respective Houses. When the Chairman and vice-Chairman represent different parties, the vice-Chairman shall also fulfill the responsibilities of the ranking minority member as prescribed by these rules.

RULE 7.—PARLIAMENTARY QUESTIONS

Questions as to the order of business and the procedures of Committee shall in the first instance be decided by the Chairman; subject always to an appeal to the Committee.

RULE 8.—HEARINGS: PUBLIC ANNOUNCEMENTS AND WITNESSES

(a) The Chairman, in the case of hearings to be conducted by the Committee, shall make public announcement of the date, place and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman shall make such public announcement at the earliest possible date. The staff director of the Committee shall promptly notify the Daily Digest of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, all witnesses appearing before the Committee shall file advance written statements of their proposed testimony at least 48 hours in advance of their appearance and their oral testimony shall be limited to brief summaries. Limited insertions or additional germane material will be received for the record, subject to the approval of the Chairman.

RULE 9.—OFFICIAL HEARING RECORD

(a) An accurate stenographic record shall be kept of all Committee proceedings and actions. Brief supplemental materials when required to clarify the transcript may be inserted in the record subject to the approval of the Chairman.

(b) Each member of the Committee shall be provided with a copy of the hearing transcript for the purpose of correcting errors of transcription and grammar, and clarifying questions or remarks. If any other person is authorized by a Committee Member to make his corrections, the staff director shall be so notified.

(c) Members who have received unanimous consent to submit written questions to witnesses shall be allowed two days within which to submit these to the staff director for transmission to the witnesses. The record may be held open for a period not to exceed two weeks awaiting the responses by witnesses.

(d) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee. Testimony received in closed hearings shall not be released or included in any report without the approval of the Committee.

RULE 10.—WITNESSES FOR COMMITTEE HEARINGS

(a) Selection of witnesses for Committee hearings shall be made by the Committee staff under the direction of the Chairman. A list of proposed witnesses shall be submitted to the members of the Committee for review sufficiently in advance of the hearings to permit suggestions by the Committee members to receive appropriate consideration.

(b) The Chairman shall provide adequate time for questioning of witnesses by all members, including minority Members and the rule of germaneness shall be enforced in all hearings notified.

(c) Whenever a hearing is conducted by the Committee upon any measure or matter, the minority on the Committee shall be entitled, upon unanimous request to the Chairman before the completion of such hearings, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

RULE 11.—CONFIDENTIAL INFORMATION FURNISHED TO THE COMMITTEE

The information contained in any books, papers or documents furnished to the Committee by any individual, partnership, corporation or other legal entity shall, upon the request of the individual, partnership, corporation or entity furnishing the same, be maintained in strict confidence by the members and staff of the Committee, except that any such information may be released outside of executive session of the Committee if the release thereof is effected in a manner which will not reveal the identity of such individual, partnership, corporation or entity in connection with any pending hearing or as a part of a duly authorized report of the Committee if such release is deemed essential to the performance of the functions of the Committee and is in the public interest.

RULE 12.—BROADCASTING OF COMMITTEE HEARINGS

The rule for broadcasting of Committee hearings shall be the same as Rule XI, clause 4, of the Rules of the House of Representatives.

RULE 13.—COMMITTEE REPORTS

(a) No Committee report shall be made public or transmitted to the Congress without the approval of a majority of the Committee except when Congress has adjourned: provided that any member of the Committee may make a report supplementary to or dissenting from the majority report. Such supplementary or dissenting reports should be as brief as possible.

(b) Factual reports by the Committee staff may be printed for distribution to Committee members and the public only upon authorization of the Chairman either with the approval of a majority of the Committee or with the consent of the ranking minority member.

RULE 14.—CONFIDENTIALITY OF COMMITTEE REPORTS

No summary of a Committee report, prediction of the contents of a report, or statement of conclusions concerning any investigation shall be made by a member of the Committee or by any staff member of the Committee prior to the issuance of a report of the Committee.

RULE 15.—COMMITTEE STAFF

(a) The Committee shall have a staff director, selected by the Chairman. The staff director shall be an employee of the House of Representatives or of the Senate.

(b) The Ranking Minority Member may designate an employee of the House of Representatives or of the Senate as the minority staff director.

(c) The staff director, under the general supervision of the Chairman, is authorized to deal directly with agencies of the Government and with non-Government groups and individuals on behalf of the Committee.

(d) The Chairman or staff director shall timely notify the Ranking Minority Member or the minority staff director of decisions made on behalf of the Committee.

RULE 16.—COMMITTEE CHAIRMAN

The Chairman of the Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Specifically, the Chairman is authorized, during the interim periods between meetings of the Committee, to act on all requests submitted by any executive department, independent agency, temporary or permanent commissions and committees of the Federal Government, the Government Printing Office and any other Federal entity, pursuant to the requirements of applicable Federal law and regulations.

BATTLE OF ATTU 70TH ANNIVERSARY

Ms. MURKOWSKI. Mr. President, I rise today to commemorate the 70th Anniversary of the Battle of Attu.

The Battle of Attu is often times forgotten or dismissed, but this battle is an important part of our history as a Nation. After all, it was the last battle between warring nations to be fought in North America.

During WWII Alaska was still a territory to the United States, and in 1942, Japan seized three islands off the end of the Aleutian chain in the most southwest part of Alaska. Japan prepared the island for the inevitable counterattack.

On May 11 1943, the Americans launched towards Attu Island, and a battle raged until May 29 when 800 Japanese soldiers employed a full fledged Banzai attack, fighting hand to hand. While the Japanese attack crumbled,

Japanese soldiers pulled grenades, dying by their own hand as a sign of honor. By the afternoon, the battle was over. American forces had prevailed.

This battle was remarkable in many ways. More men were killed in action on Attu than at Pearl Harbor. It also remains the only time American soldiers have fought an invading army on American soil since the war of 1812. Last summer I had the honor of travelling to Attu with Admiral Ostebo, the Coast Guard District 17 Commander, where we dedicated a permanent memorial to the sacrifice of the Attu villagers. Now all who walk the hills of Attu will be reminded of the sacrifice Attu village residents and other Alaskans made during World War II.

An article in the Anchorage Daily News by Mike Dunham did a great job in relaying the story of the battle, and I ask unanimous consent to have it printed in the RECORD.

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

[From the Anchorage Daily News, May 4, 2013]

70 YEARS AGO THIS MONTH, THE BATTLE OF ATTU RAGED

(By Mike Dunham)

Cpl. Joe Sasser was asleep in his pup tent on a cold, soggy morning 70 years ago when the alarm sounded. ''Somebody was shouting, 'The Japs have come through!' '' he recalled.

Sasser's outfit, the 50th Engineers, were builders, not fighters. Most of the men—and there weren't a lot of them—were what the Army calls noncombatants. Their job was to make roads and move supplies to the soldiers on the front lines. The strung-out line of supply tents was not fortified. The soldiers had rifles, not machine guns.

He struggled into his perpetually damp leather boots—''Not the right attire'' for the snow and mud of Alaska, he said—grabbed his helmet and M–1 rifle, went to an embankment created when the road was pushed through a few days earlier and peered over the side.

''The Japanese were moving up the hill,'' he said. ''The ravines were full of them'' in numbers that far exceeded the Americans at the outpost.

He watched the mass of determined, desperate men swarm toward him in an action no U.S. soldier had faced since the War of 1812—a bayonet charge by an enemy invader on American soil.

Thus began the Battle of Engineer Hill, the last battle between warring nations to be fought in North America.

THEATER OF FRUSTRATION

In 1942 Japan seized three islands at the end of Alaska's Aleutian chain. Only one, Attu, had a village. The citizens, mostly Aleut Natives, were sent to internment camps in Japan. The invaders prepared the island for the counterattack they knew would come.

Historians debate whether Japan's Alaska incursion was a feint to draw attention away from their real target, Midway Island, or part of an ambitious plan to create a virtual ''fence'' across the Pacific.

Either way, the propaganda value was undeniable. The Territory of Alaska was part of the North American continent, sharing the mainland with the 48 states. The occupation by a hostile force, even of an island 1,000 miles from the coast, constituted an embarrassment that could not be tolerated.

On May 11, 1943, the Americans launched the Battle of Attu with amphibious landings from two directions.

The day began in fog, Sasser recalled in a phone call from his home in Carthage, Miss., last month. ''But it cleared up somewhat later in the day. We got on our boats and went ashore at Massacre Bay,'' the southern landing site.

''There was no resistance.''

It was a misleading start.

American intelligence originally estimated Japanese strength at 500 men. There were more like 2,500. U.S. maps were incomplete or inaccurate. Planners failed to understand the swampy tundra that rose from the beach, a skim of grass over bottomless muck. Soldiers went ashore in summer uniforms and slick-bottom leather boots suitable for desert combat.

The defenders waited in the steep mountains, cloaked in clouds, set in positions to cover the approaches in crossfire. When the Americans were well into Massacre Valley, the Japanese opened up with machine guns and mortars. The valley offered little cover and no quick retreat. The advance ground to a halt and the scene turned into what one historian has called ''the theater of military frustration.''

Planes supposed to provide air cover crashed in the Aleutian winds. Some attacked American soldiers by mistake. The offshore armada couldn't see or reach inland targets where U.S. forces were getting ripped up. Heavy guns and supplies barely moved off the beach as heavy equipment bogged down in the mire.

''The invasion of Attu was scheduled for a three-day deal,'' Sasser said. ''Three days, they told us, and we'd be out of there.''

On the fifth day the commanding general was replaced. Reinforcements poured in as the Americans suffered heavy losses—not just from the bullets but from exposure. Some froze or died from hypothermia. ''Trench foot'' and frostbite crippled their numbers. So did the psychological battering of constant incoming fire.

''We went on one detail all the way across the valley to pick up a guy who'd lost his marbles,'' Sasser said. ''He was really a zombie at that point. He followed us back, almost like a child, not saying anything.''

GALLONS OF BLOOD

Historian John Cloe observes that ''two under-strength Japanese infantry battalions on half-rations'' repeatedly threw back six battalions of amply supplied U.S. infantry. But bit by bit the Americans pushed ahead—particularly on days when air support could reach them.

On the seventh day, the Japanese retreated toward Chichagof Harbor. The Americans' northern and southern landing forces finally met. The Americans slowly took possession of strategic ground, one yard at a time, each little victory measured in gallons of blood. By May 28, the Japanese were cornered at Chichagof Harbor.

Commander Col. Yasuyo Yamazaki had less than half his forces still able to fight. They were almost out of ammunition and near starvation.

But the valley above the harbor was lightly defended with the Americans' main fighting units dispersed along the high ground—and there were caches of U.S. supplies at the top.

Yamazaki devised a last-ditch plan. A surprise attack could throw the Americans in Chichigof Valley back in panic. In the rout, his men might reach the heavy artillery in Massacre Valley and turn the Americans' own guns against them. He could replenish his stock of weapons, hold strategic ground, cut supply lines, divide the dispirited American forces and perhaps maintain a stalemate until help arrived.

But he knew the odds of success were slim. He ordered all documents burned. Men too sick or injured to fight died either by their own hand or from an overdose of morphine.

BANZAI

Just before dawn on May 29, Americans in the valley were told to leave their positions and get a hot breakfast at the regimental mess tent. Cloe suspects the order may have been spread by an English-speaking Japanese infiltrator.

The groggy men were thinking of coffee when upwards of 800 screaming Japanese came charging out of the mist and dark. The Americans were caught off guard and overrun. Fighting was hand-to-hand. It was impossible to see what was going on. There were no prisoners.

The Japanese reached the medical tents and slaughtered the wounded in their cots. Their death shrieks added to the chaos. U.S. troops, their top officers dead, uncertain of the number or positions of the invisible enemy, scattered or retreated.

It was one of those soldiers, fleeing over Engineer Hill, who gave the warning that woke Sasser.

Among those escaping the carnage was an unarmed doctor. ''He asked for a gun, but nobody had two,'' Sasser said. ''He disappeared for a while and came back with a rifle and took up position with us. He wanted to be in the fight.''

Dr. John Bassett was killed about 15 feet from Sasser.

Sasser had a slight advantage over many of the other men. He had trained as a scout before being transferred to the engineers. As he looked down on the approaching Japanese, he felt lucky that he'd moved his tent the night before.

''Three of us initially pitched at the crest of a ravine. Then, I can't remember why, we moved 40 to 50 yards farther up the hill to the road bed,'' he said. ''Two other guys thought it was a good spot and pitched there. They were bayonetted in their sleeping bags.''

Sasser credited a small embankment along the road for saving him from a similar fate. ''It saved our lives.''

Outnumbered and rattled, a thin line of bulldozer drivers, mechanics, medics and cooks formed a hasty defense. Some of the men didn't have time to put on their boots. The only automatic weapons they had were those dropped by the men in retreat.

But the Japanese had even less, little more than bayonets, swords, knives and sticks along with a few precious bullets. Nonetheless, they engaged the Americans with a ferocity that Sasser recalls to this day.

''They were a tenacious group,'' he said. ''I was surprised. It was dishonor for them to be captured and an honor to be killed.''

Yamazaki died with his sword in hand. The Japanese fell back and reassembled for a second charge. The Americans had their rifles ready.

''We picked 'em off one by one,'' Sasser said.

As their assault crumbled, the remaining Japanese each took the grenade he kept for himself, gripped it to his chest or his head—and pulled the pin.

The battle was over. The valley, in the words of one historian, looked like an excavated cemetery. Hundreds of corpses from both sides lay atop the rock and tundra.

''Then we had to go down there and pick 'em up,'' Sasser said.

Morning's heroes became the afternoon's grave diggers.

AFTERMATH

The Battle of Attu, often dismissed or forgotten, was remarkable in many ways.

More men were killed in action on Attu than at Pearl Harbor: at least 2,350 Japanese—plus those never accounted for—and 549 Americans; 1,148 Americans were wounded and 2,100 listed as casualties due to cold and shell shock. How many Americans died as a result of injuries in the weeks after the battle is uncertain, but some say it was equal to or greater than the battlefield deaths.

Fewer than 30 Japanese were captured alive.

It was the only land battle in the war fought in the Americas, the first amphibious landing by the U.S. Army and, aside from Iwo Jima, the most costly in terms of the percentage of American casualties. ''For every hundred of the enemy, about 71 Americans were killed or wounded,'' according to the official Army history.

It was the first time in the war that the U.S. military retook occupied American territory, and the first time the Army encountered the fanatical fight-to-the-death ethos of the Japanese.

It remains the only time American soldiers have fought an invading army on American soil since the War of 1812.

It was the deadliest battle on the continent since the Civil War.

But history wasn't on Sasser's mind as he braced for the screaming, charging enemy 70 years ago. ''At that particular point I was not aware of the significance,'' he said. ''I just knew we were there because it was American territory. And we were going to get it back.''

REMEMBERING AUDREY THIBODEAU

Ms. COLLINS. Mr. President, on May 25, loving family members and countless friends will gather in Presque Isle, ME, to celebrate the remarkable life of Audrey Bishop Thibodeau, who passed away January 2, at the age of 97. I rise today in tribute to a caring citizen and dear friend.

It has been said that we all have a birth date and a death date, with a dash in between. It's what we do with our dash that counts.

Audrey Thibodeau's dash was long, and she made it count. She was a devoted wife, a wonderful mother, an educator, a farmer, and an entrepreneur. Wherever there was a need, she was a committed volunteer and a generous philanthropist.

She was born Audrey Elaine Bishop on December 13, 1915, in Caribou, ME, my hometown. She attended Caribou public schools and, in 1937, graduated from the University of Maine with a degree in nutrition. It was while teaching high school home economics that she developed one of the great passions of her life—raising awareness and fostering education for students with reading disabilities. Her commitment to youth was also seen years later when she founded a Pony Club to help young people learn the skills and responsibilities of horsemanship.

In 1939, she married Lawrence Thibodeau, a high school classmate. After a brief adventure with farming in New York State, they returned to Maine and settled in Fort Kent, on the Canadian border. It was there that Audrey immersed herself in French to better appreciate the culture of the region.

The couple, with their growing family, relocated to Presque Isle in 1946 and soon became valued members of that community. Audrey's love of local culture led her to become instrumental in the incorporation of the Vera Estes House into the Presque Isle Historical Society and the creation of the Cultural and Museum Center at the Old Presque Isle Fire House, which celebrates the heritage of the local area. Audrey witnessed much history during her long life. Just as important, she was devoted to preserving the rich history of Aroostook County for future generations.

Her husband, Lawrence Thibodeau, better known as ''Tib,'' passed away in 2008, but he will long be remembered for his contributions to Maine agriculture and support of the University of Maine Cooperative Extension Service. Together, the couple will always be remembered for the Larry and Audrey Thibodeau Scholarship that helps Aroostook County students pursue careers in medicine. After Audrey's passing, her family carried on her commitment to others by asking that memorial contributions be made to the Audrey B. Thibodeau Charitable and Educational Fund.

Audrey's philanthropy and volunteerism earned her accolades from the Maine Legislature and the Lifetime Achievement Award from the Presque Isle Area Chamber of Commerce. Her service and compassion will always be cherished by the people of Aroostook County. A strong leader, Audrey Thibodeau filled her dash with an infectious smile, enthusiasm for life, assistance to others, community participation, a dedication to Aroostook County, and a great deal of love for her remarkable family. May her memory inspire us all to follow her example.

RECOGNIZING AROOSTOOK MEDICAL CENTER

Ms. COLLINS. Mr. President, I rise today to commend The Aroostook Medical Center, TAMC, in Presque Isle, ME, for its efforts to improve its energy efficiency with compressed natural gas, CNG.

Dedicated to environmental stewardship and improving the community, TAMC is at the cutting edge with its conversion to CNG to meet the hospital's heating, cooling, and other energy needs. CNG represents a sensible effort to use a viable and affordable domestic energy alternative. This event demonstrates TAMC's efforts to create, sustain, and grow a modern health care organization to continue making a positive difference in Aroostook County. The countless and continuing efforts this northern Maine hospital is making to energy efficiency are to be commended for their lasting impact.

Converting to CNG is just one of the ways TAMC has reduced its carbon footprint. This efficient source of energy is safer to work with, will lower costs, and will burn more cleanly. The conversion to CNG will not only benefit the hospital and its patients and employees directly, but also will benefit the entire community by reducing emissions.

TAMC is quickly becoming a leader in environmentally friendly practices in northern Maine. The hospital has made changes to its nutritional program by eliminating disposable kitchenware, which has reduced the amount of waste it sends to the area's landfill. In addition, TAMC partners with the University of Maine at Presque Isle to improve composting. TAMC also purchases produce from MSAD No. 1 school farm, local farmers, and other small local growers to support the community and reduce transportation emissions.

Whether it is taking actions as small as reducing waste or as large as converting to CNG, TAMC is making a positive impact on the area, improving both public health and the environment. I commend TAMC for its commitment to conservation and improving efficiency. TAMC is truly standing up to its motto, TAMC: More Than a Hospital.

ADDITIONAL STATEMENTS

CONGRATULATING THE BOSTON CHILDREN'S MUSEUM

• Mr. COWAN. Mr. President, today I am delighted to recognize the Boston Children's Museum for receiving the National Medal for Museum and Library Service. I had the pleasure of congratulating the staff of the Boston Children's Museum earlier today before they headed to the White House to have the medal presented in a ceremony by the First Lady.

This medal is the Nation's highest honor conferred on museums and libraries. The award is given to institutions which demonstrate extraordinary and innovative approaches to public service, exceeding the expected levels of community outreach. Out of 33 well-deserved finalists, only 10 were selected to receive the medal.

The Boston Children's Museum is a center of family in Massachusetts and it comes as no surprise to me that this revered institution would receive the Nation's highest honor.

Children spend their whole day learning, and Boston Children's Museum provides resources for families and educators to help support that continuous discovery. It provides a welcoming, imaginative, child centered learning environment that supports families and promotes the healthy development of all children.

Boston Children's Museum is one of the oldest and largest children's museums in the world. It was founded in 1913 by a group of visionary educators as a center for the exchange of materials and ideas to advance the teaching of

science. For the past century, the museum has provided children with opportunities to engage in joyful discovery experiences that instill an appreciation of our world, develop foundational skills, and spark a lifelong love of learning.

The Museum has prided itself on developing exhibits and programs that emphasize hands on engagement and learning through experience. Children use play-based learning activities to spark their natural creativity and curiosity. The exhibits focus on science, culture, environmental awareness, health and fitness, and the arts. Museum educators also develop programs and activities that address literacy, performing arts, science and math, visual arts, cultures, and health and wellness.

Boston Children's Museum is a pioneer in early childhood education and development and works with research partners to gain a deeper understanding of how children learn, and how they develop physically, intellectually, and socio-emotionally. The museum has teamed up with researchers from the Massachusetts Institute of Technology to create Play Lab—an exhibit featuring active research in cognitive development. They have also worked with Harvard University on research involving developmental studies and social cognition. Additionally, they have worked with researchers from Boston College to explore the psychology of the arts and children's understanding of emotional development.

I would like to congratulate Carole Charnow, president and chief executive officer, and all the employees at the Boston Children's Museum on receiving the National Medal for Museum and Library Service.

For 100 years, their outstanding efforts have inspired lifelong learning for generations of children and have served as a model for the Nation in early childhood education and development. I believe that the Boston Children's Museum will continue to be the best children's museum in the world and I look forward to the innovation and leadership they will deliver over the next 100 years.●

CONGRATULATING JOHN ANTHONY SCIRE

● Mr. HELLER. Mr. President, today I wish to recognize Dr. John Anthony Scire, who has been awarded the 2013 Dean's Award for Teaching by a Member of the Contingent Faculty of the University of Nevada, Reno. My home State of Nevada is proud and privileged to acknowledge an extraordinary educator and leader.

Since 1993, Dr. John Scire has dedicated himself to the students and faculty of the College of Liberal Arts at the University of Nevada, Reno, UNR, as an adjunct professor. His extensive education in areas of international relations, international finance, and political science has prepared him for his service to the students of UNR. Nevada is fortunate to have such great educational leadership serving the students across our great State.

Prior to working in higher education, Dr. John Scire served nearly three decades in the U.S. military. His work included intelligence, counterintelligence, and psychological warfare operations that were vital to maintaining the national security of our country. Dr. Scire, like all of our military men and women, dedicated his life to serve this great Nation, and I am grateful for his sacrifices.

I want to acknowledge and thank Dr. John Scire for his faithful service to our country, both in the classroom and protecting America. I ask my colleagues to join me in congratulating Dr. John Scire and celebrating the achievements of our Nation's teachers, administrators, and staff who help guide our students to educational excellence.●

TRIBUTE TO SERGEANT TIMOTHY HALL

● Mr. HELLER. Mr. President, today I wish to recognize Sergeant Timothy Hall, an extraordinary Nevadan who sacrificed his well-being in defense of this great Nation. The State of Nevada and the U.S. Army are proud and grateful for his selfless service and dedication to protecting our freedom.

Sergeant Hall put service to his Nation above his personal safety in 2010 when he was deployed to Afghanistan. He was willing to stand up and defend the United States in some of the harshest conditions. Just 6 months into Sergeant Hall's deployment, he was critically wounded in an enemy mortar attack that resulted in the loss of both his legs. Since then, Sergeant Hall has endured more than 60 surgeries and countless hours of rehabilitation.

In Sergeant Hall, I see the values of integrity, service, and excellence that define the brave men and women in our Armed Forces. It is these virtues that will define the rest of his life as he continues to adapt to the civilian world as a disabled veteran in his hometown of Hawthorne, NV. Sergeant Hall is the kind of patriot who, at the end of the day, is a hero that dedicated himself wholly to the most professional fighting force the world has ever known. America is an exceptional nation because of heroes like Sergeant Hall who are dedicated to securing our freedom no matter what the situation, no matter what the challenge.

All of our Nation's service men and women know all too well the price that is paid for freedom. Each and every day, our troops are serving the United States to protect our liberties. They dedicate their lives in service and constantly make grave sacrifices to ensure the safety of our country. For all who served and all who continue to serve, I cannot thank you enough, and you will continue to have my unwavering support.

I ask my colleagues to stand with me in honoring Sergeant Hall's service to our Nation. Let us continue to be mindful of our dedicated service members who fight to protect and preserve the ideals of freedom and democracy.●

RECOGNIZING VIVA FLORIDA 500

● Mr. RUBIO. Mr. President, I would like to take this opportunity to recognize the events taking place in my home State of Florida commemorating five centuries of historic and cultural significance.

Five hundred years ago Spanish explorer Juan Ponce de León led an expedition from the island of Puerto Rico in search of new territory for Spain to claim. Ponce de León laid claim to the new territory they found, calling the site La Florida because of the lush floral beauty that he saw. From our beautiful sandy beaches, to our rivers and lakes, to the Everglades in South Florida, our State remains true to Ponce de León's first description.

Ponce de León's landing can be considered the first step in Florida's journey to become a part of our great country. Ponce de León was the first European to land on what is now the continental United States. His landing predates some of the most treasured historical sites and moments in the United States, including the English landing at Jamestown, VA, and the Pilgrims landing at Plymouth, MA.

It is also important to recognize the State of Florida's Native American population during these events. Native Americans inhabited territories in and around Florida prior to Ponce de León's arrival and continue to make a positive contribution to our State and its culture.

Since its founding over five centuries ago, Florida continues to display its rich history by contributing new ideas, culture, and events to the American experience. I am proud to come from a State with a deeply rooted history, and I celebrate the State of Florida's leadership both past and present.

Mr. President, colleagues, please join me in recognizing the State of Florida and its 500th anniversary.●

TRIBUTE TO ANDREW DOWNS

● Mr. SHELBY. Mr. President, today I wish to pay tribute to Andrew Downs who, at age 15, has been named to the first ever National Youth Orchestra of the United States. Andrew is a native of Irondale, AL, and is a sophomore at the Alabama School of Fine Arts. He is the principal bassist for the Alabama Symphony Youth Orchestra.

The National Youth Orchestra of the United States of America is an initiative of Carnegie Hall's Weill Music Institute that brings together 120 of the most promising and talented young musicians from across the country to play together across the Nation and the globe. This year marks their inaugural session.

Andrew was selected out of a pool of 2,500 applicants from all 50 States, and is clearly one of Alabama's most talented young musicians. He is a member of the National Junior Honor Society and also plays the violin, cello, and piano. He hopes to one day pursue a career as a bass player for a symphony orchestra.

This talented young man will be the only Alabamian in the orchestra, as well as one of only 10 bassists selected. I am proud to represent a State that is home to promising young individuals such as Andrew, who are committed to displaying excellence in their education and the arts.

Further, I wish Andrew Downs all the best as he embarks on his journey playing with the National Youth Orchestra. This is a true honor bestowed upon a very deserving student.●

TRIBUTE TO HANNAH MUDD

● Mr. THUNE. Mr. President, today I recognize Hannah Mudd, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota.

Hannah is a graduate of St. Vincent de Paul High School in Perryville, MO. Currently, she is attending Saint Mary's College, where she is majoring in political science and history. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Hannah for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO KARINA KIEWEL

● Mr. THUNE. Mr. President, today I recognize Karina Kiewel, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota.

Karina is a graduate of Dakota Valley High School in North Sioux City, SD. Currently, she is attending the University of Kansas, where she is majoring in political science and environmental studies. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Karina for all of the fine work she has done and wish her continued success in the years to come.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 6:29 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1071. An act 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.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 888. A bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1378. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Liquidity and Funding'' (RIN3052–AC54) received in the Office of the President of the Senate on April 24, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1379. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Gypsy Moth Generally Infested Areas; Additions in Wisconsin'' (Docket No. APHIS–2012–0075) received during adjournment of the Senate in the Office of the President of the Senate on April 29, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1380. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Updates to the List of Plant Inspection Stations'' (Docket No. APHIS–2012–0099) received during adjournment of the Senate in the Office of the President of the Senate on April 29, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1381. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dinotefuran; Pesticide Tolerances for Emergency Exemptions; Technical Amendment'' (FRL No. 9384–9) received in the Office of the President of the Senate on April 25, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1382. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerances'' (FRL No. 9384–3) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1383. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Data Requirements for Antimicrobial Pesticides'' (FRL No. 8886–5) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1384. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Carol M. Pottenger, United States Navy Reserves, and her advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–1385. A communication from the Chairman of the Joint Chiefs of Staff, transmitting, pursuant to law, a report entitled ''2013 Report to Congress on Vulnerability Assessments for Fiscal Year 2012 and Military Construction Requirements for the Then-Current Future Years Defense Plan''; to the Committee on Armed Services.

EC–1386. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report entitled ''2013 Report to Congress on Sustainable Ranges''; to the Committee on Armed Services.

EC–1387. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1388. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, the Bank's 2012 Statement on System of Internal Controls, audited financial statements, Report of Independent Registered Public Accounting Firm, and Report of Independent Registered Public Accounting Firm on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards; to the Committee on Banking, Housing, and Urban Affairs.

EC–1389. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Kuwait; to the Committee on Banking, Housing, and Urban Affairs.

EC–1390. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–1391. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Order Imposing Recordkeeping and Reporting Obligations on Certain U.S. Financial Institutions with Respect to Transactions Involving Halawi Exchange Co. as a Financial Institution of Primary Money Laundering Concern'' (RIN1506–AA63) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–1392. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Order Imposing Recordkeeping and Reporting Obligations on Certain U.S. Financial Institutions with Respect to Transactions Involving Kassem Rmeiti and Co. for Exchange as a Financial Institution of Primary Money Laundering Concern'' (RIN1506–AA63) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–1393. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2013–0002)) received in the Office of the President of the Senate on March 12, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–1394. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2013–0002)) received during adjournment of the Senate in the Office of the President of the Senate on April 29, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–1395. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Identity Theft Red Flags Rules'' (RIN3235–AL26) received in the Office of the President of the Senate on April 25, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–1396. A communication from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Chicago, transmitting, pursuant to law, the Bank's 2012 management reports; to the Committee on Banking, Housing, and Urban Affairs.

EC–1397. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the North Slope Science Initiative; to the Committee on Energy and Natural Resources.

EC–1398. A communication from the Administrator of the U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran''; to the Committee on Energy and Natural Resources.

EC–1399. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Segregation of Lands—Renewable Energy'' (RIN1004–AE19) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2013; to the Committee on Energy and Natural Resources.

EC–1400. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, a report entitled ''Geologic Sequestration of Carbon Dioxide: Draft Underground Injection Control (UIC) Program Class VI Well Plugging, Post-Injection Site Care, and Site Closure Guidance''; to the Committee on Environment and Public Works.

EC–1401. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona, California, and Nevada'' (FRL No. 9806–3) received in the Office of the President of the Senate on April 25, 2013; to the Committee on Environment and Public Works.

EC–1402. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances—Fire Suppression and Explosion Protection'' (FRL No. 9800–9) received in the Office of the President of the Senate on April 25, 2013; to the Committee on Environment and Public Works.

EC–1403. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Greenhouse Gas Reporting Rule: Revision to Best Available Monitoring Method Request Submission Deadline for Petroleum and Natural Gas Systems Source Category'' (FRL No. 9806–7) received in the Office of the President of the Senate on April 25, 2013; to the Committee on Environment and Public Works.

EC–1404. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rule on Ethoxylated, Propoxylated Diamine Diaryl Substituted Phenylmethane Ester with Alkenylsuccinate, Dialkylethanolamine Salt'' (FRL No. 9885–1) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Environment and Public Works.

EC–1405. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Georgia: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 9806–9) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Environment and Public Works.

EC–1406. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control of Air Pollution from Nitrogen Compounds from Stationary Sources'' (FRL No. 9808–2) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Environment and Public Works.

EC–1407. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Approval of Texas Low Emission Diesel Fuel Rule Revisions'' (FRL No. 9808–4) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Environment and Public Works.

EC–1408. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Consent Decree Requirements'' (FRL No. 9809–1) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Environment and Public Works.

EC–1409. A communication from the Acting United States Trade Representative, Executive Office of the President, transmitting a report relative to the inclusion of Japan in the ongoing negotiations of the Trans-Pacific Partnership (TPP) Agreement; to the Committee on Finance.

EC–1410. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Relief from the Anti-cutback Requirements of 411(d)(6) for Certain ESOP Amendments'' (Notice 2013–17) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2013; to the Committee on Finance.

EC–1411. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report concerning military assistance and military exports, including defence articles and defense services which where licensed for export under Section 38 of the Arms Export Control Act, as amended (OSS–2013–0590); to the Committee on Foreign Relations.

EC–1412. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 13–053, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–1413. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 13–033, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–1414. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–052); to the Committee on Foreign Relations.

EC–1415. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–060); to the Committee on Foreign Relations.

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. MERKLEY:

S. 891. A bill to increase the employment of Americans by requiring State workforce agencies to certify that employers are actively recruiting Americans and that Americans are not qualified or available to fill the positions that the employer wants to fill with H–2B nonimmigrants; to the Committee on the Judiciary.

By Mr. KIRK (for himself, Mr. MANCHIN, Ms. COLLINS, Mr. NELSON, and Mr. CORNYN):

S. 892. A bill to amend the Iran Threat Reduction and Syria Human Rights Act of 2012 to impose sanctions with respect to certain transactions in foreign currencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS (for himself, Mr. BURR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. BROWN, Mr. TESTER, Mr. BEGICH, Mr. BLUMENTHAL, Ms. HIRONO, Mr. ISAKSON, Mr. JOHANNS, Mr. MORAN, Mr. BOOZMAN, and Mr. HELLER):

S. 893. A bill to provide for an increase, effective December 1, 2013, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SANDERS:

S. 894. A bill to amend title 38, United States Code, to extend expiring authority for work-study allowances for individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs, to expand such authority to certain outreach

services provided through congressional offices, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. GILLIBRAND (for herself, Mrs. FEINSTEIN, and Ms. COLLINS):

S. 895. A bill to improve the ability of the Food and Drug Administration to study the use of antimicrobial drugs in food-producing animals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH (for himself, Mr. HELLER, Ms. WARREN, and Ms. COLLINS):

S. 896. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

By Ms. WARREN:

S. 897. A bill to prevent the doubling of the interest rate for Federal subsidized student loans for the 2013–2014 academic year by providing funds for such loans through the Federal Reserve System, to ensure that such loans are available at interest rates that are equivalent to the interest rates at which the Federal Government provides loans to banks through the discount window operated by the Federal Reserve System, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico (for himself and Mr. HEINRICH):

S. 898. A bill to authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation; to the Committee on Environment and Public Works.

By Ms. HIRONO (for herself, Mr. WICKER, Ms. AYOTTE, Mrs. MURRAY, Mr. COCHRAN, Mrs. GILLIBRAND, Mr. UDALL of New Mexico, and Mr. BOOZMAN):

S. 899. A bill to establish a position of Science Laureate of the United States; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI:

S. 900. A bill to amend the Internal Revenue Code of 1986 to regulate payroll tax deposit agents, and for other purposes; to the Committee on Finance.

By Mr. CASEY (for himself and Mr. SCHUMER):

S. 901. A bill to protect State and local witnesses from tampering and retaliation, and for other purposes; to the Committee on the Judiciary.

By Mr. VITTER (for himself and Mr. HELLER):

S. 902. A bill to amend the Patient Protection and Affordable Care Act to apply the provisions of the Act to certain Congressional staff and members of the executive branch; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. DURBIN, and Mr. REED)):

S. 903. A bill to clarify State of residence requirements for aliens and nonimmigrant requirements for purposes of chapter 44 of title 18, United States Code; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself and Mr. WICKER):

S. 904. A bill to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 905. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance existing programs providing mitigation assistance by encouraging States to adopt and actively enforce State building codes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRAPO (for himself, Mr. WYDEN, Ms. CANTWELL, and Mr. RISCH):

S. 906. A bill to amend the Internal Revenue Code of 1986 to expand the technologies through which a vehicle qualifies for the credit for new qualified plug-in electric drive motor vehicles; to the Committee on Finance.

By Mrs. SHAHEEN (for herself and Ms. COLLINS):

S. 907. A bill to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON of South Dakota:

S. 908. A bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself and Mr. DURBIN):

S. 909. A bill to amend the Federal Direct Loan Program under the Higher Education Act of 1965 to provide for student loan affordability, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 910. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BEGICH:

S. Res. 131. A resolution recommending the designation of a Presidential Special Envoy to the Balkans to evaluate the successes and shortcomings of the implementation of the Dayton Peace Accords in Bosnia and Herzegovina, to provide policy recommendations, and to report back to Congress within one year; to the Committee on Foreign Relations.

By Mr. BEGICH (for himself, Mr. TESTER, and Mr. BAUCUS):

S. Res. 132. A resolution expressing the sense of the Senate that the Department of Defense request for domestic Base Realignment and Closure authority in 2015 and 2017 is neither affordable nor feasible as of the date of agreement to this resolution and that the Department of Defense must further analyze the capability to consolidate excess overseas infrastructure and increase efficiencies by relocating missions from overseas to domestic installations prior to requesting domestic Base Realignment and Closure authority; to the Committee on Armed Services.

By Mr. LEE (for himself, Mr. TOOMEY, Mr. RUBIO, Mr. SCOTT, Mr. CRUZ, Mr. INHOFE, Mr. BURR, Mr. VITTER, Mr. BOOZMAN, Mr. BLUNT, Mrs. FISCHER, Mr. THUNE, Mr. JOHANNS, Mr. PAUL, Mr. MCCONNELL, Mr. COATS, Mr. CORNYN, Mr. COCHRAN, Mr. CHAMBLISS, Ms. AYOTTE, Mr. ISAKSON, and Mr. GRAHAM):

S. Res. 133. A resolution expressing the sense of the Senate that Congress and the States should investigate and correct abusive, unsanitary, and illegal abortion practices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself, Mrs. BOXER, Mrs. SHAHEEN, and Mr. FRANKEN):

S. Res. 134. A resolution expressing the sense of the Senate that all incidents of abusive, unsanitary, or illegal health care practices should be condemned and prevented and the perpetrators should be prosecuted to the full extent of the law; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 131

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 131, a bill to amend title 38, United States Code, to improve the reproductive assistance provided by the Department of Veterans Affairs to severely wounded, ill, or injured veterans and their spouses, and for other purposes.

S. 273

At the request of Ms. AYOTTE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 273, a bill to modify the definition of fiduciary under the Employee Retirement Income Security Act of 1974 to exclude appraisers of employee stock ownership plans.

S. 294

At the request of Mr. TESTER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 294, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

S. 296

At the request of Mr. LEAHY, the names of the Senator from Maine (Mr. KING) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 296, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 309

At the request of Mr. HARKIN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 309, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 313

At the request of Mr. CASEY, the names of the Senator from Mississippi

(Mr. COCHRAN) and the Senator from Montana (Mr. TESTER) 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. 367

At the request of Mr. CARDIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 367, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 381

At the request of Mr. BROWN, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the ''Doolittle Tokyo Raiders'', for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 403

At the request of Mr. CASEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 403, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 409

At the request of Mr. BURR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 409, a bill to add Vietnam Veterans Day as a patriotic and national observance.

S. 427

At the request of Mr. HOEVEN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 427, a bill to amend the Richard B. Russell National School Lunch Act to provide flexibility to school food authorities in meeting certain nutritional requirements for the school lunch and breakfast programs, and for other purposes.

S. 501

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 501, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 534

At the request of Mr. JOHANNS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 534, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 545

At the request of Ms. MURKOWSKI, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 545, a bill to improve hydropower, and for other purposes.

S. 548

At the request of Ms. KLOBUCHAR, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 548, a bill to amend title 10, United States Code, to improve and enhance the capabilities of the Armed Forces to prevent and respond to sexual assault and sexual harassment in the Armed Forces, and for other purposes.

S. 559

At the request of Mr. ISAKSON, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 559, a bill to establish a fund to make payments to the Americans held hostage in Iran, and to members of their families, who are identified as members of the proposed class in case number 1:08-CV–00487 (EGS) of the United States District Court for the District of Columbia, and for other purposes.

S. 579

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 579, a bill to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes.

S. 623

At the request of Mr. CARDIN, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Massachusetts (Mr. COWAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 623, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 682

At the request of Mr. COBURN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 682, a bill to amend the Higher Education Act of 1965 to reset interest rates for new student loans.

S. 709

At the request of Ms. STABENOW, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 709, a bill to amend title XVIII of the Social Security Act to increase diagnosis of Alzheimer's disease and related dementias, leading to better care and outcomes for Americans living with Alzheimer's disease and related dementias.

S. 710

At the request of Mr. WARNER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 710, a bill to provide exemptions from municipal advisor registration requirements.

S. 731

At the request of Mr. MANCHIN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors 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. 742

At the request of Mr. CARDIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 742, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 761

At the request of Mrs. SHAHEEN, the names of the Senator from Delaware (Mr. COONS) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 761, a bill to promote energy savings in residential and commercial buildings and industry, and for other purposes.

S. 789

At the request of Mr. BAUCUS, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 789, a bill to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 813

At the request of Mr. DURBIN, 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.

S. 815

At the request of Mr. MERKLEY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 815, a bill to prohibit the employment discrimination on the basis of sexual orientation or gender identity.

S. 837

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 837, a bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes.

S. 845

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) 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. 862

At the request of Ms. AYOTTE, the names of the Senator from Oklahoma

(Mr. COBURN), the Senator from Idaho (Mr. CRAPO) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 862, a bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate.

S. 865

At the request of Mr. HELLER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 865, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 867

At the request of Mr. PRYOR, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 867, a bill to amend title XVIII of the Social Security Act to provide for pharmacy benefits manager standards under the Medicare prescription drug program, to establish basic audit standards of pharmacies, to further transparency of payment methodology to pharmacies, and to provide for recoupment returns to Medicare.

S. 871

At the request of Mrs. MURRAY, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 871, a bill to amend title 10, United States Code, to enhance assistance for victims of sexual assault committed by members of the Armed Forces, and for other purposes.

S. 877

At the request of Mr. BEGICH, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 877, a bill to require the Secretary of Veterans Affairs to allow public access to research of the Department, and for other purposes.

S. 878

At the request of Mr. FRANKEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 878, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 886

At the request of Mr. LEE, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of 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.

S. 888

At the request of Mr. JOHANNS, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 888, a bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934.

AMENDMENT NO. 802

At the request of Ms. LANDRIEU, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 802 intended to be proposed to S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 803

At the request of Mr. WHITEHOUSE, the names of the Senator from Massachusetts (Mr. COWAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 803 proposed to S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 804

At the request of Mr. COBURN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 804 intended to be proposed to S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 805

At the request of Mr. COBURN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 805 proposed to S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 806

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of amendment No. 806 proposed to S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 810

At the request of Mr. PAUL, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 810 intended to be proposed to S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

AMENDMENT NO. 813

At the request of Mr. BROWN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of amendment No. 813 proposed to S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 813 proposed to S. 601, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANDERS (for himself, Mr. BURR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. BROWN, Mr. TESTER, Mr. BEGICH, Mr. BLUMENTHAL, Ms. HIRONO, Mr. ISAKSON, Mr. JOHANNS, Mr. MORAN, Mr. BOOZMAN, and Mr. HELLER):

S. 893. A bill to provide for an increase, effective December 1, 2013, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SANDERS. Mr. President, as Chairman of the Committee on Veterans' Affairs, I am proud to introduce the Veterans' Compensation Cost-of-Living Adjustment Act of 2013. I am also pleased to be joined by Ranking Member BURR and all of my colleagues on the Committee on Veterans' Affairs in introducing this important legislation. I look forward to our continued work together to improve the lives of our Nation's veterans.

Effective December 1, 2013, this measure would direct the Secretary of Veterans Affairs to increase the rates of veterans' compensation to keep pace with a rise in the cost-of-living, should an adjustment be prompted by an increase in the Consumer Price Index, CPI. Referred to as the COLA, this important legislation would make an increase available to veterans at the same level as the increase provided to recipients of Social Security benefits.

Last year, I was proud to cosponsor the Veterans' Compensation Cost-of-Living Adjustment Act of 2012, which provided a 1.7 percent increase in veterans' compensation. The annual COLA legislation is so important because it impacts vital benefits, including veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children. In fiscal year 2014, it is projected that over 4.2 million veterans and survivors will receive compensation benefits.

As a longstanding advocate of our Nation's veterans, I understand the critical nature of these benefits as many recipients depend upon these tax-free payments to feed their families,

heat their homes, pay for prescription drugs, and to provide for the needs of spouses and children. We have an obligation to the men and women who have sacrificed so much to serve our country and who now deserve nothing less than the full support of a grateful Nation. The COLA brings us one step closer to fulfilling our Nation's promise to care for our brave veterans and their families.

We also must continue to ensure that these benefits are not diminished by the effects of inflation. For this reason, I strongly oppose the President's proposal to adopt the chained CPI. I am joined in opposition by nearly every major veterans' organization in America. The Gold Star Wives, The American Legion, Veterans of Foreign Wars, Disabled American Veterans and many, many more all oppose the chained CPI.

I will do everything within my power as Chairman of the Veterans' Affairs Committee to ensure we honor the promise we made to veterans and survivors. It is important that this country address our budget deficit, but there are fairer ways to do it than on the backs of disabled veterans—men and women who have already sacrificed so much for their country.

I ask my colleagues to join with me in honoring the promise that has been made to our Nation's veterans. We cannot allow this misguided attempt to balance the budget on the backs of those who have so proudly served our Nation diminish the benefits provided to veterans and their survivors.

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. 893

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 ''Veterans' Compensation Cost-of-Living Adjustment Act of 2013''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2013, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2013, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—Each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2013, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2014.

By Mr. SANDERS:

S. 894. A bill to amend title 38, United States Code, to extend expiring authority for work-study allowances for individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs, to expand such authority to certain outreach services provided through congressional offices, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SANDERS. Mr. President, as the Chairman of the Veterans' Affairs Committee, I am committed to ensuring we provide our Nation's veterans the opportunities they need to successfully transition back to civilian life. One of the programs afforded to veterans to assist them during this difficult time is the Department of Veterans Affairs' work-study program.

VA's work-study program provides veterans participating in several VA educational, vocational, and rehabilitation programs the opportunity to work alongside school certifying officials and State and Federal employees to assist veterans with VA benefits and services. In fiscal year 2012, this program assisted more than 10,000 veterans, who received approximately $25.7 million in work study payments. Under current law, this program is set to expire this year.

I am proud to introduce legislation that would extend VA's work-study program for three more years. This legislation would allow veterans to continue doing such important activities as conducting outreach programs with State Approving Agencies; working with a National Cemetery or a State Veteran's Cemetery; assisting in caring for veterans in State Homes; and working with school certifying officials, claims processors, and other state and federal employees to provide much needed benefits and services to our Nation's heroes.

VA has determined work-study participants do not have the authority to work in congressional offices, despite their successful service in such offices in the past. These veterans were critical to Congress' efforts to understand the needs of our Nation's veterans. They used congressional resources and personal experience to help veterans access earned benefits and services. This legislation would allow veterans to work in congressional offices to assist other veterans with casework issues, help congressional staff address the unique challenges facing our newest generation of veterans, and develop the knowledge and experience needed to successfully transition into the civilian workforce.

Our veterans have sacrificed so much in defense of this country. They deserve a seamless transition when they look to return to civilian life. This legislation would expand a program that has been so vital in preparing veterans to succeed in the civilian workforce.

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. 894

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

SECTION 1. EXTENSION AND EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) EXTENSION OF EXPIRING CURRENT AUTHORITY.—Section 3485(a)(4) of title 38, United States Code, is amended by striking ''June 30, 2013'' each place it appears and inserting ''June 30, 2016''.

(b) EXPANSION TO OUTREACH SERVICES PROVIDED THROUGH CONGRESSIONAL OFFICES.—Such section is further amended by adding at the end the following new subparagraph:

''(K) During the period beginning on June 30, 2013, and ending on June 30, 2016, the following activities carried out at the offices of Members of Congress for such Members:

''(i) The distribution of information to members of the Armed Forces, veterans, and their dependents about the benefits and services under laws administered by the Secretary and other appropriate governmental and non-governmental programs.

''(ii) The preparation and processing of papers and other documents, including documents to assist in the preparation and presentation of claims for benefits under laws administered by the Secretary.''.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than June 30 each year, beginning with 2014 and ending with 2016, the Secretary of Veterans Affairs shall submit to Congress a report on the work-study allowances paid under paragraph (1) of section 3485(a) of title 38, United States Code, during the most recent one-year period for qualifying work-study activities described in paragraph (4) of such section, as amended by subsections (a) and (b) of this section.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the year covered by such report, the following:

(A) A description of the recipients of such work-study allowances.

(B) A list of the locations where qualifying work-study activities were carried out.

(C) A description of the outreach conducted by the Secretary to increase awareness of the eligibility of such work-study activities for such work-study allowances.

By Ms. WARREN:

S. 897. A bill to prevent the doubling of the interest rate for Federal subsidized student loans for the 2013–2014 academic year by providing funds for such loans through the Federal Reserve System, to ensure that such loans are available at interest rates that are equivalent to the interest rates at which the Federal Government provides loans to banks through the discount window operated by the Federal Reserve System, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. WARREN. Mr. President, on July 1, the interest rate on new federally subsidized student loans is set to double from 3.4 to 6.8 percent. That means unless Congress acts, for millions of young people the cost of borrowing money to go to college will double.

The student debt problem in this country is a quiet but growing crisis. Today's graduates collectively carry more than $1 trillion in debt—more than all the outstanding credit card debt in the whole country. Doubling the interest rate on new student loans will just increase the pressure on our young people.

Keep in mind: these young people didn't go to the mall and run up charges on a credit card. They worked hard, they stayed in class, they learned new skills, and they borrowed what they needed to pay for their education. Their education will improve their opportunities in life, but their education will not just help these students. When they acquire more skills, these students help us build a strong and competitive economy and they strengthen our middle class.

Student interest rates are set to double in less than 2 months, but so far this Congress has done nothing—nothing—to address this problem. Some people say that we can't afford to help our kids through school by keeping student loan interest rates low. But right now, as I speak, the Federal Government offers far lower interest rates on loans, every single day—they just don't do it for everyone.

Right now, a big bank can get a loan through the Federal Reserve discount window at a rate of about 0.75 percent. But this summer a student who is trying to get a loan to go to college will pay almost 7 percent. In other words, the Federal Government is going to charge interest rates that are nine times higher than the rates for the biggest banks—the same banks that destroyed millions of jobs and nearly broke the economy. That isn't right. And that is why I am introducing legislation today to give students the same deal that we give to the big banks.

The Bank on Students Loan Fairness Act would allow students eligible for federally subsidized Stafford loans to borrow at the same rate the big banks get through the Federal Reserve discount window. For 1 year the Federal Reserve would make funds available to the Department of Education to make loans to students at the same low rates offered to the big banks. This will give students relief from high interest rates while giving Congress a chance to find a long-term solution.

Some may say we can't afford this proposal. I would remind them the Federal Government currently makes 36 cents in profit for every $1 it lends to students. Add up those profits and you'll find next year student loans will bring in $34 billion. Meanwhile, the banks pay interest that is one-ninth of the amount students will be asked to pay. That is just wrong. It doesn't reflect our values. We shouldn't be profiting from our students who are drowning in debt while we are giving a great deal to the big banks. We should be investing in our young people so they can get good jobs and grow the economy, so let's give them the same great deal the banks get.

Some explain that we give banks exceptionally low interest rates because the economy is still shaky and banks need access to cheap credit to continue the recovery. But our students are just as important as banks to a strong recovery, and the debt they carry poses a serious risk to that recovery. In fact, in March of this year, the Federal Reserve said because of the economic impact on family budgets, high levels of student debt pose a risk to our shaky economic recovery.

If the Federal Reserve can float trillions of dollars to large financial institutions at low interest rates to grow the economy, surely they can float the Department of Education the money to fund our students, keep us competitive, and grow our middle class.

Let's face it, banks get a great deal when they borrow money from the Fed. In effect, the American taxpayer is investing in those banks. We should make the same kind of investment in our young people who are trying to get an education. Lend them the money and make them pay it back, but give our kids a break on the interest they pay. Let's bank on students.

The Bank on Students Loan Fairness Act is my first stand-alone bill in the Senate. I am introducing this bill because our students are facing a crisis. We cannot stand by and simply watch. This is about our students, our economy, and our values. The Bank on Students Loan Fairness Act is a first step toward helping young people who are drowning in debt. Unlike the big banks, students don't have armies of lobbyists and lawyers. They have only their voices. And they call on us to do what is right.

I thank the Chair.

By Mr. REED (for himself and Mr. DURBIN):

S. 909. A bill to amend the Federal Direct Loan Program under the Higher Education Act of 1965 to provide for student loan affordability, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to introduce the Responsible Student Loan Solutions Act with Senator DURBIN to offer a long-term approach to setting student loan interest rates.

Congress must take swift action to prevent the doubling of the interest rate on need-based loans on July 1, 54 days away. We also need a new mechanism for setting interest rates on all federal student loans for the long term so that students and taxpayers are protected, and we need to take the time to get it right.

In April, I introduced the Student Loan Affordability Act to keep the rate on subsidized loans at 3.4 percent for the next 2 years. This would give Congress time to debate a long-term solution as part of the reauthorization of the Higher Education Act.

Today, I am introducing legislation with Senator DURBIN and Congressman TIERNEY and Congressman COURTNEY to overhaul the mechanism for setting the interest rates on federal student loans. Instead of setting a numerical rate in law, which quickly becomes out of sync with the economic and interest rate environment, or locking borrowers into a fixed rate with no opportunity to refinance when rates drop, our proposal will offer adjustable rate loans for students and parents with the protection of a cap on the maximum interest rate that could be charged during periods of high interest rates.

In today's low interest rate environment, the fixed rates for student loans are too high, resulting in student loans generating a profit for the Federal Government. If we would have maintained the variable rate for student loans that was in law before 2006, the interest rate for students in repayment on their loans would be 2.39 percent this year. At today's fixed rates, they will pay 3.4 percent for subsidized loans and 6.8 percent for unsubsidized loans. The Federal Government provides student loans to increase the number of Americans who attain college degrees, not to generate revenue. Yet, according to CBO estimates, the Federal Government will save more than 36 cents for every dollar lent in the student loan programs for fiscal year 2013. CBO projects that the student loan programs will continue to generate savings on the backs of students through fiscal year 2023. We need to change this.

The Responsible Student Loan Solutions Act will offer adjustable rate loans for students and parents with a cap on the maximum interest rate that could be charged to protect borrowers during periods of high interest rates. Interest rates for need-based, subsidized loans will be capped at 6.8 percent. Rates for unsubsidized and parent loans will be capped at 8.25 percent. Rates will be set every year based on

the 91-day Treasury bill plus a percentage determined by the Secretary of Education to cover program administration and borrower benefits. The Secretary must set the rate so that the student loan programs are revenue neutral.

The Responsible Student Loan Solutions Act will also correct an inequity for undergraduate students who qualify for subsidized loans. Currently, a dependent undergraduate student can borrow up to $31,000 total. However, the maximum amount that can be subsidized is $23,000, which means that needy students often have to resort to more expensive unsubsidized loans to finance a part or the remainder of their education costs. The Responsible Student Loan Solutions Act will allow borrowers with demonstrated financial need to have up to the full loan limit in the lower cost subsidized program.

Finally, the Responsible Student Loan Solutions Act will allow borrowers with high fixed-rate federal student loans to refinance those loans into the new variable rate loan with a cap. This could be a real help to borrowers trying to make ends meet, considering that, under current conditions, rates calculated under a bill would be much lower than the fixed rates for unsubsidized loans 6.8 percent, PLUS loans made under the old bank-based program, 8.5 percent, and PLUS loans made through the Federal Direct Loan program 7.9 percent.

We need a multi-faceted approach to solving our student loan debt crisis, which reports from the Federal Reserve and others show is a drag on our economy. We cannot allow this generation of Americans to flounder, unable to buy a home or a car or secure credit or start a family under the weight of student debt.

We need to keep rates low in the short term—that means taking quick action to keep the rate from doubling in July. It also means over the long-term, setting rates in a way that does not add to the growth of student debt. I encourage our colleagues to join Senator DURBIN and me in cosponsoring the Responsible Student Loan Solutions Act to put in place a long-term approach to setting student loan interest rates that is fair to students and taxpayers. I also urge our colleagues to support taking immediate steps to reassure students and families that the rate on subsidized loans will not double this July.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 131—RECOMMENDING THE DESIGNATION OF A PRESIDENTIAL SPECIAL ENVOY TO THE BALKANS TO EVALUATE THE SUCCESSES AND SHORTCOMINGS OF THE IMPLEMENTATION OF THE DAYTON PEACE ACCORDS IN BOSNIA AND HERZEGOVINA, TO PROVIDE POLICY RECOMMENDATIONS, AND TO REPORT BACK TO CONGRESS WITHIN ONE YEAR

Mr. BEGICH submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 131

Whereas, on December 14, 1995, the General Framework Agreement for Peace in Bosnia and Herzegovina (referred to in this resolution as ''BiH''), known as the Dayton Peace Accords, brought an end to the brutal conflict in that country that was marked by aggression and ethnic cleansing, including the commission of war crimes, crimes against humanity, and genocide;

Whereas the Dayton Peace Accords define BiH as a country with three constituent peoples—Bosniaks, Croats, and Serbs—to be comprised of two internal entities known as the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS), from which an extremely complex, fundamentally flawed system of governance and administration has been derived;

Whereas the Dayton Peace Accords included many compromises imposed by the need for quick action to preserve human life and bring an end to the conflict in BiH, and as a result may have hindered efforts to develop efficient and effective political institutions capable of overcoming the challenges required to become an integral member of the Euro-Atlantic community of nation-states;

Whereas, since the signing of the Dayton Peace Accords, the Government and people of BiH have been working in partnership with the international community to achieve progress in building a peaceful and democratic society based on the rule of law, respect for human rights, and a free market economy;

Whereas BiH demonstrated its commitment to the shared values of democracy, security, and stability by joining the Partnership for Peace program of the North Atlantic Treaty Organization (NATO) in December 2006;

Whereas BiH received a conditional Membership Action Plan status in NATO in April 2010 pending completion of specific military and political reforms;

Whereas the Government of BiH took the first important step on the road toward European Union (EU) membership by signing a Stabilization and Association Agreement (SAA) with the EU in June 2008;

Whereas, despite these notable achievements, the Government and people of BiH continue to face significant challenges in their efforts at integrating into Euro-Atlantic institutions and the country's economy continues to decline;

Whereas the Council of Europe's Venice Commission concluded that the current constitutional arrangements in BiH are not conducive to the efficient or rational functioning of state institutions, hindering the pace of the country's accession to NATO and the EU;

Whereas the Government of BiH has the obligation to implement the ruling of the Grand Chamber of the European Court of Human Rights in the case of Sejdić-Finci from 2009 with regard to the election to the Presidency and House of Peoples of BiH of Others, who are defined as those Bosnian citizens who are not primarily a member of the Dayton Accords' stipulated three constitutive peoples— the Serb Bosnians, the Croat Bosnians, and the Muslim Bosnians or Bosniaks;

Whereas reform at any level, including that originating from the implementation of the European Court of Human Rights ruling on the Sejdić-Finci Case, should take into account the protection of equal constitutional rights of all;

Whereas the elections in BiH should reflect the right of the constituent peoples and others to choose their legal representatives, who would therefore represent those people consistent with the founding provisions of the Dayton Peace Accords, as opposed to the existing practice, which allows for the representatives of one people to be elected by the members of other constituent peoples, hindering the political stability of BiH;

Whereas only the full protection of equal political, economic, legal, and religious rights of all the constituent peoples and others throughout the territory of BiH, including the inalienable right to return, will guarantee the future stability, functionality, and effectiveness of the country;

Whereas the number of Bosnian Croats has declined from 820,000 before the war to around 460,000 remaining in BiH today, as reported by the Catholic Church in BiH which has played an important role in protecting rights of Catholic Bosnian Croats and reporting problems and cases of destruction of personal and real property of both the Catholic Church and Croat returnees;

Whereas it is not acceptable that this negative demographic trend is reflected in the reduction of constitutional rights of Bosnian Croats, as that reduction directly causes political and administrative dysfunctionality of the country;

Whereas a functional BiH as a whole is not possible without a fully functional FBiH, one of the two entities established by the Dayton Peace Accords, both being ethnically and administratively composite;

Whereas FBiH's protracted poor functionality only exacerbates the existing predominant separatist tendency in the RS, the predominantly Serb entity of BiH, thus threatening the very integrity of the country as a whole;

Whereas continuous economic decline is a direct consequence of the fact that most of BiH's gross domestic product (GDP) is generated from the publicly owned companies, which are run at the RS and FBiH entity levels by political parties with enduring ethnocentric agendas reflecting their particular and non-common interests, preventing the further creation of much-needed free enterprise business development and closely integrated national internal markets;

Whereas the social fabric of BiH is the single most important victim of the war and ensuing political conflict, and the need for repair, strengthening, and further development of civil society is fundamental to the country's recovery and desired development;

Whereas the Republic of Croatia has clearly demonstrated that allegiance to democracy, market economy, rule of law, and respect for human and citizen rights is conducive to full integration into the Euro-Atlantic community, and the Government of Croatia continues to play an active role in contributing to BiH's political stability, internal integrity, and international viability;

Whereas all the other neighbors of BiH share the ambition to join the European Union; and

Whereas the future of BiH is in the European Union and NATO: Now, therefore, be it

Resolved, That the Senate—

(1) reiterates its support for the sovereignty, territorial integrity, and legal continuity of BiH within its internationally recognized borders, as well as the equality of its three constituent peoples and others within an integrated multiethnic country;

(2) welcomes steps taken by the government of BiH towards integration into the Euro-Atlantic community and reiterates its position that this commitment is in the interests of the further stabilization of the region of southeastern Europe;

(3) emphasizes that it is urgent that BiH, as well as its internal political entities, all work toward the creation of an efficient and effective state able to meet its domestic and international obligations with effective and functional institutions, and that the national government of BiH—as well as the institutions of the entities—are able to instill necessary reforms in order to fulfill European Union and North Atlantic Treaty Organization membership requirements;

(4) reiterates its call that constitutional reform in BiH take the Dayton Peace Accords as its basis, but advance the principles of political, economic, legal, and religious equality and tolerance in order to rectify provisions that conflict with the European Charter of Human Rights and the ruling of the European Court of Human Rights, and to rectify the conditions to enable economic development and the creation of a single economic space, including through the fair and effective functioning of public companies so as to be consistent with the goal of successful EU membership;

(5) stresses the importance of privatization of the publicly owned enterprises through fully transparent international tenders prepared in close cooperation with the EU and the Office of the High Representative (OHR) as a means of avoiding the misplacement of political attention and energy toward running companies rather than providing effective service to the citizens of the country;

(6) commends the present focus of the United States Government in support of stronger civil society in BiH, and urges the Department of State to further increase endeavors in that regard;

(7) believes that the Department of State and the President must seek to address all these matters more emphatically in a manner that provides for a just evaluation of the current grievances of the three constituent peoples and the Others in the two entities of the BiH;

(8) believes that it is of paramount importance that the United States Government work closely with the EU in conceiving and implementing an accession process specifically made for BiH, which would link in a causal and firmly conditional way the internal integration of BiH with its phased integration into the EU;

(9) urges that it is substantially beneficial for the process of building up the functional capacities of BiH to the level of its full ability to enable membership in NATO and the EU, that the United States Government work closely with BiH's neighboring countries—especially those who are signatories to the Dayton Peace Accords—ensuring consistency along the lines of their own European ambitions so that they actively contribute to BiH's internal integration and political and administrative functionality conducive to BiH's successful membership in NATO and the EU;

(10) reiterates that a fully functional Federation of BiH entity is essential for the future of BiH as a functional and stable state and therefore any envisaged reform should take into account protection of the constitutional rights of all, including Bosnian Croats—demographically smallest of the three Dayton Peace Accords recognized constituent peoples in BiH—and prevent further weakening of their position;

(11) believes that it is important that the United States Government, together with other international actors, support countries of the region in fulfilling their obligations as agreed through the launching of the Sarajevo Process in 2005, reaffirmed in the 2011 Belgrade Declaration, as well as during the Donor Conference held in Sarajevo in April 2012, aimed at ending the protracted refugee and internal-displacement situation in the region of Southeast Europe and finding durable solutions for the refugees and internally displaced persons through the implementation of the Balkans Regional Housing Programme;

(12) reiterates its call that the United States should designate a Presidential Special Envoy to the Balkans who should work in partnership with the OHR, the EU, NATO, and the political leaders in Bosnia and Herzegovina, as well as with neighboring countries, to facilitate much needed reforms at all levels of government and society in BiH; and

(13) urges the Presidential Special Envoy, not later than one year after the date of the enactment of this Act, to submit to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives a report with targeted evaluations and discoveries, including to provide proposals on how to address any ongoing difficulties outlined above, as well as ways to overcome any remaining political, economic, legal, or religious inequalities in BiH.

SENATE RESOLUTION 132—EXPRESSING THE SENSE OF THE SENATE THAT THE DEPARTMENT OF DEFENSE REQUEST FOR DOMESTIC BASE REALIGNMENT AND CLOSURE AUTHORITY IN 2015 AND 2017 IS NEITHER AFFORDABLE NOR FEASIBLE AS OF THE DATE OF AGREEMENT TO THIS RESOLUTION AND THAT THE DEPARTMENT OF DEFENSE MUST FURTHER ANALYZE THE CAPABILITY TO CONSOLIDATE EXCESS OVERSEAS INFRASTRUCTURE AND INCREASE EFFICIENCIES BY RELOCATING MISSIONS FROM OVERSEAS TO DOMESTIC INSTALLATIONS PRIOR TO REQUESTING DOMESTIC BASE REALIGNMENT AND CLOSURE AUTHORITY

Mr. BEGICH (for himself, Mr. TESTER, and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 132

Whereas the Department of Defense claims a 24 percent surplus in domestic military infrastructure and has requested domestic Base Realignment and Closure (BRAC) rounds in 2015 and 2017;

Whereas Congress rejected a request for 2 BRAC rounds made by the Department of Defense in fiscal year 2013;

Whereas the Senate Armed Services Committee noted in title XXIV of Senate Report 112–173 to accompany S. 3254 of the 112th Congress, that a request by the Department of Defense for authority to conduct a domestic BRAC round must be preceded by a comprehensive evaluation of opportunities to obtain efficiencies through the consolidation of the overseas operations of defense agencies and possible relocation back to the United States;

Whereas the Base Structure Report for fiscal year 2012 of the Office of the Deputy Under Secretary of Defense, Installations and Environment, found that the Department of Defense has 666 military sites in foreign countries, including 232 in Germany, 109 in Japan, and 85 in South Korea;

Whereas the United States has developed an increased capacity to rapidly deploy around the globe, thereby reducing the strategic value of an overseas footprint based largely on Cold War geopolitics and an obsolete National Security Strategy;

Whereas the Government Accountability Office concluded in a 2007 study that the 2005 BRAC round was the most complex and costliest ever;

Whereas the Government Accountability Office found in a 2012 report entitled ''Military Base Realignments and Closures: Updated Costs and Savings Estimates from BRAC 2005'' that the 2005 BRAC round far exceeded estimated implementation costs, growing from $21,000,000,000 to $35,100,000,000, a 67 percent increase;

Whereas the Government Accountability Office found in the 2012 report that the estimated 20-year savings for the 2005 BRAC round decreased by 72 percent from $35,600,000,000 to $9,900,000,000;

Whereas the Government Accountability Office estimates that it will take until 2017 for the Department of Defense to recoup up-front implementation costs of BRAC 2005, 4 years longer than the BRAC Commission estimates and 12 years after the date of execution and initial investment;

Whereas the Department of Defense would spend $2,400,000,000 in a time of fiscal austerity to execute the proposed BRAC round in 2015;

Whereas the financial crisis in the United States continues to challenge local economies and a BRAC round would create more uncertainty and economic hardship for impacted communities still in the recovery process;

Whereas Federal budget uncertainty and the fiscal challenges a domestic BRAC round would bring to communities renders the significant $2,400,000,000 in up-front costs neither affordable nor feasible as of the date of agreement to this resolution; and

Whereas the lack of potential return on the significant investment required for a BRAC round may result in an inefficient use of taxpayer funds: Now, therefore, be it

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

(1) as of the date of agreement to this resolution, the Department of Defense should not be granted authority for the requested 2015 and 2017 Base Realignment and Closure rounds;

(2) before granting the authority for the requested 2015 and 2017 BRAC rounds, the Department of Defense should achieve economic efficiencies by—

(A) closing and consolidating excess infrastructure and facilities in overseas locations; and

(B) reexamining relocation opportunities of overseas missions to United States military installations; and

(3) the Department of Defense is unwise to request a BRAC round when the economy of the United States is struggling to recover and negatively impacted communities are fighting to put citizens back to work.

SENATE RESOLUTION 133—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS AND THE STATES SHOULD INVESTIGATE AND CORRECT ABUSIVE, UNSANITARY, AND ILLEGAL ABORTION PRACTICES

Mr. LEE (for himself, Mr. TOOMEY, Mr. RUBIO, Mr. SCOTT, Mr. CRUZ, Mr. INHOFE, Mr. BURR, Mr. VITTER, Mr. BOOZMAN, Mr. BLUNT, Mrs. FISCHER, Mr. THUNE, Mr. JOHANNS, Mr. PAUL, Mr. MCCONNELL, Mr. COATS, Mr. CORNYN, Mr. COCHRAN, Mr. CHAMBLISS, Ms. AYOTTE, Mr. ISAKSON, and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 133

Whereas the Declaration of Independence sets forth the principle that all people are created equal and are endowed by their Creator with certain unalienable rights, and that among these rights are life, liberty, and the pursuit of happiness;

Whereas the dedication of the people of the United States to this principle, though at times tragically marred by institutions such as slavery and practices such as segregation and the denial of the right to vote, has summoned the people of the United States time and again to fight for human dignity and the common good;

Whereas the people of the United States believe that every human life is precious from its very beginning, and that every individual, regardless of age, health, or condition of dependency, deserves the respect and protection of society;

Whereas the people of the United States believe that early and consistent care for mothers, with due regard both for the well-being of expectant mothers and for the children they carry, is a primary goal of any sound health care policy in the United States;

Whereas no woman should ever be abandoned, by policy or practice, to the depredations of an unlicensed, unregulated, or uninspected clinic operating outside of the law with no regard for the mothers or children ostensibly under its care;

Whereas the Report of the Grand Jury in the Court of Common Pleas of the First Judicial District of Pennsylvania, certified on January 14, 2011, contains the results of a thorough investigation of the policies and practices of Dr. Kermit Gosnell and the Women's Medical Society of Philadelphia, which found multiple violations of law and public policy relating to abortion clinics, and recommended to the Pennsylvania Department of Health that these abortion clinics ''be explicitly regulated as ambulatory surgical facilities, so that they are inspected annually and held to the same standards as all other outpatient procedure centers'';

Whereas the Report of the Grand Jury documented a pattern, over a period of 2 decades, at the Women's Medical Society of Philadelphia of untrained and uncertified personnel performing abortions, non-medical personnel administering medications, grossly unsanitary and dangerous conditions, violations of law regarding storage of human remains, and, above all, instances of willful murder of infants born alive by severing their spinal cords;

Whereas the violations of law and human dignity documented at the Women's Medical Society of Philadelphia involved women referred to the facility by abortion facilities in a number of surrounding States, including Virginia, Maryland, North Carolina, and Delaware;

Whereas abortion clinics in a number of States, particularly Michigan and Maryland, and including 2 clinics at which Dr. Kermit Gosnell performed or initiated abortions and 2 Planned Parenthood facilities in Delaware, have been closed temporarily or permanently due to unsanitary conditions, and the Planned Parenthood facilities in Delaware have been described by former employees as resembling a ''meat market'';

Whereas the imposition of criminal and civil penalties on individuals and corporations involved in the deplorable practices described in this preamble is appropriate, but is not the only necessary response to such practices;

Whereas it is essential that the Federal Government and State and local governments take action to prevent dangerous conditions at abortion clinics;

Whereas government accountability means that officials whose duty it is to protect the safety and well-being of mothers accessing health care clinics must have their actions made public and their failures redressed;

Whereas the extent of, and purported justification for, legal and illegal abortions in the United States performed late in the second trimester of pregnancy and into and throughout the third trimester of pregnancy are not routinely reported by all States or by the Centers for Disease Control, and are therefore unknown;

Whereas women and children in the United States deserve better than the 56,145,920 abortions that have been performed in the United States since the Supreme Court rulings in *Roe v. Wade*, 410 U.S. 113, and *Doe v. Bolton*, 410 U.S. 179, in 1973; and

Whereas there is substantial medical evidence that an unborn child is capable of experiencing pain at 20 weeks after fertilization, or earlier: Now, therefore, be it

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

(1) Congress and States should gather information about and correct—

(A) abusive, unsanitary, and illegal abortion practices; and

(B) the interstate referral of women and girls to facilities engaged in dangerous or illegal second- and third-trimester procedures;

(2) Congress has the responsibility to—

(A) investigate and conduct hearings on—

(i) abortions performed near, at, or after viability in the United States; and

(ii) public policies regarding such abortions; and

(B) evaluate the extent to which such abortions involve violations of the natural right to life of infants who are born alive or are capable of being born alive, and therefore are entitled to equal protection under the law;

(3) there is a compelling governmental interest in protecting the lives of unborn children beginning at least from the stage at which substantial medical evidence indicates that they are capable of feeling pain, which is separate from and independent of the compelling governmental interest in protecting the lives of unborn children beginning at the stage of viability, and neither governmental interest is intended to replace the other; and

(4) governmental review of public policies and outcomes relating to the issues described in paragraphs (1) through (4) is long overdue and is an urgent priority that must be addressed for the sake of women, children, families, and future generations.

SENATE RESOLUTION 134—EXPRESSING THE SENSE OF THE SENATE THAT ALL INCIDENTS OF ABUSIVE, UNSANITARY, OR ILLEGAL HEALTH CARE PRACTICES SHOULD BE CONDEMNED AND PREVENTED AND THE PERPETRATORS SHOULD BE PROSECUTED TO THE FULL EXTENT OF THE LAW

Mr. BLUMENTHAL (for himself, Mrs. BOXER, Mrs. SHAHEEN, and Mr. FRANKEN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 134

Whereas in recent years there have been rare and tragic incidents of willful violations of law, human dignity, and standards of care across a variety of health care settings that have exposed trusting patients to death and disease, and shocked the conscience of the United States, including—

(1) a physician at the Women's Medical Society of Philadelphia who is rightfully facing multiple criminal charges related to horrific practices;

(2) health care practitioners at the Endoscopy Center of Southern Nevada who exposed 40,000 patients to hepatitis C through unsanitary practices;

(3) an Oklahoma dentist who exposed as many as 7,000 patients to HIV and hepatitis B and C through unsanitary practices; and

(4) a nursing director at Kern Valley nursing home in California who, for her own convenience, inappropriately medicated patients using antipsychotic drugs, resulting in the death of at least 1 patient: Now, therefore, be it

Resolved, That it is the sense of the Senate that all incidents of abusive, unsanitary, or illegal health care practices should be condemned and prevented and the perpetrators should be prosecuted to the full extent of the law.

AMENDMENTS SUBMITTED AND PROPOSED

SA 814. Mr. COBURN (for himself, Mr. FLAKE, and Mr. MCCAIN) 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 815. Mr. COBURN (for himself, Mr. MCCAIN, and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 816. Mr. COBURN (for himself, Mrs. MCCASKILL, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 817. 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 818. 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 819. 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 820. 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 821. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 822. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 823. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 824. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 825. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 826. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 827. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 828. 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 829. Mr. WICKER (for himself and 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 830. Mr. WICKER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 831. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 832. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 601, supra.

SA 833. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 601, supra.

SA 834. Mr. BARRASSO (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 835. Mr. INHOFE (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 601, supra.

SA 836. Mr. REED (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 837. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 601, supra; which was ordered to lie on the table.

SA 838. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 601, supra; which was ordered to lie on the table.

SA 839. Mrs. GILLIBRAND (for herself and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill S. 601, supra; which was ordered to lie on the table.

SA 840. Mr. WARNER (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 841. Mr. GRAHAM (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 842. Mr. GRAHAM (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 843. Mr. GRAHAM (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 844. Mr. GRAHAM (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 845. Mr. GRAHAM (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 846. Mr. MANCHIN (for himself, Mr. PORTMAN, Mr. ROCKEFELLER, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 847. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 848. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 849. Mr. RUBIO (for himself, Mr. SESSIONS, Mr. SHELBY, 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 850. Mr. MANCHIN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 851. Mr. UDALL, of New Mexico (for himself, Mr. CARDIN, Mr. HEINRICH, and Mr. COWAN) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 852. Mr. UDALL, of New Mexico (for himself, Mr. GRAHAM, Mr. HEINRICH, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 853. Mr. UDALL, of New Mexico (for himself, Mr. COWAN, Mr. HEINRICH, Ms. WARREN, Mr. CARDIN, Mr. BENNET, Mr. ROCKEFELLER, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. LAUTENBERG, Mr. LEAHY, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 854. Mr. CASEY (for himself, Mr. ALEXANDER, Mr. BLUNT, Mrs. MCCASKILL, Ms. LANDRIEU, Ms. STABENOW, Mr. FRANKEN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 855. Mr. KAINE (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 856. Mr. BROWN (for himself, Mr. GRAHAM, Mr. UDALL of New Mexico, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 857. Mr. LEVIN (for himself, Mr. SCHUMER, Ms. BALDWIN, and Ms. STABENOW) 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 814. Mr. COBURN (for himself, Mr. FLAKE, and Mr. MCCAIN) 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. 2_____. PERIODIC BEACH RENOURISHMENT.

Section 103(d)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)(2)) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Notwithstanding subsection (e)(1), the non-Federal cost of the periodic nourishment of the project, or any measure for shore protection or beach erosion control for the project, that is authorized for construction before, on, or after the date of enactment of the Water Resources Development Act of 2013 shall be 65 percent.''.

SA 815. Mr. COBURN (for himself, Mr. MCCAIN, and Mr. FLAKE) 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:

Strike section 2030.

SA 816. Mr. COBURN (for himself, Mrs. MCCASKILL, and Mr. MCCAIN) 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 2049(b)(5), strike subparagraph (C).

SA 817. 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:

Strike title I.

SA 818. 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:

Strike section 1001 and insert the following:

SEC. 1001. PURPOSES; SENSE OF CONGRESS.

(a) 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;

(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; and

(3) not to establish new precedent or congressional practices concerning the delegation of authority from Congress to the Executive Branch with respect to the authorization of water resources projects or funding amounts for projects.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should enact legislation to reduce wasteful spending, reform the earmark and project authorization processes under law, and address the long-term fiscal challenges in the United States; and

(2) on enactment of the legislation described in paragraph (1), Congress should resume the prudent authorization of projects consistent with law.

SA 819. 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:

Strike section 2049 and insert the following:

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.''; 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 STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall, in consultation with the States, Chief of Engineers, water resources associations, and other stakeholders, submit a report to Congress on options for establishing an appropriate and cost effective process for identifying authorized Corps of Engineers water resources projects, including those listed in the report described in section 1001(b)(4) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(4)), that are no longer in the Federal interest and should be deauthorized.

SA 820. 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:

Strike title X and insert the following:

TITLE X—SENSE OF CONGRESS REGARDING WATER AND WASTEWATER INFRASTRUCTURE FINANCING PROGRAMS

SEC. 10001. SENSE OF CONGRESS REGARDING WATER AND WASTEWATER INFRASTRUCTURE FINANCING PROGRAMS.

It is the sense of Congress that, instead of establishing a new, unfunded water infrastructure financing program during the period of significant Federal deficits in effect on the date of enactment of this Act, Congress should, to the extent fiscally prudent—

(1) maximize funding for existing water and wastewater infrastructure financing programs, including—

(A) the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.); and

(B) 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) abate restrictions on the use of private activity bonds on water and wastewater infrastructure projects; and

(3) take other fiscally appropriate actions to improve water and wastewater infrastructure in the United States.

SA 821. Mr. BOOZMAN 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. 2_____. IMPROVING PLANNING AND ADMINISTRATION OF WATER SUPPLY STORAGE.

(a) IN GENERAL.—The Secretary shall carry out activities—

(1) to ensure increased uniformity and flexibility in the development and administration of storage agreements with non-Federal interests for municipal or industrial water supply at Corps of Engineers projects pursuant to section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b); and

(2) to enable non-Federal interests to anticipate and accurately budget for annual operations and maintenance costs and, as applicable, repair, rehabilitation, and replacements costs, including through—

(A) the formulation by the Secretary of a uniform billing statement format for those storage agreements relating to operations and maintenance costs, and as applicable, repair, rehabilitation, and replacement costs, incurred by the Secretary, which, at a minimum, shall include—

(i) a detailed description of the activities carried out relating to the water supply aspects of the project;

(ii) a clear explanation of why and how those activities relate to the water supply aspects of the project; and

(iii) a detailed accounting of the cost of carrying out those activities;

(B) a review by the Secretary of the regulations and guidance of the Corps of Engineers relating to criteria and methods for the equitable distribution of joint project costs across project purposes in order to ensure nationwide consistency in the calculation of the appropriate share of joint project costs allocable to the water supply purpose; and

(C) a review by the Secretary of the procedures and processes of the Corps of Engineers for evaluating new requests for water supply storage reallocation and for developing water supply storage plans to accommodate the needs of non-Federal interests in order to increase the flexibility of those procedures and processes and enhance the coordination within the Corps of Engineers in communicating timely and unified responses to the requests of non-Federal interests.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the findings of the reviews carried out under subparagraphs (B) and (C) of subsection (a)(1) and any subsequent actions taken by the Secretary relating to those reviews.

(2) INCLUSIONS.—The report under paragraph (1) shall include an analysis of the feasibility and costs associated with the provision by the Secretary to each non-Federal interest of not less than 1 statement each year that details for each water storage agreement described in subsection (a)(1) the estimated amount of the operations and

maintenance costs and, as applicable, the estimated amount of the repair, rehabilitation, and replacement costs, for which the non-Federal interest will be responsible in that fiscal year.

(3) EXTENSION.—The Secretary may delay the submission of the report under paragraph (1) for a period not to exceed 180 days after the deadline described in paragraph (1), subject to the condition that the Secretary submits a preliminary progress report to Congress not later than 1 year after the date of enactment of this Act.

SA 822. Mr. BOOZMAN 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 the bill, add the following:

TITLE XII—MISCELLANEOUS

SEC. 12001. AMERICA THE BEAUTIFUL NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS PROGRAM.

The Secretary may participate in the America the Beautiful National Parks and Federal Recreational Lands Pass program in the same manner as the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, the Forest Service, and the Bureau of Reclamation, including the provision of free annual passes to active duty military personnel and dependents.

SA 823. Mr. COBURN (for himself and Mr. MCCAIN) 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:

Section 2049(b) is amended by adding at the end the following:

(6) APPLICATION.—For purposes of this subsection, water resources projects shall include environmental infrastructure assistance projects and programs of the Corps of Engineers.

SA 824. Mr. COCHRAN 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 III, add the following:

SEC. 30___. BIG SUNFLOWER RIVER.

(a) IN GENERAL.—With respect to the project for flood control on the Big Sunflower River, authorized by section 10 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 895, chapter 665), the Secretary may install sediment structures throughout the watershed for water quality and aquatic restoration purposes.

(b) STRUCTURAL PRACTICES.—In carrying out the activities authorized under subsection (a), the Secretary shall use structural practices modeled on the structural practices provided by the Natural Resources Conservation Service Environmental Quality Incentives Program of the Department of Agriculture.

SA 825. Mr. COCHRAN 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 section 3018, add the following:

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall not take effect until the date on which the Secretary certifies in writing to the Committees on Appropriations and Environment and Public Works of the Senate and the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives that the Governors of the States of Louisiana and Mississippi have submitted to the Secretary a written certification that the Governors have no objections to the adoption by the Secretary of the plan described in subsection (d) of section 7002 of the Water Resources Development Act of 2007 (121 Stat. 1270) (as amended by subsection (a)).

SA 826. Mr. COCHRAN 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 section 3018, add the following:

(c) EFFECT OF SECTION.—Nothing in this section or an amendment made by this section constitutes an authorization for the design or construction of the East Land Bridge Levee, New Orleans.

SA 827. Mr. COCHRAN 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 section 3018, add the following:

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall not take effect until the date on which the Secretary certifies in writing to the Committees on Appropriations and Environment and Public Works of the Senate and the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives that the implementation of this section and the amendments made by this section will not increase, directly or indirectly, the flood risk of any property in a State other than the State of Louisiana.

SA 828. 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 V, add the following:

SEC. 50_____. RIGHTS AND RESPONSIBILITIES OF CHEROKEE NATION OF OKLAHOMA REGARDING W.D. MAYO LOCK AND DAM, OKLAHOMA.

Section 1117 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4236) is amended to read as follows:

"SEC. 1117. W.D. MAYO LOCK AND DAM, OKLAHOMA.

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Cherokee Nation of Oklahoma has exclusive authorization—

''(1) to design and construct 1 or more hydroelectric generating facilities at the W.D. Mayo Lock and Dam on the Arkansas River in the State of Oklahoma, subject to the requirements of subsection (b) and in accordance with the conditions specified in this section; and

''(2) to market the electricity generated from any such hydroelectric generating facility.

''(b) PRECONSTRUCTION REQUIREMENTS.—

''(1) IN GENERAL.—The Cherokee Nation shall obtain any permit required by Federal or State law before the date on which construction begins on any hydroelectric generating facility under subsection (a).

''(2) REVIEW BY SECRETARY.—The Cherokee Nation may initiate the design or construction of a hydroelectric generating facility under subsection (a) only after the Secretary reviews and approves the plans and specifications for the design and construction.

''(c) PAYMENT OF DESIGN AND CONSTRUCTION COSTS.—

''(1) IN GENERAL.—The Cherokee Nation shall—

''(A) bear all costs associated with the design and construction of any hydroelectric generating facility under subsection (a); and

''(B) provide any funds necessary for the design and construction to the Secretary prior to the Secretary initiating any activities relating to the design and construction of the hydroelectric generating facility.

''(2) USE BY SECRETARY.—The Secretary may—

''(A) accept funds offered by the Cherokee Nation under paragraph (1); and

''(B) use the funds to carry out the design and construction of any hydroelectric generating facility under subsection (a).

''(d) ASSUMPTION OF LIABILITY.—The Cherokee Nation—

''(1) shall hold all title to any hydroelectric generating facility constructed under this section;

''(2) may, subject to the approval of the Secretary, assign that title to a third party;

''(3) shall be solely responsible for—

''(A) the operation, maintenance, repair, replacement, and rehabilitation of any such facility; and

''(B) the marketing of the electricity generated by any such facility; and

''(4) shall release and indemnify the United States from any claims, causes of action, or liabilities that may arise out of any activity undertaken to carry out this section.

''(e) ASSISTANCE AVAILABLE.—Notwithstanding any other provision of law, the Secretary may provide any technical and construction management assistance requested by the Cherokee Nation relating to the design and construction of any hydroelectric generating facility under subsection (a).

''(f) THIRD PARTY AGREEMENTS.—The Cherokee Nation may enter into agreements with the Secretary or a third party that the Cherokee Nation or the Secretary determines to be necessary to carry out this section.''.

SA 829. Mr. WICKER (for himself and 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, add the following:

TITLE XII—MISCELLANEOUS

SEC. 12001. DONALD G. WALDON LOCK AND DAM.

(a) FINDINGS.—Congress finds that—

(1) the Tennessee-Tombigbee Waterway Development Authority is a 4-State compact comprised of the States of Alabama, Kentucky, Mississippi, and Tennessee;

(2) the Tennessee-Tombigbee Authority is the regional non-Federal sponsor of the Tennessee-Tombigbee Waterway;

(3) the Tennessee-Tombigbee Waterway, completed in 1984, has fueled growth in the United States economy by reducing transportation costs and encouraging economic development; and

(4) the selfless determination and tireless work of Donald G. Waldon, while serving as administrator of the waterway compact for 21 years, contributed greatly to the realization and success of the Tennessee-Tombigbee Waterway.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, at an appropriate time and in accordance with the rules of the House of Representatives and the Senate, the lock and dam located at mile 357.5 on the Tennessee-Tombigbee Waterway should be known and designated as the ''Donald G. Waldon Lock and Dam''.

SA 830. Mr. WICKER (for himself and Mr. COCHRAN) 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 III, add the following:

SEC. 30___. PEARL RIVER BASIN, MISSISSIPPI.

Section 3104 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1134) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The project for flood damage reduction, Pearl River Basin, including Shoccoe, Mississippi, authorized by section 401(e)(3) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4132), is modified to authorize the Secretary, subject to subsection (c), to construct the project generally in accordance with the plan described in the 'Pearl River Watershed, Mississippi, Feasibility Study and Environmental Impact Statement Main Report', with an estimated Federal share of $133,770,000 and an estimated non-Federal cost of $72,030,000.''; and

(2) by striking subsection (b) and inserting the following:

''(b) COMPARISON OF ALTERNATIVES.—Before initiating construction of the project, the Secretary shall compare the level of flood damage reduction provided by the plan that maximizes national economic development benefits of the project and the locally preferred plan, to that portion of Jackson, Mississippi and vicinity, located below the Ross Barnett Reservoir Dam.''.

SA 831. Mr. BAUCUS 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. FOREST HIGHWAY PROGRAM UNOBLIGATED BALANCES.

Section 204 of title 23, United States Code, is amended by adding at the end the following:

''(d) FOREST HIGHWAY PROGRAM UNOBLIGATED BALANCES.—Until September 30, 2014, on request by a State, the Secretary or Secretary of the appropriate land management agency shall apply available and unobligated balances of funds allocated under the Forest Highway Program under subsection (b)(2), as in effect on July 6, 2012, to the non-Federal share of the cost of 1 or more projects selected under this section by the programming decisions committee of the State.''.

SA 832. Mrs. MURRAY 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:

On page 305, strike lines 11 through 14 and insert the following:

''(i) CARGO CONTAINER.—The term 'cargo container' means a cargo container that is 1 Twenty-foot Equivalent Unit.

SA 833. Mr. MCCAIN 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; as follows:

In section 6004(i)(2), add at the end the following:

(C) MEASURES TO ASSESS EFFECTIVENESS.—Not later than 1 year after the enactment of this Act, the Secretary shall implement quantifiable performance measures and metrics to assess the effectiveness of the grant program established in accordance with subparagraph (A).

SA 834. Mr. BARRASSO (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) 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 2043, add at the end the following:

(f) UTILIZATION OF EROSION CONTROL MATERIALS.—The Secretary shall encourage the utilization of materials and practices that are demonstrated to produce cost savings and project acceleration, including gabions, geosynthetics, and other erosion control materials, in applications, including—

(1) shoreline protection; and

(2) the storage and transportation of canal water as recommended by the Commissioner of the Bureau of Reclamation in the report entitled ''Canal-Lining Demonstration Project Year 10 Final Report''.

SA 835. Mr. INHOFE (for himself 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:

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 $5,000,000.

SA 836. Mr. REED (for himself and Mr. COCHRAN) 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___. STUDY OF VOLUNTARY COMMUNITY-BASED FLOOD INSURANCE OPTIONS.

(a) STUDY.—

(1) STUDY REQUIRED.—The Administrator of the Federal Emergency Management Agency (referred to in this section as the ''Administrator'') shall conduct a study to assess options, methods, and strategies for making available voluntary community-based flood insurance policies through the National Flood Insurance Program.

(2) CONSIDERATIONS.—The study conducted under paragraph (1) shall—

(A) take into consideration and analyze how voluntary community-based flood insurance policies—

(i) would affect communities having varying economic bases, geographic locations, flood hazard characteristics or classifications, and flood management approaches; and

(ii) could satisfy the applicable requirements under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a); and

(B) evaluate the advisability of making available voluntary community-based flood insurance policies to communities, subdivisions of communities, and areas of residual risk.

(3) CONSULTATION.—In conducting the study required under paragraph (1), the Administrator may consult with the Comptroller General of the United States, as the Administrator determines is appropriate.

(b) REPORT BY THE ADMINISTRATOR.—

(1) REPORT REQUIRED.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains the results and conclusions of the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include recommendations for—

(A) the best manner to incorporate voluntary community-based flood insurance policies into the National Flood Insurance Program; and

(B) a strategy to implement voluntary community-based flood insurance policies that would encourage communities to undertake flood mitigation activities, including the construction, reconstruction, or improvement of levees, dams, or other flood control structures.

(c) REPORT BY COMPTROLLER GENERAL.—Not later than 6 months after the date on which the Administrator submits the report required under subsection (b), the Comptroller General of the United States shall—

(1) review the report submitted by the Administrator; and

(2) submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains—

(A) an analysis of the report submitted by the Administrator;

(B) any comments or recommendations of the Comptroller General relating to the report submitted by the Administrator; and

(C) any other recommendations of the Comptroller General relating to community-based flood insurance policies.

SA 837. Ms. COLLINS (for herself and Mr. KING) 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 V, add the following:

SEC. 50____. CAPE ARUNDEL DISPOSAL SITE, MAINE.

(a) IN GENERAL.—The Cape Arundel Disposal Site selected by the Department of the Army as an alternative dredged material disposal site under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(b)) (referred to in this section as the ''Site'') is reopened and shall remain open and available until the earlier of—

(1) the date on which the Site does not have any remaining disposal capacity; or

(2) the date on which an environmental impact statement designating an alternative dredged material disposal site for southern Maine has been completed.

(b) LIMITATIONS.—The use of the Site as a dredged material disposal site under subsection (a) shall be subject to the conditions that—

(1) conditions at the Site remain suitable for the continued use of the Site as a dredged material disposal site; and

(2) the Site not be used for the disposal of more than 80,000 cubic yards from any single dredging project.

SA 838. Mrs. FEINSTEIN 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:

On page 308, strike lines 21 through 25, and insert the following:

''(II) are located in berths that are accessible to Federal channels;

''(iv) for environmental remediation related to dredging berths and Federal navigation channels; or

''(v) for capital investments in the infrastructure of eligible donor ports and goods movement corridors associated with eligible donor ports that mitigate the local impacts of the movement of goods, including traffic congestion, air pollution, infrastructure degradation, public safety threats, and other impacts identified by the Secretary.

SA 839. Mrs. GILLIBRAND (for herself and Mr. WICKER) 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 the bill, add the following:

Subtitle B—Extreme Weather Resilience

SEC. 11101. SHORT TITLE.

This subtitle may be cited as the ''Strengthening The Resiliency of Our Nation on the Ground Act'' or the ''STRONG Act''.

SEC. 11102. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Extreme weather has serious economic costs for Americans, American businesses, and State and local governments. Hurricanes, droughts, floods, tornadoes, extreme heat, and extreme cold cause death, result in loss of property and well-being, especially among the most vulnerable populations, and negatively impact business activity and economic growth.

(2) Superstorm Sandy, which devastated the Eastern United States in late October 2012, resulted in more than 100 deaths, the evacuation of hundreds of thousands of people from their homes, power outages affecting more than 8,500,000 homes, massive flooding, gasoline shortages, and a crippled regional energy and transportation infrastructure. As a result of this storm, Congress passed the Disaster Relief Appropriations Act, 2013, which appropriated $50,500,000,000 for post-Sandy recovery efforts.

(3) In the past 30 years, there have been more than 130 weather-related disasters in the United States that each generated at least $1,000,000,000 in damages or more than $880,000,000,000 in total standardized loss. In addition, there have been many other extreme weather events that generated less than $1,000,000,000 in damages, but still caused immeasurable harm to the Nation's citizens, infrastructure, and economy.

(4) Hurricane Katrina led to more than 1,800 deaths, property damage exceeding $80,000,000,000, more than $120,000,000,000 in Federal spending, and long-term impacts on the economy and livelihoods of those living in the Gulf Coast region.

(5) In 2011, one of the most severe and costly years for weather and climate on record, extreme weather hit every region in the United States, resulting in—

(A) prolonged droughts in the South and the West;

(B) deadly floods in the Southeast and Midwest;

(C) hundreds of devastating tornadoes across the United States;

(D) Hurricane Irene in the Northeast;

(E) more than $50,000,000,000 in weather-related damages;

(F) 14 extreme weather events, which resulted in more than $1,000,000,000 in damages each and caused a combined death toll of hundreds of people; and

(G) many other extreme weather events with lesser, but still significant, impacts.

(6) In 2012, in addition to Superstorm Sandy, the United States experienced—

(A) drought conditions in more than 60 percent of the contiguous United States at the peak of the drought, including more than 2,200 counties that have received disaster designations from the Secretary of Agriculture due to the drought;

(B) deadly floods in Minnesota, Tropical Storm Debby in Florida, and Hurricane Isaac in Louisiana;

(C) destructive wildfires on more than 9,000,000 acres across 37 States;

(D) power outages affecting more than 3,400,000 homes due to severe storms during the summer; and

(E) deadly heat waves, highlighted by July as the warmest month on record for the contiguous United States and more than 9,600 daily high temperature records broken during June, July, and August.

(7) These events and natural disaster trends, when combined with the volatility of weather, ongoing demographic changes, and development in high risk areas, indicate that the negative impacts of extreme weather events and natural disasters have the potential to increase over time. The fact that a significant number of people and assets continue to be located in areas prone to volatile and extreme weather indicates that these events will continue to be expensive and deadly if the United States fails to enhance its resiliency to such events. Recent studies show that the intensity and frequency of some types of, but not all, extreme weather events will likely increase in the future.

(8) Economic savings can be achieved by considering the impacts of extreme weather over the short- and long-term in the planning process. For example, a 2005 review of the Federal Emergency Management Agency's hazard mitigation programs, conducted by the National Institute of Building Sciences' Multi-Hazard Mitigation Council,

found that every dollar spent on hazard mitigation yields a savings of $4 in future losses.

(9) There are several efforts currently underway at the Federal, regional, tribal, State, and local levels that have helped lay the foundation for a federally-coordinated effort to increase the Nation's resiliency to extreme weather events, such as the Hurricane Sandy Rebuilding Task Force, the Presidential Policy Directive on National Preparedness (referred to in this subtitle as ''PPD–8''), the National Preparedness System, the whole community approach led by the Department of Homeland Security, and the Silver Jackets Program by the Army Corps of Engineers. Other recent reports on this subject include the National Academies of Sciences' reports ''Disaster Resilience: A National Imperative'' and ''Building Community Disaster Resilience through Public-Private Collaboration''.

(b) PURPOSE.—The purpose of this subtitle is to minimize the economic and social costs and future losses of life, property, well-being, business activity, and economic growth by making the United States more resilient to the impacts of extreme weather events over the short- and long-term, thereby creating business and job growth opportunities by—

(1) ensuring that the Federal Government is optimizing its use of existing resources and funding to support State and local officials, businesses, tribal nations, and the public to become more resilient, including—

(A) encouraging the consideration of, and ways to incorporate, extreme weather resilience across Federal operations, programs, policies, and initiatives;

(B) promoting improved coordination of existing and planned Federal extreme weather resilience and adaptation efforts that impact extreme weather resilience and ensuring their coordination with, and support of, State, local, regional, and tribal efforts;

(C) minimizing Federal policies that may unintentionally hinder or reduce resilience, such as damaging wetlands or other critical green infrastructure, or lead Federal agencies to operate at cross purposes in achieving extreme weather resilience; and

(D) building upon existing related efforts, such as the Hurricane Sandy Rebuilding Task Force, the PPD–8, the National Preparedness System, and the whole community approach;

(2) communicating the latest understanding and likely short- and long-term human and economic impacts and risks of extreme weather to businesses and the public;

(3) supporting decision making that improves resilience by providing forecasts and projections, data decision-support tools, and other information and mechanisms; and

(4) establishing a consistent vision and strategic plan for extreme weather resilience across the Federal Government.

SEC. 11103. DEFINITIONS.

In this subtitle:

(1) EXTREME WEATHER.—The term ''extreme weather'' includes severe and unseasonable weather, heavy precipitation, hurricanes, storm surges, tornadoes, other windstorms (including derechos), extreme heat, extreme cold, and other qualifying weather events as determined by the interagency group established under section 11104(a)(1).

(2) RESILIENCE.—The term ''resilience'' means the ability to prepare and plan for, absorb, recover from, and more successfully adapt to adverse events in a timely manner.

SEC. 11104. EXTREME WEATHER RESILIENCE GAP AND OVERLAP ANALYSIS.

(a) INTERAGENCY WORKING GROUP.—

(1) IN GENERAL.—

(A) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy (referred to in this section as the ''Director''), with input from the Department of Homeland Security, shall establish and chair an interagency working group with Cabinet-level representation from all relevant Federal agencies.

(B) DUTIES.—The working group shall—

(i) come together to provide a strategic vision of extreme weather resilience;

(ii) conduct a gap and overlap analysis of Federal agencies' current and planned activities related to achieving short- and long-term resilience to extreme weather and its impacts on the Nation, such as storm surge, flooding, drought, and wildfires; and

(iii) develop a National Extreme Weather Resilience Plan in accordance with section 11105(a).

(2) ADDITIONAL REPRESENTATION FROM EXECUTIVE OFFICE OF THE PRESIDENT.—The interagency working group established under paragraph (1) shall include representatives of the relevant offices and councils within the Executive Office of the President, including—

(A) the Office of Management and Budget;

(B) the National Security Staff;

(C) the Council of Economic Advisors;

(D) the Council on Environmental Quality; and

(E) the Domestic Policy Council.

(3) CONSULTATION WITH TRIBAL, STATE, AND LOCAL REPRESENTATIVES.—

(A) IN GENERAL.—The Federal interagency working group established under paragraph (1) shall work closely with an advisory group to take into account the needs of State and local entities across all regions of the United States. The advisory group shall consist of—

(i) 1 representative from the National Emergency Management Association;

(ii) 7 representatives from States and State associations; and

(iii) 8 representatives from local entities and associations, including representation from a tribal nation and at least 1 major metropolitan area.

(B) KEY SECTORS.—The representatives described in subparagraph (A) shall, in the aggregate, represent all of the key sectors set forth in subsection (b)(1).

(C) MEETINGS.—The Director shall meet with the representatives described in subparagraph (A) not fewer than 9 times during the development of—

(i) the gap and overlap analysis under this section; and

(ii) the National Extreme Weather Resilience Action Plan under section 11105.

(4) COOPERATION BY FEDERAL AGENCIES.—In carrying out the activities described in subsection (b), Federal agency representatives participating in the working group shall be forthright and shall fully cooperate with the Office of Science and Technology Policy.

(5) DETAILEES.—Upon the request of the Director, each agency or entity referred to in paragraph (1) shall provide the working group with a detailee, without reimbursement from the working group, to support the activities described in subsection (b), section 11105, and section 11107(a). Such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(6) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the working group may investigate and use such voluntary services as the working group determines to be necessary.

(b) GAP AND OVERLAP ANALYSIS.—In conducting the gap and overlap analysis required under subsection (a)(1), Federal agency representatives shall—

(1) develop a Federal Government-wide working vision for resilience to the impacts of extreme weather events in the short- and long-term, in accordance with the purpose set forth in section 11102(b), through an effort led by the Director and the interagency working group, which includes goals and objectives for key sectors. Key sectors shall include—

(A) agriculture;

(B) forestry and natural resources management;

(C) water management, including supply and treatment;

(D) energy supply and transmission;

(E) infrastructure, including natural and built forms of water and wastewater, transportation, coastal infrastructure, and other landscapes and ecosystems services;

(F) public health and healthcare delivery, including mental health and hazardous materials management;

(G) communications, including wireless communications;

(H) housing and other buildings;

(I) national security;

(J) emergency preparedness;

(K) insurance; and

(L) other sectors that the Director considers appropriate;

(2) consider and identify the interdependencies among the key sectors when developing the vision referred to in paragraph (1);

(3) create summaries of the existing and planned efforts and programmatic work underway or relevant to supporting State and local stakeholders in achieving greater extreme weather resilience in the short and long term for each sector identified under paragraph (1) and across the sectors, specifically including summaries of—

(A) individual Federal agency programs, policies, regulations, and initiatives, and research and data collection and dissemination efforts;

(B) areas of collaboration and coordination across Federal agencies; and

(C) areas of coordination with State and local agencies, private entities, and regional cooperation;

(4) identify specific Federal programs, statutes, regulations, policies, and initiatives which may unintentionally hinder resilience efforts, including an analysis of disincentives, barriers, and incompatible programs, policies, or initiatives across agencies and sectors;

(5) examine how the severity and frequency of extreme weather events at the local and regional level may change in the future and communicate these potential risks to stakeholders;

(6) work together to identify and evaluate existing Federal tools and data to describe, analyze, forecast, and model the potential impacts identified under paragraph (5) and develop recommendations to strengthen their ability to provide reliable and accurate forecasts at the national, regional, State, and local levels;

(7) identify gaps and overlaps in Federal agency work, resources, and authorities that impair the ability of the United States to meet the vision for short- and long-term extreme weather resilience, by comparing the goals and objectives identified for each sector and across sectors with the summaries identified in paragraph (3), specifically identifying gaps relating to—

(A) individual Federal agency programs, policies, and initiatives, and research data collection and dissemination efforts;

(B) areas of collaboration and coordination across Federal agencies;

(C) areas of coordination with State and local agencies and private entities, and regional cooperation;

(8) determine potential measures to address the issues referred to in paragraph (4) and to address the gaps and overlaps referred to in paragraph (7) by—

(A) designating individual or multiple Federal agencies to address these gaps;

(B) building upon existing delivery mechanisms;

(C) evaluating options for programs, policies, and initiatives that may particularly benefit extreme weather resilience efforts, including the role of ecosystem-based approaches;

(D) recommending modifications to existing Federal agency programs, statutes, regulations, policies, and initiatives to better support extreme weather resiliency;

(E) requesting new authorities and resource requirements, if needed; and

(F) identifying existing Federal government processes that can be built upon to address the purpose of this subtitle; and

(9) establish, with the assistance of the General Services Administration or such other Federal agency as the Director may designate, a Federal advisory working group to provide ongoing collective input to the process.

(c) WORKING GROUP.—The Federal advisory working group established pursuant to subsection (b)(9) shall consist of relevant private sector, academic, State and local government, tribal nation, regional organization, vulnerable population, and nongovernmental representatives, with representation from each sector described in paragraph (1). The Director may designate an existing Federal advisory committee under which the working group would operate independently, with the same rights and privileges held by members of the advisory committee. The members of the working group established pursuant to subsection (b)(9) may not simultaneously serve as members of the advisory committee designated pursuant to this subsection. The activities of the working group should complement and not duplicate the stakeholder process conducted under PPD–8.

SEC. 11105. NATIONAL EXTREME WEATHER RESILIENCE ACTION PLAN.

(a) IN GENERAL.—Based on the results of the gap and overlap analysis conducted under section 11104, the Director, working with the interagency working group established under such section, and considering the efforts described in section 11102(a)(9), shall develop a National Extreme Weather Resilience Action Plan (referred to in this section as the ''Plan'')—

(1) to build upon existing Federal Government processes referred to in section 11104(b)(8)(F)—

(A) to address the results of the gap and overlap analysis under section 11104; and

(B) to incorporate the activities required under subsection (c);

(2) to best utilize existing resources and programs through improved interagency coordination and collaboration;

(3) to improve Federal coordination with existing regional entities, State and local governments, networks, and private stakeholders;

(4) to make data and tools accessible and understandable and to help facilitate information exchange for tribal, State, and local officials, businesses, and other stakeholders in a manner that addresses the needs expressed by these stakeholders;

(5) to facilitate public-private partnerships;

(6) to improve Federal agencies' economic analytical capacity to assess—

(A) the likelihood and potential costs of extreme weather impacts by region and nationally; and

(B) the relative benefits of potential resilience measures to multiple stakeholders;

(7) to provide tools to stakeholders—

(A) to conduct analyses similar to those described in paragraph (6); and

(B) to support decision-making;

(8) to support resiliency plans developed by State and local governments, regional entities, and tribal nations, to the extent possible; and

(9) to request further resources, if necessary, to fill in gaps to enable national resilience to extreme weather, including resilience of tribal nations, and particularly vulnerable populations, and the use of green infrastructure and ecosystem-based solutions.

(b) COOPERATION.—Any Federal agency representative contacted by the Director, in the course of developing the Plan, shall be forthright and shall fully cooperate with the Office of Science and Technology Policy, as requested.

(c) REQUIRED ACTIVITIES.—

(1) RESPONSIBILITIES.—The Plan shall include specific Federal agency and interagency responsibilities, identify potential new authorities, if necessary, and employ risk analysis—

(A) to address the gaps identified through the gap and overlap analysis; and

(B) to improve Federal interagency coordination and Federal coordination with State, regional, local, and tribal partners.

(2) AVAILABLE FUNDING OPPORTUNITIES.—

(A) IDENTIFICATION.—The Director shall identify—

(i) existing Federal grant programs and other funding opportunities available to support State and local government extreme weather resiliency planning efforts; or

(ii) projects to advance extreme weather resiliency.

(B) PUBLICATION.—The Director shall publish the information described in subparagraph (A) in the information portal identified in paragraph (3).

(C) RESPONSIBILITIES.—Each participating agency shall—

(i) consider incorporating criteria or guidance into existing relevant Federal grant and other funding opportunities to better support State and local efforts to improve extreme weather resiliency; and

(ii) evaluate and modify existing Federal funding opportunities, as appropriate, to maximize the return on investment for predisaster mitigation activities.

(3) INFORMATION PORTAL.—

(A) IN GENERAL.—The Plan shall—

(i) include the establishment of an online, publicly available information portal for use by Federal agencies, their partners, and stakeholders, that directs users to key data and tools to inform resilience-enhancing efforts; and

(ii) build off and be complementary to existing Federal efforts, including data.gov.

(B) MAINTENANCE.—The coordinating entity identified under paragraph (3) shall be responsible for establishing and maintaining the information portal.

(C) INFORMATION SUPPLIED.—Information shall be supplied as requested by Federal agencies, their partners, academia, and private stakeholders, in coordination with regional, State, local, and tribal agencies.

(D) CONTENTS.—The information portal established under this paragraph shall direct users to coordinated and systematic information on—

(i) best or model practices;

(ii) data;

(iii) case studies;

(iv) indicators;

(v) scientific reports;

(vi) resilience and vulnerability assessments;

(vii) guidance documents and design standards;

(viii) incentives;

(ix) education and communication initiatives;

(x) decision support tools, including risk management, short- and long-term economic analysis, and predictive models;

(xi) planning tools;

(xii) public and private sources of assistance; and

(xiii) such other information as the coordinating entity considers appropriate.

(4) COORDINATING ENTITY.—The Plan shall include the identification of a Federal agency, interagency council, office, or program, which participated in the gap and overlap analysis and Plan development. Such entity shall—

(A) coordinate the implementation of the Plan;

(B) track the progress of such implementation; and

(C) transfer responsibilities to another Federal agency, interagency council, office, or program to serve as the coordinating entity if the entities participating in the working group agree that circumstances necessitate such a change.

(5) RESILIENCY OFFICER.—Each Federal agency that assists with the gap and overlap analysis required under section 11104 shall designate, from among the agency's senior management, a Senior Resiliency Officer, who shall—

(A) facilitate the implementation of the agency's responsibilities under paragraph (1);

(B) monitor the agency's progress and performance in implementing its responsibilities under paragraph (1);

(C) report the agency's progress and performance to the head of the agency and the coordinating entity identified under paragraph (3); and

(D) serve as the agency lead in ongoing coordination efforts within the Federal agency and between the coordinating entity, other Federal agencies, public and private partners, and stakeholders.

(d) PUBLICATION.—

(1) DRAFT PLAN.—Not later than 420 days after the date of the enactment of this Act, the Director shall publish a draft of the Plan developed under this section in the Federal Register.

(2) PUBLIC COMMENT PERIOD.—During the 60-day period beginning on the date on which the draft Plan is published under paragraph (1), the Director shall—

(A) solicit comment from the public; and

(B) conduct a briefing for Congress to explain the provisions contained in the draft Plan.

(3) FINAL PLAN.—Not later than 120 days after the end of the public comment period described in paragraph (2), the Director shall publish the final Plan in the Federal Register.

(e) IMPLEMENTATION.—Not later than 630 days after the date of the enactment of this Act, the Director shall begin implementing the final Plan published under subsection (d)(3).

(f) FINANCING.—To the extent possible—

(1) Federal funding should be used to leverage private sector financing for resilience building activities, consistent with the implementation of the Plan, through public-private partnerships; and

(2) Federal grant and loan programs of the Federal agencies participating in the interagency working group for this effort shall consider extreme weather resilience as a key factor when awarding funding, including the projected extreme weather risk to a project over the course of its expected life.

(g) TRIBAL, STATE, AND LOCAL RESPONSIBILITIES.—The Plan may not place new unfunded requirements on State or local governments.

SEC. 11106. AUTHORIZATION OF OTHER ACTIVITIES.

(a) IN GENERAL.—Federal agencies are authorized to develop tools and disseminate information to improve extreme weather resilience in the key sectors set forth in section 11104(b)(1).

(b) OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—In conducting the gap and overlap analysis under section 11104 and developing the National Extreme Weather Resilience Action Plan under section 11105, the Director may carry out additional activities in support of the purpose of this subtitle.

SEC. 11107. REPORTS.

(a) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) identifies existing Federal Government programs and policies related to disaster relief, response, and recovery that impede improving short- and long-term extreme weather resilience; and

(2) make recommendations for how the programs or policies could be structured differently to better support short- and long-term resilience after an extreme weather event.

(b) INITIAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Director shall submit a report to Congress that contains—

(1) the results of the gap and overlap analysis;

(2) the final National Extreme Weather Resilience Action Plan;

(3) an update on the implementation of the plan; and

(4) available resources for the sustained implementation of the plan.

(c) TRIENNIAL REPORTS.—Not later than 2 years after the submission of the report under subsection (a), and every 3 years thereafter, the coordinating entity identified under section 11105(c)(3), in cooperation with the interagency working group established under section 11104(a), shall submit a report to Congress that—

(1) contains an update of the National Extreme Weather Resilience Action Plan;

(2) describes the progress of the plan's implementation;

(3) improves upon the original analysis as more information and understanding about extreme weather events becomes available;

(4) establishes criteria for prioritization of activities described in the plan;

(5) reconsiders and makes changes to the plan based on the availability of new information described in paragraph (3); and

(6) identifies cost-effective changes to laws, policies, or regulations that could advance the purpose of this subtitle.

(d) FEMA REPORTS ON FUNDING.—

(1) FINDINGS.—Congress finds the following:

(A) The Federal Emergency Management Agency grant programs are a key vehicle that exists to fund activities related to resiliency planning and projects.

(B) In order to ensure that the United States becomes more resilient to extreme weather, it is important to ensure that sufficient resources are available to support resiliency activities

(2) REPORTS.—At the end of each fiscal year, the Director of the Federal Emergency Management Agency (FEMA) shall submit a report to Congress that—

(A) identifies the amounts that were made available to the FEMA during such fiscal year for State and local entities to use for activities that support the purposes of this subtitle;

(B) identifies the amounts disbursed by FEMA to State and local entities during such fiscal year for such activities;

(C) describes the resources requested by State and local entities for activities that support the purposes of this subtitle; and

(D) identifies the difference between the amounts disbursed by FEMA and the amounts requested from FEMA by State and local entities.

SEC. 11108. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNTS FOR ANALYSIS, PLAN DEVELOPMENT AND IMPLEMENTATION, AND REPORTS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2014 through 2016—

(1) to conduct the gap and overlap analysis required under section 11104;

(2) to conduct the activities required under section 11105, including the creation and maintenance of the information portal; and

(3) to prepare the reports to Congress required under subsections (b) and (c) of section 11107.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available for the purposes set forth in such subsection through December 31, 2016.

SA 840. Mr. WARNER (for himself and Mr. KAINE) 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 216, between lines 3 and 4, insert the following:

SEC. 3019. FOUR MILE RUN, CITY OF ALEXANDRIA AND ARLINGTON COUNTY, VIRGINIA.

Section 84(a)(1) of the Water Resources Development Act of 1974 (Public Law 93–251; 88 Stat. 35) is amended by striking ''twenty-seven thousand cubic feet per second'' and inserting ''18,000 cubic feet per second, which—

''(A) includes wetland and fluvial habitat features; and

''(B) does not include freeboard''.

SA 841. Mr. GRAHAM (for himself and Mr. SCOTT) 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___. SENSE OF CONGRESS REGARDING NAVIGATION MAINTENANCE FOR SMALL HARBORS.

(a) FINDING.—Congress finds that the criteria used by the Secretary as of the date of enactment of this Act to determine funding for navigation maintenance projects does not allow small, remote, or subsistence harbors properly to compete for scarce navigation maintenance funds.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should revise the criteria described in subsection (a) to account for the impact of small, remote, and subsistence harbor projects on local and regional economies.

SA 842. Mr. GRAHAM (for himself and Mr. SCOTT) 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 I, add the following:

SEC. 1004. NAVIGATION PROJECTS.

During the period beginning on October 1, 2012, and ending on September 30, 2017, the Secretary may carry out construction of a navigation project if—

(1) a Chief of Engineers report recommending implementation of the applicable project—

(A) is completed and submitted to Congress; and

(B) reflects a benefit-to-cost ratio of not less than 2:1; and

(2) the local sponsor of the applicable project will—

(A) advance an amount equal to the total Federal share of the cost of construction of the project; and

(B) seek reimbursement for the Federal share for future fiscal years, as described in the Chief of Engineers report.

SA 843. Mr. GRAHAM (for himself and Mr. SCOTT) 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 I, add the following:

SEC. 1004. CONTINGENCY AUTHORIZATION FOR WATER AND RELATED RESOURCES PROJECTS.

During the period beginning on October 1, 2012, and ending on September 30, 2017, the Secretary may carry out construction of a project if—

(1) a Chief of Engineers report recommending implementation of the applicable project—

(A) is completed and submitted to Congress; and

(B) reflects a benefit-to-cost ratio of not less than 2:1; and

(2) the local sponsor of the applicable project will—

(A) advance an amount equal to the total Federal share of the cost of construction of the project; and

(B) seek reimbursement for the Federal share for future fiscal years, as described in the Chief of Engineers report.

SA 844. Mr. GRAHAM (for himself and Mr. SCOTT) 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 I, add the following:

SEC. 1004. NAVIGATION PROJECTS.

During the period beginning on October 1, 2012, and ending on September 30, 2017, the

Secretary may carry out construction of a navigation project if—

(1) a Chief of Engineers report recommending implementation of the applicable project is completed and submitted to Congress; and

(2) the project is included in the initiative of the President entitled ''We Can't Wait'', as implemented by Executive Order 13604 (77 Fed. Reg. 18887 (March 28, 2012)).

SA 845. Mr. GRAHAM (for himself and Mr. SCOTT) 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 I, add the following:

SEC. 1004. NAVIGATION PROJECTS.

During the period beginning on October 1, 2012, and ending on September 30, 2017, the Secretary may carry out construction of a navigation project if a Chief of Engineers report recommending implementation of the applicable project—

(1) is completed and submitted to Congress; and

(2) reflects a benefit-to-cost ratio of not less than 2:1.

SA 846. Mr. MANCHIN (for himself, Mr. PORTMAN, Mr. ROCKEFELLER, and Mr. HOEVEN) 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 the bill, add the following:

SEC. 12001. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) IN GENERAL.—Section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)) is amended in the first sentence by striking ''The Administrator'' and inserting ''Until such time as a permit under this section has been issued by the Secretary, the Administrator''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 18, 1972.

SA 847. Mr. BAUCUS 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 236, strike line 13 and insert the following:

(f) EFFECT OF SECTION.—

(1) IN GENERAL.—Nothing in this section replaces or provides a substitute for the authority to carry out projects under section 3110 of the Water Resources Development Act of 2007 (121 Stat. 1135).

(2) FUNDING.—The amounts made available to carry out this section shall be used to carry out projects that are not otherwise carried out under section 3110 of the Water Resources Development Act of 2007 (121 Stat. 1135).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is

SA 848. Mr. MENENDEZ 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___. DELAY IN IMPLEMENTATION OF BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012 IN CERTAIN STATES.

(a) IN GENERAL.—The Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 916) and the amendments made by that Act shall have no force or effect in New York or New Jersey until the date that is 1 year after the date on which the Administrator of the Federal Emergency Management Agency notifies Congress that all amounts contributed by the Federal Government under the Hazard Mitigation Grant Program authorized under section 404 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. 5170c) in response to Hurricane Sandy have been expended.

(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 849. Mr. RUBIO (for himself, Mr. SESSIONS, Mr. SHELBY, 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:

Strike section 2015 and insert the following:

SEC. 2015. WATER SUPPLY.

Section 301(d) of the Water Supply Act of 1958 (43 U.S.C. 390b(d)) is amended—

(1) by striking ''(d) Modifications'' and inserting the following:

''(d) APPROVAL OF CONGRESS OF MODIFICATIONS OF RESERVOIR PROJECTS.—

''(1) IN GENERAL.—A modification''; and

(2) by adding at the end the following:

''(2) ADDITIONAL APPROVAL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in addition to the approval under paragraph (1), approval by Congress shall be required for any modification that provides storage for municipal or industrial water supply at a reservoir project (other than a project located in a State in which the Bureau of Reclamation operates reservoir projects as of April 1, 2013) with a conservation storage pool exceeding 200,000 acre-feet if, when considered cumulatively with all previous modifications of the project pursuant to this section, the modification would involve an allocation or reallocation of more than 5 percent of the conservation storage pool of the project.

''(B) EXCEPTION.—Approval by Congress shall not be required under subparagraph (A) for any modification made pursuant to—

''(i) an interstate water compact approved by Congress; or

''(ii) a project-specific statutory authorization.''.

SA 850. Mr. MANCHIN (for himself and Mr. TOOMEY) 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 the bill, add the following:

TITLE XII—CLEAN WATER COOPERATIVE FEDERALISM

SECTION 12001. SHORT TITLE.

This title may be cited as the ''Clean Water Cooperative Federalism Act of 2013''.

SEC. 12002. STATE WATER QUALITY STANDARDS.

(a) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking ''(4)'' and inserting ''(4)(A)'';

(3) by striking ''The Administrator shall promulgate'' and inserting the following:

''(B) The Administrator shall promulgate''; and

(4) by adding at the end the following:

''(C) Notwithstanding subparagraph (A)(ii), the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the Administrator's determination that the revised or new standard is necessary to meet the requirements of this Act.''.

(b) FEDERAL LICENSES AND PERMITS.—Section 401(a) of such Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

''(7) With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.''.

(c) STATE NPDES PERMIT PROGRAMS.—Section 402(c) of such Act (42 U.S.C. 1342(c)) is amended by adding at the end the following:

''(5) LIMITATION ON AUTHORITY OF ADMINISTRATOR TO WITHDRAW APPROVAL OF STATE PROGRAMS.—The Administrator may not withdraw approval of a State program under paragraph (3) or (4), or limit Federal financial assistance for the State program, on the basis that the Administrator disagrees with the State regarding—

''(A) the implementation of any water quality standard that has been adopted by the State and approved by the Administrator under section 303(c); or

''(B) the implementation of any Federal guidance that directs the interpretation of the State's water quality standards.''.

(d) LIMITATION ON AUTHORITY OF ADMINISTRATOR TO OBJECT TO INDIVIDUAL PERMITS.—Section 402(d) of such Act (33 U.S.C. 1342(d)) is amended by adding at the end the following:

''(5) The Administrator may not object under paragraph (2) to the issuance of a permit by a State on the basis of—

''(A) the Administrator's interpretation of a water quality standard that has been

adopted by the State and approved by the Administrator under section 303(c); or

''(B) the implementation of any Federal guidance that directs the interpretation of the State's water quality standards.''.

SEC. 12003. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) AUTHORITY OF EPA ADMINISTRATOR.—Section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)) is amended—

(1) by striking ''(c)'' and inserting ''(c)(1)''; and

(2) by adding at the end the following:

''(2) Paragraph (1) shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the Administrator's determination that the discharge will result in an unacceptable adverse effect as described in paragraph (1).''.

(b) STATE PERMIT PROGRAMS.—The first sentence of section 404(g)(1) of such Act (33 U.S.C. 1344(g)(1)) is amended by striking ''The Governor of any State desiring to administer its own individual and general permit program for the discharge'' and inserting ''The Governor of any State desiring to administer its own individual and general permit program for some or all of the discharges''.

SEC. 12004. DEADLINES FOR AGENCY COMMENTS.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) in subsection (m) by striking ''ninetieth day'' and inserting ''30th day (or the 60th day if additional time is requested)''; and

(2) in subsection (q)—

(A) by striking ''(q)'' and inserting ''(q)(1)''; and

(B) by adding at the end the following:

''(2) The Administrator and the head of a department or agency referred to in paragraph (1) shall each submit any comments with respect to an application for a permit under subsection (a) or (e) not later than the 30th day (or the 60th day if additional time is requested) after the date of receipt of an application for a permit under that subsection.''.

SEC. 12005. APPLICABILITY OF AMENDMENTS.

The amendments made by this title shall apply to actions taken on or after the date of enactment of this Act, including actions taken with respect to permit applications that are pending or revised or new standards that are being promulgated as of such date of enactment.

SEC. 12006. REPORTING ON HARMFUL POLLUTANTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report on any increase or reduction in waterborne pathogenic microorganisms (including protozoa, viruses, bacteria, and parasites), toxic chemicals, or toxic metals (such as lead and mercury) in waters regulated by a State under the provisions of this title, including the amendments made by this title.

SEC. 12007. PIPELINES CROSSING STREAMBEDS.

None of the provisions of this title, including the amendments made by this title, shall be construed to limit the authority of the Administrator of the Environmental Protection Agency, as in effect on the day before the date of enactment of this Act, to regulate a pipeline that crosses a streambed.

SEC. 12008. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.

(a) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall utilize the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post such analysis in the Capitol of such State.

(b) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents. In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(c) NOTIFICATION.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall give notice of such impact to the State's Congressional delegation, Governor, and Legislature at least 45 days before the effective date of the covered action.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1201 et seq.):

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means the following:

(A) With respect to employment levels, a loss of more than 100 jobs. Any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in economic activity of more than $1,000,000 over any calendar year. Any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

SA 851. Mr. UDALL of New Mexico (for himself, Mr. CARDIN, Mr. HEINRICH, and Mr. COWAN) 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 101, strike lines 4 through 14 and insert the following:

''(1) IN GENERAL.—The project development procedures under this section apply to project studies initiated after the date on which the Secretary—

''(A) certifies to Congress that the cost to construct the water resources projects authorized for construction, but not completed on the date on which the certification is made, by the Chief of Engineers by any Act of Congress relating to water resources development, flood control, or rivers and harbors is less than $20,000,000,000 (adjusted for inflation as of the date on which the certification is made); and

''(B) determines that an environmental impact statement is required.

SA 852. Mr. UDALL of New Mexico (for himself, Mr. GRAHAM, Mr. HEINRICH, and Mr. BROWN) 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 6, lines 24 and 25, strike ''the date of enactment of this Act'' and insert ''December 31, 2016''.

SA 853. Mr. UDALL of New Mexico (for himself, Mr. COWAN, Mr. HEINRICH, Ms. WARREN, Mr. CARDIN, Mr. BENNET, Mr. ROCKEFELLER, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. LAUTENBERG, Mr. LEAHY, and Mr. UDALL of Colorado) 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 138, between lines 3 and 4, insert the following:

SEC. 2034. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—The authority provided by section 2032 of this Act and section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) (as amended by section 2033 of this Act) shall constitute a pilot program, the authority for which terminates on the date that is 5 years after the date of enactment of this Act.

(b) REPORT.—Prior to the date on which authority is terminated under subsection (a), 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 the effectiveness of the authority described in subsection (a) in streamlining projects.

SA 854. Mr. CASEY (for himself, Mr. ALEXANDER, Mr. BLUNT, Mrs. MCCASKILL, Ms. LANDRIEU, Ms. STABENOW, Mr. FRANKEN, and Mr. HARKIN) 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:

Beginning on page 289, strike line 16 and all that follows through page 291, line 11, and insert the following:

SEC. 7005. REVISION TO THE INLAND WATERWAYS TRUST FUND FINANCING RATE.

(a) IN GENERAL.—Subparagraph (A) of section 4042(b)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) The Inland Waterways Trust Fund financing rate is 29 cents per gallon.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to uses during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

SA 855. Mr. KAINE (for himself and Mr. WARNER) 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___. CONSIDERATION OF APPLICATIONS FOR DREDGED OR FILL MATERIAL.

Section 404(b) of the Federal Water Pollution Control Act (33 U.S.C. 1344(b)) is amended—

(1) by striking ''(b) Subject to subsection (c) of this section'' and inserting the following:

''(b) SPECIFICATION OF DISPOSAL SITES.—

''(1) IN GENERAL.—Subject to subsection (c)'';

(2) by striking ''Secretary (1) through'' and inserting the following:

''Secretary—

''(A) through'';

(3) by striking ''section 403(c), and (2) in any case where such guidelines under clause (1) alone'' and inserting the following:

''section 403(c); and

''(B) in any case in which the guidelines described in subparagraph (A)''; and

(4) by adding at the end the following:

''(2) END-USER CONSIDERATION.—For a determination of whether to issue a permit under this section, the lack of a specified end-user for a site shall not be considered under subsection (a)(3)(iv) of section 230.12 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Water Resources Development Act of 2013), to be a lack of sufficient information to make a reasonable judgment as to whether the proposed discharge will comply with the guidelines contained in subsection (a) of that section (as in effect on that date of enactment), if the jurisdiction for which the permit application is submitted—

''(A) meets all applicable requirements of paragraph (1) and section 230.12(a) of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Water Resources Development Act of 2013); and

''(B) is, or is located in, a county with a 5-year average unemployment rate of not less than 10 percent.''.

SA 856. Mr. BROWN (for himself, Mr. GRAHAM, Mr. UDALL of New Mexico, and Mr. HEINRICH) 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 6, lines 24 and 25, strike ''the date of enactment of this Act'' and insert ''December 31, 2016''.

SA 857. Mr. LEVIN (for himself, Mr. SCHUMER, Ms. BALDWIN, and Ms. STABENOW) 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 71, after line 22, insert the following:

SEC. 2024. OPERATION AND MAINTENANCE OF GREAT LAKES PROJECTS.

(a) FINDINGS.—Congress finds that—

(1) the Great Lakes Navigation System is a unique resource that supports waterborne commerce critical to the national economy; and

(2) in managing the Great Lakes Navigation System, the Secretary, acting through the Chief of Engineers, should recognize—

(A) the connectivity and interrelationships among the projects; and

(B) the factors that threaten safe navigation conditions throughout the Great Lakes Navigation System, including lake level fluctuations and shoaling caused by major storm events.

(b) DEFINITION OF GREAT LAKES NAVIGATION SYSTEM.—In this section, the term ''Great Lakes Navigation System'' has the meaning given the term in section 210(c) of the Water Resources Development Act of 1986 (as added by section 8004(a)).

(c) MANAGEMENT OF THE GREAT LAKES NAVIGATION SYSTEM.—

(1) IN GENERAL.—To sustain the most effective and efficient operation and maintenance of the Great Lakes Navigation System, the Secretary, acting through the Chief of Engineers, shall manage and allocate funding for all of the individually authorized commercial navigation projects in the Great Lakes Navigation System as components of a single, comprehensive system, recognizing the interdependence of the projects.

(2) CARGO MEASUREMENTS.—Cargo measurements for the purpose of prioritizing annual operations and maintenance budget resources for the Great Lakes Navigation System, and for any of the component projects of the System, shall aggregate the tonnage of all components of the System.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 8, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''The Role of Immigrants in America's Innovation Economy.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 8, 2013, at 11:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 8, 2013, at 10 a.m. in order to conduct a hearing entitled ''Curbing Federal Agency Waste and Fraud: New Steps to Strengthen the Integrity of Federal Payments.''

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

COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 8, 2013, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 8, 2013, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on May 8, 2013, at 10 a.m. in room 106 Dirksen Senate Office building to conduct a hearing entitled ''Strengthening the Entrepreneurial Ecosystem for Minority Women.''

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

SUBCOMMITTEE ON AIRLAND

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Armed Services Committee be authorized to meet during the session of the Senate on May 8, 2013, at 9:30 a.m.

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

SUBCOMMITTEE ON CRIME AND TERRORISM

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate, on May 8, 2013, at 9 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Cyber Threats: Law Enforcement and Private Sector Responses.''

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

SUBCOMMITTEE ON EMERGENCY MANAGEMENT, INTERGOVERNMENTAL RELATIONS, AND THE DISTRICT OF COLUMBIA

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Emergency Management, Intergovernmental Relations, and the Distrcit of Columbia of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 8, 2013, at 2:30 p.m. to conduct a hearing entitled, ''The Role of the Private Sector in Preparedness and Emergency Response.''

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

SUBCOMMITTEE ON SEAPOWER

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommitte on Seapower of the Armed Services Committee be authorized to meet during the session of the Senate on May 8, 2013, at 9:30 a.m.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Senate Committee on Armed Services be authorized to meet during the session of the Senate on May 8, 2013, at 2:30 p.m.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 39 and 41; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

ANIMAL DRUG AND ANIMAL GENERIC DRUG USER FEE REAUTHORIZATION ACT OF 2013

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 31, S. 622.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant bill clerk read as follows:

A bill (S. 622) to amend the Federal Food, Drug, and Cosmetic Act to reauthorize user fee programs relating to new animal drugs and generic new animal drugs.

There being no objection, the Senate proceeded to consider the bill.

Mr. BLUMENTHAL. Mr. President, I further ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be made and laid upon the table, with no intervening action or debate.

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

The bill (S. 622) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 622

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 ''Animal Drug and Animal Generic Drug User Fee Reauthorization Act of 2013''.

SEC. 2. TABLE OF CONTENTS; REFERENCES IN ACT.

(a) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents; references in Act.

TITLE I—FEES RELATING TO ANIMAL DRUGS

Sec. 101. Short title; finding.
Sec. 102. Definitions.
Sec. 103. Authority to assess and use animal drug fees.
Sec. 104. Reauthorization; reporting requirements.
Sec. 105. Savings clause.
Sec. 106. Effective date.
Sec. 107. Sunset dates.

TITLE II—FEES RELATING TO GENERIC ANIMAL DRUGS

Sec. 201. Short title; finding.
Sec. 202. Authority to assess and use generic new animal drug fees.
Sec. 203. Reauthorization; reporting requirements.
Sec. 204. Savings clause.
Sec. 205. Effective date.
Sec. 206. Sunset dates.

(b) REFERENCES IN ACT.—Except as otherwise specified, amendments made by this Act to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

TITLE I—FEES RELATING TO ANIMAL DRUGS

SEC. 101. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the ''Animal Drug User Fee Amendments of 2013''.

(b) FINDING.—Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified, for purposes of part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

SEC. 102. DEFINITIONS.

Section 739 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–11) is amended to read as follows:

''SEC. 739. DEFINITIONS.

''For purposes of this part:

''(1) The term 'animal drug application' means an application for approval of any new animal drug submitted under section 512(b)(1). Such term does not include either a new animal drug application submitted under section 512(b)(2) or a supplemental animal drug application.

''(2) The term 'supplemental animal drug application' means—

''(A) a request to the Secretary to approve a change in an animal drug application which has been approved; or

''(B) a request to the Secretary to approve a change to an application approved under section 512(c)(2) for which data with respect to safety or effectiveness are required.

''(3) The term 'animal drug product' means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is uniquely identified by the labeler code and product code portions of the national drug code, and for which an animal drug application or a supplemental animal drug application has been approved.

''(4) The term 'animal drug establishment' means a foreign or domestic place of business which is at one general physical location consisting of one or more buildings all of which are within 5 miles of each other, at which one or more animal drug products are manufactured in final dosage form.

''(5) The term 'investigational animal drug submission' means—

''(A) the filing of a claim for an investigational exemption under section 512(j) for a new animal drug intended to be the subject of an animal drug application or a supplemental animal drug application; or

''(B) the submission of information for the purpose of enabling the Secretary to evaluate the safety or effectiveness of an animal drug application or supplemental animal drug application in the event of their filing.

''(6) The term 'animal drug sponsor' means either an applicant named in an animal drug application that has not been withdrawn by the applicant and for which approval has not been withdrawn by the Secretary , or a person who has submitted an investigational animal drug submission that has not been terminated or otherwise rendered inactive by the Secretary.

''(7) The term 'final dosage form' means, with respect to an animal drug product, a finished dosage form which is approved for administration to an animal without substantial further manufacturing. Such term includes animal drug products intended for mixing in animal feeds.

''(8) The term 'process for the review of animal drug applications' means the following activities of the Secretary with respect to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions:

''(A) The activities necessary for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(B) The issuance of action letters which approve animal drug applications or supplemental animal drug applications or which set forth in detail the specific deficiencies in animal drug applications, supplemental animal drug applications, or investigational animal drug submissions and, where appropriate, the actions necessary to place such applications, supplements or submissions in condition for approval.

''(C) The inspection of animal drug establishments and other facilities undertaken as part of the Secretary's review of pending animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(D) Monitoring of research conducted in connection with the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(E) The development of regulations and policy related to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(F) Development of standards for products subject to review.

''(G) Meetings between the agency and the animal drug sponsor.

''(H) Review of advertising and labeling prior to approval of an animal drug application or supplemental animal drug application, but not after such application has been approved.

''(9) The term 'costs of resources allocated for the process for the review of animal drug applications' means the expenses in connection with the process for the review of animal drug applications for—

''(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees consulted with respect to the review of specific animal drug applications, supplemental animal drug applications, or investigational animal drug submissions, and costs related to such officers, employees, committees, and contractors, including costs for travel, education, and recruitment and other personnel activities;

''(B) management of information and the acquisition, maintenance, and repair of computer resources;

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

''(D) collecting fees under section 740 and accounting for resources allocated for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(10) The term 'adjustment factor' applicable to a fiscal year refers to the formula set forth in section 735(8) with the base or comparator month being October 2002.

''(11) The term 'person' includes an affiliate thereof.

''(12) The term 'affiliate' refers to the definition set forth in section 735(11).''.

SEC. 103. AUTHORITY TO ASSESS AND USE ANIMAL DRUG FEES.

Section 740 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12) is amended to read as follows:

''SEC. 740. AUTHORITY TO ASSESS AND USE ANIMAL DRUG FEES.

''(a) TYPES OF FEES.—Beginning in fiscal year 2004, the Secretary shall assess and collect fees in accordance with this section as follows:

''(1) ANIMAL DRUG APPLICATION AND SUPPLEMENT FEE.—

''(A) IN GENERAL.—Each person that submits, on or after September 1, 2003, an animal drug application or a supplemental animal drug application shall be subject to a fee as follows:

''(i) A fee established in subsection (c) for an animal drug application, except an animal drug application subject to the criteria set forth in section 512(d)(4).

''(ii) A fee established in subsection (c), in an amount that is equal to 50 percent of the amount of the fee under clause (i), for—

''(I) a supplemental animal drug application for which safety or effectiveness data are required; and

''(II) an animal drug application subject to the criteria set forth in section 512(d)(4).

''(B) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the animal drug application or supplemental animal drug application.

''(C) EXCEPTION FOR PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If an animal drug application or a supplemental animal drug application was submitted by a person that paid the fee for such application or supplement, was accepted for filing, and was not approved or was withdrawn (without a waiver or refund), the submission of an animal drug application or a supplemental animal drug application for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

''(D) REFUND OF FEE IF APPLICATION REFUSED FOR FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (B) for any animal drug application or supplemental animal drug application which is refused for filing.

''(E) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an animal drug application or a supplemental animal drug application is withdrawn after the application or supplement was filed, the Secretary may refund the fee or portion of the fee paid under subparagraph (B) if no substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to refund the fee under this paragraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable.

''(2) ANIMAL DRUG PRODUCT FEE.—

''(A) IN GENERAL.—Each person—

''(i) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under section 510; and

''(ii) who, after September 1, 2003, had pending before the Secretary an animal drug application or supplemental animal drug application,

shall pay for each such animal drug product the annual fee established in subsection (c).

''(B) PAYMENT; FEE DUE DATE.—Such fee shall be payable for the fiscal year in which the animal drug product is first submitted for listing under section 510, or is submitted for relisting under section 510 if the animal drug product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be due each subsequent fiscal year that the product remains listed, upon the later of—

''(i) the first business day after the date of enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section; or

''(ii) January 31 of each year.

''(C) LIMITATION.—Such fee shall be paid only once for each animal drug product for a fiscal year in which the fee is payable.

''(3) ANIMAL DRUG ESTABLISHMENT FEE.—

''(A) IN GENERAL.—Each person—

''(i) who owns or operates, directly or through an affiliate, an animal drug establishment;

''(ii) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under section 510; and

''(iii) who, after September 1, 2003, had pending before the Secretary an animal drug application or supplemental animal drug application,

shall be assessed an annual establishment fee as established in subsection (c) for each animal drug establishment listed in its approved animal drug application as an establishment that manufactures the animal drug product named in the application.

''(B) PAYMENT; FEE DUE DATE.—The annual establishment fee shall be assessed in each fiscal year in which the animal drug product named in the application is assessed a fee under paragraph (2) unless the animal drug establishment listed in the application does not engage in the manufacture of the animal drug product during the fiscal year. The fee under this paragraph for a fiscal year shall be due upon the later of—

''(i) the first business day after the date of enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section; or

''(ii) January 31 of each year.

''(C) LIMITATION.—

''(i) IN GENERAL.—An establishment shall be assessed only one fee per fiscal year under this section, subject to clause (ii).

''(ii) CERTAIN MANUFACTURERS.—If a single establishment manufactures both animal drug products and prescription drug products, as defined in section 735(3), such establishment shall be assessed both the animal drug establishment fee and the prescription drug establishment fee, as set forth in section 736(a)(2), within a single fiscal year.

''(4) ANIMAL DRUG SPONSOR FEE.—

''(A) IN GENERAL.—Each person—

''(i) who meets the definition of an animal drug sponsor within a fiscal year; and

''(ii) who, after September 1, 2003, had pending before the Secretary an animal drug application, a supplemental animal drug application, or an investigational animal drug submission,

shall be assessed an annual sponsor fee as established under subsection (c).

''(B) PAYMENT; FEE DUE DATE.—The fee under this paragraph for a fiscal year shall be due upon the later of—

''(i) the first business day after the date of enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section; or

''(ii) January 31 of each year.

''(C) LIMITATION.—Each animal drug sponsor shall pay only one such fee each fiscal year.

''(b) FEE REVENUE AMOUNTS.—

''(1) IN GENERAL.—Subject to subsections (c), (d), (f), and (g)—

''(A) for fiscal year 2014, the fees required under subsection (a) shall be established to generate a total revenue amount of $23,600,000; and

''(B) for each of fiscal years 2015 through 2018, the fees required under subsection (a) shall be established to generate a total revenue amount of $21,600,000.

''(2) TYPES OF FEES.—Of the total revenue amount determined for a fiscal year under paragraph (1)—

''(A) 20 percent shall be derived from fees under subsection (a)(1) (relating to animal drug applications and supplements);

''(B) 27 percent shall be derived from fees under subsection (a)(2) (relating to animal drug products);

''(C) 26 percent shall be derived from fees under subsection (a)(3) (relating to animal drug establishments); and

''(D) 27 percent shall be derived from fees under subsection (a)(4) (relating to animal drug sponsors).

''(c) ANNUAL FEE SETTING; ADJUSTMENTS.—

''(1) ANNUAL FEE SETTING.—The Secretary shall establish, 60 days before the start of each fiscal year beginning after September 30, 2003, for that fiscal year, animal drug application fees, supplemental animal drug application fees, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection.

''(2) INFLATION ADJUSTMENT.—For fiscal year 2015 and subsequent fiscal years, the revenue amounts established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year, by an amount equal to the sum of—

''(A) one;

''(B) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 of the preceding 4 fiscal years for which data are available, multiplied by the average proportion of personnel compensation and benefits costs to total Food and Drug Administration costs for the first 3 years of the preceding 4 fiscal years for which data are available; and

''(C) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; not seasonally adjusted; all items less food and energy; annual index) for the first 3 years of the preceding 4 years for which data are available multiplied by the average proportion of all costs other than personnel compensation and benefits costs to total Food and Drug Administration costs for the first 3 years of the preceding 4 fiscal years for which data are available.

The adjustment made each fiscal year under this paragraph shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2014 under this paragraph.

''(3) WORKLOAD ADJUSTMENT.—For fiscal year 2015 and subsequent fiscal years, after the revenue amounts established in subsection (b) are adjusted for inflation in accordance with paragraph (2), the revenue amounts shall be further adjusted for such fiscal year to reflect changes in the workload of the Secretary for the process for the review of animal drug applications. With respect to such adjustment—

''(A) such adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of animal drug applications, supplemental animal drug applications for which data with respect to safety or effectiveness are required, manufacturing supplemental animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions submitted to the Secretary;

''(B) the Secretary shall publish in the Federal Register the fees resulting from such adjustment and the supporting methodologies; and

''(C) under no circumstances shall such adjustment result in fee revenues for a fiscal year that are less than the fee revenues for that fiscal year established in subsection (b), as adjusted for inflation under paragraph (2).

''(4) FINAL YEAR ADJUSTMENT.—For fiscal year 2018, the Secretary may, in addition to other adjustments under this subsection, further increase the fees under this section, if such an adjustment is necessary, to provide for up to 3 months of operating reserves of carryover user fees for the process for the review of animal drug applications for the first 3 months of fiscal year 2019. If the Food and Drug Administration has carryover balances for the process for the review of animal drug applications in excess of 3 months of such operating reserves, then this adjustment will not be made. If this adjustment is necessary, then the rationale for the amount of the increase shall be contained in the annual notice setting fees for fiscal year 2018.

''(5) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of animal drug applications.

''(d) FEE WAIVER OR REDUCTION.—

''(1) IN GENERAL.—The Secretary shall grant a waiver from or a reduction of one or more fees assessed under subsection (a) where the Secretary finds that—

''(A) the assessment of the fee would present a significant barrier to innovation because of limited resources available to such person or other circumstances;

''(B) the fees to be paid by such person will exceed the anticipated present and future costs incurred by the Secretary in conducting the process for the review of animal drug applications for such person;

''(C) the animal drug application or supplemental animal drug application is intended solely to provide for use of the animal drug in—

''(i) a Type B medicated feed (as defined in section 558.3(b)(3) of title 21, Code of Federal Regulations (or any successor regulation)) intended for use in the manufacture of Type C free-choice medicated feeds; or

''(ii) a Type C free-choice medicated feed (as defined in section 558.3(b)(4) of title 21, Code of Federal Regulations (or any successor regulation));

''(D) the animal drug application or supplemental animal drug application is intended solely to provide for a minor use or minor species indication; or

''(E) the sponsor involved is a small business submitting its first animal drug application to the Secretary for review.

''(2) USE OF STANDARD COSTS.—In making the finding in paragraph (1)(B), the Secretary may use standard costs.

''(3) RULES FOR SMALL BUSINESSES.—

''(A) DEFINITION.—In paragraph (1)(E), the term 'small business' means an entity that has fewer than 500 employees, including employees of affiliates.

''(B) WAIVER OF APPLICATION FEE.—The Secretary shall waive under paragraph (1)(E) the application fee for the first animal drug application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay application fees for all subsequent animal drug applications and supplemental animal drug applications for which safety or effectiveness data are required in the same manner as an entity that does not qualify as a small business.

''(C) CERTIFICATION.—The Secretary shall require any person who applies for a waiver under paragraph (1)(E) to certify their qualification for the waiver. The Secretary shall periodically publish in the Federal Register a list of persons making such certifications.

''(e) EFFECT OF FAILURE TO PAY FEES.—An animal drug application or supplemental animal drug application submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid. An investigational animal drug submission under section 739(5)(B) that is submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person have been paid. The Secretary may discontinue review of any animal drug application, supplemental animal drug application or investigational animal drug submission from a person if such person has not submitted for payment all fees owed under this section by 30 days after the date upon which they are due.

''(f) ASSESSMENT OF FEES.—

''(1) LIMITATION.—Fees may not be assessed under subsection (a) for a fiscal year beginning after fiscal year 2003 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2003 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for animal drug applications, supplemental animal drug applications, investigational animal drug submissions, animal drug sponsors, animal drug establishments and animal drug products at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

''(g) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Subject to paragraph (2)(C), fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salary and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of animal drug applications.

''(2) COLLECTIONS AND APPROPRIATION ACTS.—

''(A) IN GENERAL.—The fees authorized by this section—

''(i) subject to subparagraph (C), shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year, and

''(ii) shall be available to defray increases in the costs of the resources allocated for the process for the review of animal drug applications (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process) over such costs, excluding costs paid

from fees collected under this section, for fiscal year 2003 multiplied by the adjustment factor.

''(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for the process for the review of animal drug applications—

''(i) are not more than 3 percent below the level specified in subparagraph (A)(ii); or

''(ii)(I) are more than 3 percent below the level specified in subparagraph (A)(ii), and fees assessed for the fiscal year following the subsequent fiscal year are decreased by the amount in excess of 3 percent by which such costs fell below the level specified in subparagraph (A)(ii); and

''(II) such costs are not more than 5 percent below the level specified in subparagraph (A)(ii).

''(C) PROVISION FOR EARLY PAYMENTS.—Payment of fees authorized under this section for a fiscal year, prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2014 through 2018, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or otherwise affected under subsection (c) and paragraph (4).

''(4) OFFSET OF OVERCOLLECTIONS; RECOVERY OF COLLECTION SHORTFALLS.—

''(A) OFFSET OF OVERCOLLECTIONS.—If the sum of the cumulative amount of fees collected under this section for fiscal years 2014 through 2016 and the amount of fees estimated to be collected under this section for fiscal year 2017 (including any increased fee collections attributable to subparagraph (B)), exceeds the cumulative amount appropriated pursuant to paragraph (3) for the fiscal years 2014 through 2017, the excess amount shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2018.

''(B) RECOVERY OF COLLECTION SHORTFALLS.—

''(i) FISCAL YEAR 2016.—For fiscal year 2016, the amount of fees otherwise authorized to be collected under this section shall be increased by the amount, if any, by which the amount collected under this section and appropriated for fiscal year 2014 falls below the amount of fees authorized for fiscal year 2014 under paragraph (3).

''(ii) FISCAL YEAR 2017.—For fiscal year 2017, the amount of fees otherwise authorized to be collected under this section shall be increased by the amount, if any, by which the amount collected under this section and appropriated for fiscal year 2015 falls below the amount of fees authorized for fiscal year 2015 under paragraph (3).

''(iii) FISCAL YEAR 2018.—For fiscal year 2018, the amount of fees otherwise authorized to be collected under this section (including any reduction in the authorized amount under subparagraph (A)), shall be increased by the cumulative amount, if any, by which the amount collected under this section and appropriated for fiscal years 2016 and 2017 (including estimated collections for fiscal year 2017) falls below the cumulative amount of fees authorized under paragraph (3) for fiscal years 2016 and 2017.

''(h) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.

''(j) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in the process of the review of animal drug applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.

''(k) ABBREVIATED NEW ANIMAL DRUG APPLICATIONS.—The Secretary shall—

''(1) to the extent practicable, segregate the review of abbreviated new animal drug applications from the process for the review of animal drug applications; and

''(2) adopt other administrative procedures to ensure that review times of abbreviated new animal drug applications do not increase from their current level due to activities under the user fee program.''.

SEC. 104. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 740A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–13) is amended to read as follows:

''SEC. 740A. REAUTHORIZATION; REPORTING REQUIREMENTS.

''(a) PERFORMANCE REPORT.—Beginning with fiscal year 2014, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(b) of the Animal Drug User Fee Amendments of 2013 toward expediting the animal drug development process and the review of the new and supplemental animal drug applications and investigational animal drug submissions during such fiscal year, the future plans of the Food and Drug Administration for meeting the goals, the review times for abbreviated new animal drug applications, and the administrative procedures adopted by the Food and Drug Administration to ensure that review times for abbreviated new animal drug applications are not increased from their current level due to activities under the user fee program.

''(b) FISCAL REPORT.—Beginning with fiscal year 2014, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

''(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

''(d) REAUTHORIZATION.—

''(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals, and plans for meeting the goals, for the process for the review of animal drug applications for the first 5 fiscal years after fiscal year 2018, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

''(A) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(B) the Committee on Energy and Commerce of the House of Representatives;

''(C) scientific and academic experts;

''(D) veterinary professionals;

''(E) representatives of patient and consumer advocacy groups; and

''(F) the regulated industry.

''(2) PRIOR PUBLIC INPUT.—Prior to beginning negotiations with the regulated industry on the reauthorization of this part, the Secretary shall—

''(A) publish a notice in the Federal Register requesting public input on the reauthorization;

''(B) hold a public meeting at which the public may present its views on the reauthorization, including specific suggestions for changes to the goals referred to in subsection (a);

''(C) provide a period of 30 days after the public meeting to obtain written comments from the public suggesting changes to this part; and

''(D) publish the comments on the Food and Drug Administration's Internet Web site.

''(3) PERIODIC CONSULTATION.—Not less frequently than once every 4 months during negotiations with the regulated industry, the Secretary shall hold discussions with representatives of veterinary, patient, and consumer advocacy groups to continue discussions of their views on the reauthorization and their suggestions for changes to this part as expressed under paragraph (2).

''(4) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

''(A) present the recommendations developed under paragraph (1) to the Congressional committees specified in such paragraph;

''(B) publish such recommendations in the Federal Register;

''(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

''(D) hold a meeting at which the public may present its views on such recommendations; and

''(E) after consideration of such public views and comments, revise such recommendations as necessary.

''(5) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2018, the Secretary shall transmit to Congress the revised recommendations under paragraph (4) a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

''(6) MINUTES OF NEGOTIATION MEETINGS.—

''(A) PUBLIC AVAILABILITY.—Before presenting the recommendations developed under paragraphs (1) through (5) to Congress, the Secretary shall make publicly available, on the Internet Web site of the Food and Drug Administration, minutes of all negotiation meetings conducted under this subsection between the Food and Drug Administration and the regulated industry.

''(B) CONTENT.—The minutes described under subparagraph (A) shall summarize any substantive proposal made by any party to the negotiations as well as significant controversies or differences of opinion during the negotiations and their resolution.''.

SEC. 105. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 4 of subchapter C of chapter

VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–11 et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to animal drug applications and supplemental animal drug applications (as defined in such part as of such day) that on or after October 1, 2008, but before October 1, 2013, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2014.

SEC. 106. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2013, or the date of enactment of this Act, whichever is later, except that fees under part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as amended by this title, shall be assessed for all animal drug applications and supplemental animal drug applications received on or after October 1, 2013, regardless of the date of the enactment of this Act.

SEC. 107. SUNSET DATES.

(a) AUTHORIZATION.—Section 740 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12) shall cease to be effective October 1, 2018.

(b) REPORTING REQUIREMENTS.—Section 740A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–13) shall cease to be effective January 31, 2019.

(c) PREVIOUS SUNSET PROVISION.—

(1) IN GENERAL.—Section 108 of the Animal Drug User Fee Amendments of 2008 (Public Law 110–316) is repealed.

(2) CONFORMING AMENDMENT.—The Animal Drug User Fee Amendments of 2008 (Public Law 110–316) is amended in the table of contents in section 1, by striking the item relating to section 108.

(d) TECHNICAL CLARIFICATION.—Effective November 18, 2003, section 5 of the Animal Drug User Fee Act of 2003 (Public Law 108–130) is repealed.

TITLE II—FEES RELATING TO GENERIC ANIMAL DRUGS

SEC. 201. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the ''Animal Generic Drug User Fee Amendments of 2013''.

(b) FINDING.—The fees authorized by this title will be dedicated toward expediting the generic new animal drug development process and the review of abbreviated applications for generic new animal drugs, supplemental abbreviated applications for generic new animal drugs, and investigational submissions for generic new animal drugs as set forth in the goals identified in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

SEC. 202. AUTHORITY TO ASSESS AND USE GENERIC NEW ANIMAL DRUG FEES.

Section 741 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–21) is amended to read as follows:

''SEC. 741. AUTHORITY TO ASSESS AND USE GENERIC NEW ANIMAL DRUG FEES.

''(a) TYPES OF FEES.—Beginning with respect to fiscal year 2009, the Secretary shall assess and collect fees in accordance with this section as follows:

''(1) ABBREVIATED APPLICATION FEE.—

''(A) IN GENERAL.—Each person that submits, on or after July 1, 2008, an abbreviated application for a generic new animal drug shall be subject to a fee as established in subsection (c) for such an application.

''(B) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the abbreviated application.

''(C) EXCEPTIONS.—

''(i) PREVIOUSLY FILED APPLICATION.—If an abbreviated application was submitted by a person that paid the fee for such application, was accepted for filing, and was not approved or was withdrawn (without a waiver or refund), the submission of an abbreviated application for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

''(ii) CERTAIN ABBREVIATED APPLICATIONS INVOLVING COMBINATION ANIMAL DRUGS.—An abbreviated application which is subject to the criteria in section 512(d)(4) and submitted on or after October 1, 2013 shall be subject to a fee equal to 50 percent of the amount of the abbreviated application fee established in subsection (c).

''(D) REFUND OF FEE IF APPLICATION REFUSED FOR FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (B) for any abbreviated application which is refused for filing.

''(E) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an abbreviated application is withdrawn after the application was filed, the Secretary may refund the fee or portion of the fee paid under subparagraph (B) if no substantial work was performed on the application after the application was filed. The Secretary shall have the sole discretion to refund the fee under this subparagraph. A determination by the Secretary concerning a refund under this subparagraph shall not be reviewable.

''(2) GENERIC NEW ANIMAL DRUG PRODUCT FEE.—

''(A) IN GENERAL.—Each person—

''(i) who is named as the applicant in an abbreviated application or supplemental abbreviated application for a generic new animal drug product which has been submitted for listing under section 510; and

''(ii) who, after September 1, 2008, had pending before the Secretary an abbreviated application or supplemental abbreviated application,

shall pay for each such generic new animal drug product the annual fee established in subsection (c).

''(B) PAYMENT; FEE DUE DATE.—Such fee shall be payable for the fiscal year in which the generic new animal drug product is first submitted for listing under section 510, or is submitted for relisting under section 510 if the generic new animal drug product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be due each subsequent fiscal year that the product remains listed, upon the later of—

''(i) the first business day after the date of enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section; or

''(ii) January 31 of each year.

''(C) LIMITATION.—Such fee shall be paid only once for each generic new animal drug product for a fiscal year in which the fee is payable.

''(3) GENERIC NEW ANIMAL DRUG SPONSOR FEE.—

''(A) IN GENERAL.—Each person—

''(i) who meets the definition of a generic new animal drug sponsor within a fiscal year; and

''(ii) who, after September 1, 2008, had pending before the Secretary an abbreviated application, a supplemental abbreviated application, or an investigational submission,

shall be assessed an annual generic new animal drug sponsor fee as established under subsection (c).

''(B) PAYMENT; FEE DUE DATE.—Such fee shall be due each fiscal year upon the later of—

''(i) the first business day after the date of enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section; or

''(ii) January 31 of each year.

''(C) AMOUNT OF FEE.—Each generic new animal drug sponsor shall pay only 1 such fee each fiscal year, as follows:

''(i) 100 percent of the amount of the generic new animal drug sponsor fee published for that fiscal year under subsection (c) for an applicant with more than 6 approved abbreviated applications.

''(ii) 75 percent of the amount of the generic new animal drug sponsor fee published for that fiscal year under subsection (c) for an applicant with more than 1 and fewer than 7 approved abbreviated applications.

''(iii) 50 percent of the amount of the generic new animal drug sponsor fee published for that fiscal year under subsection (c) for an applicant with 1 or fewer approved abbreviated applications.

''(b) FEE AMOUNTS.—Subject to subsections (c), (d), (f), and (g), the fees required under subsection (a) shall be established to generate fee revenue amounts as follows:

''(1) TOTAL FEE REVENUES FOR APPLICATION FEES.—The total fee revenues to be collected in abbreviated application fees under subsection (a)(1) shall be $1,832,000 for fiscal year 2014, $1,736,000 for fiscal year 2015, $1,857,000 for fiscal year 2016, $1,984,000 for fiscal year 2017, and $2,117,000 for fiscal year 2018.

''(2) TOTAL FEE REVENUES FOR PRODUCT FEES.—The total fee revenues to be collected in generic new animal drug product fees under subsection (a)(2) shall be $2,748,000 for fiscal year 2014, $2,604,000 for fiscal year 2015, $2,786,000 for fiscal year 2016, $2,976,000 for fiscal year 2017, and $3,175,000 for fiscal year 2018.

''(3) TOTAL FEE REVENUES FOR SPONSOR FEES.—The total fee revenues to be collected in generic new animal drug sponsor fees under subsection (a)(3) shall be $2,748,000 for fiscal year 2014, $2,604,000 for fiscal year 2015, $2,786,000 for fiscal year 2016, $2,976,000 for fiscal year 2017, and $3,175,000 for fiscal year 2018.

''(c) ANNUAL FEE SETTING; ADJUSTMENTS.—

''(1) ANNUAL FEE SETTING.—The Secretary shall establish, 60 days before the start of each fiscal year beginning after September 30, 2008, for that fiscal year, abbreviated application fees, generic new animal drug sponsor fees, and generic new animal drug product fees, based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection.

''(2) WORKLOAD ADJUSTMENT.—The fee revenues shall be adjusted each fiscal year after fiscal year 2014 to reflect changes in review workload. With respect to such adjustment:

''(A) This adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of abbreviated applications for generic new animal drugs, manufacturing supplemental abbreviated applications for generic new animal drugs, investigational generic new animal drug study submissions, and investigational generic new animal drug protocol submissions submitted to the Secretary. The Secretary shall publish in the Federal Register the fees resulting from this adjustment and the supporting methodologies.

''(B) Under no circumstances shall this workload adjustment result in fee revenues for a fiscal year that are less than the fee revenues for that fiscal year established in subsection (b).

''(3) FINAL YEAR ADJUSTMENT.—For fiscal year 2018, the Secretary may, in addition to other adjustments under this subsection, further increase the fees under this section, if such an adjustment is necessary, to provide

for up to 3 months of operating reserves of carryover user fees for the process for the review of abbreviated applications for generic new animal drugs for the first 3 months of fiscal year 2019. If the Food and Drug Administration has carryover balances for the process for the review of abbreviated applications for generic new animal drugs in excess of 3 months of such operating reserves, then this adjustment shall not be made. If this adjustment is necessary, then the rationale for the amount of the increase shall be contained in the annual notice setting fees for fiscal year 2018.

''(4) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of abbreviated applications for generic new animal drugs.

''(d) FEE WAIVER OR REDUCTION.—The Secretary shall grant a waiver from or a reduction of 1 or more fees assessed under subsection (a) where the Secretary finds that the generic new animal drug is intended solely to provide for a minor use or minor species indication.

''(e) EFFECT OF FAILURE TO PAY FEES.—An abbreviated application for a generic new animal drug submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid. An investigational submission for a generic new animal drug that is submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person have been paid. The Secretary may discontinue review of any abbreviated application for a generic new animal drug, supplemental abbreviated application for a generic new animal drug, or investigational submission for a generic new animal drug from a person if such person has not submitted for payment all fees owed under this section by 30 days after the date upon which they are due.

''(f) ASSESSMENT OF FEES.—

''(1) LIMITATION.—Fees may not be assessed under subsection (a) for a fiscal year beginning after fiscal year 2008 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2003 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for abbreviated applications, generic new animal drug sponsors, and generic new animal drug products at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

''(g) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Subject to paragraph (2)(C), fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salary and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of abbreviated applications for generic new animal drugs.

''(2) COLLECTIONS AND APPROPRIATION ACTS.—

''(A) IN GENERAL.—The fees authorized by this section—

''(i) subject to subparagraph (C), shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year; and

''(ii) shall be available to defray increases in the costs of the resources allocated for the process for the review of abbreviated applications for generic new animal drugs (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process) over such costs, excluding costs paid from fees collected under this section, for fiscal year 2008 multiplied by the adjustment factor.

''(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for the process for the review of abbreviated applications for generic new animal drugs—

''(i) are not more than 3 percent below the level specified in subparagraph (A)(ii); or

''(ii)(I) are more than 3 percent below the level specified in subparagraph (A)(ii), and fees assessed for the fiscal year following the subsequent fiscal year are decreased by the amount in excess of 3 percent by which such costs fell below the level specified in subparagraph (A)(ii); and

''(II) such costs are not more than 5 percent below the level specified in subparagraph (A)(ii).

''(C) PROVISION FOR EARLY PAYMENTS.—Payment of fees authorized under this section for a fiscal year, prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

''(A) $7,328,000 for fiscal year 2014;

''(B) $6,944,000 for fiscal year 2015;

''(C) $7,429,000 for fiscal year 2016;

''(D) $7,936,000 for fiscal year 2017; and

''(E) $8,467,000 for fiscal year 2018;

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by abbreviated application fees, generic new animal drug sponsor fees, and generic new animal drug product fees.

''(4) OFFSET.—If the sum of the cumulative amount of fees collected under this section for the fiscal years 2014 through 2016 and the amount of fees estimated to be collected under this section for fiscal year 2017 exceeds the cumulative amount appropriated under paragraph (3) for the fiscal years 2014 through 2017, the excess amount shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2018.

''(h) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.

''(j) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in the process of the review of abbreviated applications for generic new animal drugs, be reduced to offset the number of officers, employees, and advisory committees so engaged.

''(k) DEFINITIONS.—In this section and section 742:

''(1) ABBREVIATED APPLICATION FOR A GENERIC NEW ANIMAL DRUG.—The terms 'abbreviated application for a generic new animal drug' and 'abbreviated application' mean an abbreviated application for the approval of any generic new animal drug submitted under section 512(b)(2). Such term does not include a supplemental abbreviated application for a generic new animal drug.

''(2) ADJUSTMENT FACTOR.—The term 'adjustment factor' applicable to a fiscal year is the Consumer Price Index for all urban consumers (all items; United States city average) for October of the preceding fiscal year divided by—

''(A) for purposes of subsection (f)(1), such Index for October 2002; and

''(B) for purposes of subsection (g)(2)(A)(ii), such Index for October 2007.

''(3) COSTS OF RESOURCES ALLOCATED FOR THE PROCESS FOR THE REVIEW OF ABBREVIATED APPLICATIONS FOR GENERIC NEW ANIMAL DRUGS.—The term 'costs of resources allocated for the process for the review of abbreviated applications for generic new animal drugs' means the expenses in connection with the process for the review of abbreviated applications for generic new animal drugs for—

''(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees consulted with respect to the review of specific abbreviated applications, supplemental abbreviated applications, or investigational submissions, and costs related to such officers, employees, committees, and contractors, including costs for travel, education, and recruitment and other personnel activities;

''(B) management of information, and the acquisition, maintenance, and repair of computer resources;

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

''(D) collecting fees under this section and accounting for resources allocated for the review of abbreviated applications, supplemental abbreviated applications, and investigational submissions.

''(4) FINAL DOSAGE FORM.—The term 'final dosage form' means, with respect to a generic new animal drug product, a finished dosage form which is approved for administration to an animal without substantial further manufacturing. Such term includes generic new animal drug products intended for mixing in animal feeds.

''(5) GENERIC NEW ANIMAL DRUG.—The term 'generic new animal drug' means a new animal drug that is the subject of an abbreviated application.

''(6) GENERIC NEW ANIMAL DRUG PRODUCT.—The term 'generic new animal drug product' means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is uniquely identified by the labeler code and product code portions of the national drug code, and for which an abbreviated application for a generic new animal drug or a supplemental abbreviated application has been approved.

''(7) GENERIC NEW ANIMAL DRUG SPONSOR.—The term 'generic new animal drug sponsor' means either an applicant named in an abbreviated application for a generic new animal drug that has not been withdrawn by the applicant and for which approval has not been withdrawn by the Secretary, or a person who has submitted an investigational submission for a generic new animal drug that has not been terminated or otherwise rendered inactive by the Secretary.

''(8) INVESTIGATIONAL SUBMISSION FOR A GENERIC NEW ANIMAL DRUG.—The terms 'investigational submission for a generic new animal drug' and 'investigational submission' mean—

''(A) the filing of a claim for an investigational exemption under section 512(j) for a generic new animal drug intended to be the subject of an abbreviated application or a supplemental abbreviated application; or

''(B) the submission of information for the purpose of enabling the Secretary to evaluate the safety or effectiveness of a generic new animal drug in the event of the filing of an abbreviated application or supplemental abbreviated application for such drug.

''(9) PERSON.—The term 'person' includes an affiliate thereof (as such term is defined in section 735(11)).

''(10) PROCESS FOR THE REVIEW OF ABBREVIATED APPLICATIONS FOR GENERIC NEW ANIMAL DRUGS.—The term 'process for the review of abbreviated applications for generic new animal drugs' means the following activities of the Secretary with respect to the review of abbreviated applications, supplemental abbreviated applications, and investigational submissions:

''(A) The activities necessary for the review of abbreviated applications, supplemental abbreviated applications, and investigational submissions.

''(B) The issuance of action letters which approve abbreviated applications or supplemental abbreviated applications or which set forth in detail the specific deficiencies in abbreviated applications, supplemental abbreviated applications, or investigational submissions and, where appropriate, the actions necessary to place such applications, supplemental applications, or submissions in condition for approval.

''(C) The inspection of generic new animal drug establishments and other facilities undertaken as part of the Secretary's review of pending abbreviated applications, supplemental abbreviated applications, and investigational submissions.

''(D) Monitoring of research conducted in connection with the review of abbreviated applications, supplemental abbreviated applications, and investigational submissions.

''(E) The development of regulations and policy related to the review of abbreviated applications, supplemental abbreviated applications, and investigational submissions.

''(F) Development of standards for products subject to review.

''(G) Meetings between the agency and the generic new animal drug sponsor.

''(H) Review of advertising and labeling prior to approval of an abbreviated application or supplemental abbreviated application, but not after such application has been approved.

''(11) SUPPLEMENTAL ABBREVIATED APPLICATION FOR GENERIC NEW ANIMAL DRUG.—The terms 'supplemental abbreviated application for a generic new animal drug' and 'supplemental abbreviated application' mean a request to the Secretary to approve a change in an approved abbreviated application.''.

SEC. 203. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 742 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–22) is amended to read as follows:

''SEC. 742. REAUTHORIZATION; REPORTING REQUIREMENTS.

''(a) PERFORMANCE REPORTS.—Beginning with fiscal year 2014, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 201(b) of the Animal Generic Drug User Fee Amendments of 2013 toward expediting the generic new animal drug development process and the review of abbreviated applications for generic new animal drugs, supplemental abbreviated applications for generic new animal drugs, and investigational submissions for generic new animal drugs during such fiscal year.

''(b) FISCAL REPORT.—Beginning with fiscal year 2014, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

''(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

''(d) REAUTHORIZATION.—

''(1) CONSULTATION.—In developing recommendations to present to Congress with respect to the goals, and plans for meeting the goals, for the process for the review of abbreviated applications for generic new animal drugs for the first 5 fiscal years after fiscal year 2018, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

''(A) the Committee on Energy and Commerce of the House of Representatives;

''(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(C) scientific and academic experts;

''(D) veterinary professionals;

''(E) representatives of patient and consumer advocacy groups; and

''(F) the regulated industry.

''(2) PRIOR PUBLIC INPUT.—Prior to beginning negotiations with the regulated industry on the reauthorization of this part, the Secretary shall—

''(A) publish a notice in the Federal Register requesting public input on the reauthorization;

''(B) hold a public meeting at which the public may present its views on the reauthorization, including specific suggestions for changes to the goals referred to in subsection (a);

''(C) provide a period of 30 days after the public meeting to obtain written comments from the public suggesting changes to this part; and

''(D) publish the comments on the Food and Drug Administration's Internet Web site.

''(3) PERIODIC CONSULTATION.—Not less frequently than once every 4 months during negotiations with the regulated industry, the Secretary shall hold discussions with representatives of veterinary, patient, and consumer advocacy groups to continue discussions of their views on the reauthorization and their suggestions for changes to this part as expressed under paragraph (2).

''(4) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

''(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

''(B) publish such recommendations in the Federal Register;

''(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

''(D) hold a meeting at which the public may present its views on such recommendations; and

''(E) after consideration of such public views and comments, revise such recommendations as necessary.

''(5) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2018, the Secretary shall transmit to Congress the revised recommendations under paragraph (4), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

''(6) MINUTES OF NEGOTIATION MEETINGS.—

''(A) PUBLIC AVAILABILITY.—Before presenting the recommendations developed under paragraphs (1) through (5) to Congress, the Secretary shall make publicly available, on the Internet Web site of the Food and Drug Administration, minutes of all negotiation meetings conducted under this subsection between the Food and Drug Administration and the regulated industry.

''(B) CONTENT.—The minutes described under subparagraph (A) shall summarize any substantive proposal made by any party to the negotiations as well as significant controversies or differences of opinion during the negotiations and their resolution.''.

SEC. 204. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 5 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of enactment of this title, shall continue to be in effect with respect to abbreviated applications for a generic new animal drug and supplemental abbreviated applications for a generic new animal drug (as defined in such part as of such day) that on or after October 1, 2008, but before October 1, 2013, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2014.

SEC. 205. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2013, or the date of enactment of this Act, whichever is later, except that fees under part 5 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as amended by this title, shall be assessed for all abbreviated applications for a generic new animal drug and supplemental abbreviated applications for a generic new animal drug received on or after October 1, 2013, regardless of the date of enactment of this Act.

SEC. 206. SUNSET DATES.

(a) AUTHORIZATION.—Section 741 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–21) shall cease to be effective October 1, 2018.

(b) REPORTING REQUIREMENTS.—Section 742 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-22) shall cease to be effective January 31, 2019.

(c) PREVIOUS SUNSET PROVISION.—

(1) IN GENERAL.—Section 204 of the Animal Generic Drug User Fee Act of 2008 (Public Law 110–316) is repealed.

(2) CONFORMING AMENDMENT.—The Animal Generic Drug User Fee Act of 2008 (Public Law 110–316) is amended in the table of contents in section 1, by striking the item relating to section 204.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 32, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant bill clerk read as follows:

A concurrent resolution (H. Con. Res. 32) authorizing the use of the Capitol Grounds for the National Honor Guard and Pipe Band Exhibition.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 32) was agreed to.

RECOGNIZING TEACHERS OF THE UNITED STATES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 126 and that the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 126) recognizing the teachers in the United States for their contributions to the development and progress of our country.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be made and laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 126) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, MAY 9, 2013

Mr. BLUMENTHAL. Mr President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on May 9, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, and that the time be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling final half; further, that following morning business the Senate resume consideration of S. 601, the Water Resources Development Act.

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

PROGRAM

Mr. BLUMENTHAL. Mr. President, we will continue to work through amendments to the bill during tomorrow's session. Senators will be notified when votes are scheduled.

ORDER FOR ADJOURNMENT

Mr. BLUMENTHAL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following the remarks of Senator HOEVEN of North Dakota.

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

The Senator from North Dakota.

WATER RESOURCES DEVELOPMENT ACT

Mr. HOEVEN. Mr. President, I rise to speak in support of the Water Resources Development Act or the WRDA bill that we are considering on the Senate floor. I wanted to begin by thanking leadership on both sides of the aisle for moving this very important legislation to the floor so we can act on it.

This legislation is important because it funds vital infrastructure projects that make our country stronger, safer, and more competitive. I wish to begin by talking about one of those flood protection projects, permanent flood protection for the Red River Valley. The Fargo-Moorhead Area Diversion Project will establish permanent flood protection measures for the Red River Valley region of North Dakota and Minnesota.

It will, in essence, divert water around—actually water that is now almost an annual flood event—population centers, channel it safely downstream for both States. In fact, it will protect nearly one-quarter of a million people and billions of dollars of property in one of the Midwest's most dynamic, productive, and growing metro areas on both sides of the North Dakota-Minnesota border.

Furthermore, this vital infrastructure will not only protect lives and property, it will actually save the Federal Government money. This is very important at a time when we face deficits and debt, something we very much need to address.

So let me explain. This project will actually save the Federal Government money. When the waters threaten, as they have in 4 of the past 5 years, many agencies of the Federal Government are mobilized to protect life and property. That includes the Army Corps of Engineers, FEMA, the Federal Emergency Management Agency, U.S. Fish and Wildlife, Coast Guard, even Customs and Border Protection, which has been called in to monitor the advancing waters of the flood from the air, and other agencies as well.

Those are just Federal agencies. In addition, we have State and local agencies that respond as well. Many of them also rely on Federal funding. That includes agencies such as emergency management, the National Guard, State departments of transportation, highway patrol, water commission, human services, departments of health, and many others.

The point is the flood fight requires a lot of work and it costs a lot of money. We are doing it every year. It involves the enormous task of building miles and miles—not feet, not yards, but miles of temporary earthen dams, dikes, and levees. That means moving heavy equipment such as backhoes, bulldozers, dump trucks, as well as tons and tons of dirt. It means activating the National Guard to devote its resources and equipment to the task of fighting the rising waters.

The flood fight also involves filling sandbags, literally millions of sandbags to protect homes and businesses. It involves deploying industrial pumps to try to move water out faster than it is moving into the cities. That, I tell you, is very fast at the height of the flood, thousands of cubic feet per second.

It means calling on local police and highway patrol officers to work overtime to direct traffic, provide security, and keep order. Ultimately it means paying out millions in taxpayer dollars year after year, and that is the point. We are fighting this flood every single year, and we are expending these dollars every single year.

Then there is another phase after the water recedes and then comes the cleanup: removing those dams, dikes, and levees, disposing of those millions of sandbags, cleaning the streets, repairing the damage, and addressing the multitude of costs and time-consuming tests necessary to get things back to normal. Again, as I have said, you are doing all of this on a temporary basis, and you have to do it all over again the following year. In fact, the expense of mounting a successful flood fight year

in and year out amounts to many millions of dollars every year.

For example, the successful flood fight of 2009 cost Fargo-Moorhead about $50 million. When you lose the flood fight, the cost is much greater in both human terms and in financial terms.

For example, in another community, a much smaller community, Minot, ND, lost the flood fight in 2011, destroying or damaging more than 4,000 homes and displacing thousands of people. The Federal Government has put more than $632 million—let me repeat—more than $632 million into the city's recovery efforts to date, and we are still not done.

A similar flood in the Fargo-Moorhead metro area would be far worse and far more expensive. The Army Corps of Engineers predicts a 500-year flood in the Red River Valley would cost more than $10 million in damage, and that doesn't even take into account the impact in terms of human cost and difficulty to families and to businesses.

Let's look at how the costs of such a flood are typically shared. This is very important when we do the cost-benefit analysis. Typically local government covers 15 percent of the cost. The State pays about 10 percent of the cost, and the Federal Government pays by far the largest share of the cost. The Federal Government is paying 75 percent of the cost every single year—oh, except, in severe disasters, FEMA recommends raising the 75-percent Federal share for public assistance, the repair of infrastructure, to 90 percent Federal cost after you meet a certain threshold.

When you have very significant damage and higher losses, now the Federal Government is picking up as much as 90 percent of the cost, particularly for the public infrastructure. That cost, in our case now, is incurred on a year-in and year-out basis.

In fact, Fargo-Moorhead has not only had to mount a flood fight but then conduct cleanup afterwards in 4 out of the last 5 years, including this spring. That is my point. That is exactly my point. With permanent flood protection, which is provided through the WRDA bill, we can break that cycle. With one-time spending we can protect people on a permanent basis and do so much more cost-effectively. Once you build it, you are done with the endless and traumatic sequence of fighting floods and cleaning up after them. Not only that, but the cost-sharing for permanent flood protection is lower for the Federal Government. The Federal share would be less than half of the cost of the permanent project, 45 percent of the permanent project. That compares with 75 to 90 percent the Federal Government is obliged to cover for the annual flood fight or, worse, if you lose the flood fight and you have that recovery effort.

We are saying for the permanent protection, the non-Federal share, Federal share 45 percent. The non-Federal share is more than half, which means State and local government will cover 55 percent of the cost, which is actually the majority of the project. We have already lined up those funds. At that local level and the State level, we are ready to go.

This is a two-State effort, as I said. That cost is incurred by the State of North Dakota, by local government, and Minnesota, and it breaks out as follows: Minnesota would cover about 10 percent of the non-Federal share or about $100 million. North Dakota will cover 90 percent of the non-Federal share, about $900 million, divided evenly between the State and local municipalities, each putting in about $450 million.

In the end you can't put a price on the kind of hardship and despair that losing a home or a business means after the fact. You can help to spare people that hardship in the first place with permanent flood protection.

That is what the Fargo-Moorhead diversion is all about, and that is why it is so important to North Dakota, to Minnesota, and to the Red River Valley region of the North. The Water Resources Development Act, however, does more. It is key to building and rebuilding vital water infrastructure projects throughout our Nation, projects that will make us stronger and safer.

Moreover, the WRDA bill includes streamlining provisions to help us complete worthy projects more cost effectively with less bureaucracy, with greater savings, and with less redtape. In addition, we work conscientiously through the process to make sure we do these vital projects right. They have been subjected to full corps review, including cost-benefit analyses, in an open and transparent way.

For all of these reasons and more, I urge my colleagues to support the Water Resources Development Act for the peace of mind permanent flood control and protection will give to the people of our region and other regions throughout the country.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:18 p.m., adjourned until Thursday, May 9, 2013, at 9:30 a.m.