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# House of Representatives

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

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*May 15, 2013.*

I hereby appoint the Honorable MO BROOKS to act as Speaker pro tempore on this day.

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

## MORNING-HOUR DEBATE

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

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

## SEQUESTRATION

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

Mr. HOYER. Mr. Speaker, this week the House will be voting for the 37th time to repeal the Affordable Care Act.

This vote comes at a time when we are facing serious and pressing challenges, one of the most important of which is the operations of the sequester. That is 37 votes to repeal the Affordable Care Act.

Let us set aside for a moment the important issue of how health reform is working and making quality care accessible and affordable for more Americans. I'll be speaking more about that from this floor in coming days, as I know some of my colleagues will.

What I find—and I believe most Americans find—incomprehensible is how this House could waste its time on such a blatantly partisan vote when the effects of sequestration are having a growing negative effect on our economy and on the lives of so many American families. That ought to be our focus this week and every week until we find a solution, Mr. Speaker.

Speaker BOEHNER has said that this 37th repeal vote is justified because freshman Members have not had an opportunity to vote on that issue. If that is his view, then, by the same reasoning, he should allow a vote on a balanced alternative to the sequester. Freshmen have not had a chance to cast their votes on whether to replace the entire sequester with a big and balanced solution to deficits.

If the House proceeds with a vote on repealing the Affordable Care Act on the grounds that Members deserve an opportunity to be on the record on such an important issue, surely, Mr. Speaker, we also ought to have a vote on replacing the sequester, which we know is having adverse effects on our economy and on our national security.

American families and businesses are facing greater and greater uncertainty as the result of the sequester and the unwillingness on the part of Congress to take a meaningful, bipartisan action to stop it. With this uncertainty, businesses have slowed hiring and in some cases have even begun to lay off workers.

This indiscriminate and irrational nature of the sequestration means that it's ill effects will be felt across our economy and society without regard to our priorities. It also means that none of us, not one of us in this Chamber, is immune in our own districts where constituents will see a reduction in services and dislocation.

Because of the sequester, we are at risk of 70,000 young people kicked off Head Start; 10,000 teacher jobs at risk for title I cuts; 4 million fewer Meals on Wheels for seniors; 600,000 women, infants, and children dropped off the rolls; emergency unemployment insurance cut by 11 percent for 2 million out-of-work Americans; 2,100 fewer food-safety inspections. That's a drop of 18 percent to make sure that our food is safe. And one-third of combat air units are grounded.

The responsible path forward is for Democrats and Republicans to work together on a big and balanced approach to deficits that restores certainty to our businesses and families.

Four times Mr. VAN HOLLEN, the ranking member of the Budget Committee, has offered an amendment to the sequester, which would get to the same deficit reduction, but in a way that was prioritizing those things that are important in our country and eliminating those that are not, and raising some additional revenues, as well.

Not only has that not been considered, but the Republicans have refused to allow that amendment on the floor. Yet we have the 37th time to repeal the health care bill, which is already benefiting millions of Americans. It's not a responsible use of congressional time.

I urge the Speaker and the Republican leader to cancel this repeal vote and get back to business by allowing us to consider a balanced alternative to the sequester this week.

I also urge them to bring to the floor a motion to go to conference on the budget. My Republican friends pleaded for the Senate to pass a budget. The Senate passed a budget; we passed a budget. Regular order is going to conference where we could, in fact, come to an agreement on a big and balanced deal to replace this negatively impacting sequester.

There is nothing on the schedule to do that, either to repeal the sequester

and change it or to go to conference, but a 37th vote that will go nowhere. And everybody who knows that to be the case is on the floor this week. How sad.

## RETURN THE POWER BACK TO THE PEOPLE

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

Mr. RADEL. Mr. Speaker, in this great country of ours, since our founding, we've always had a distrust of government. And, quite honestly, I think that's a healthy thing, most especially today as we learn about what both the Department of Justice and IRS have done.

What we are learning is that this is a threat to your First Amendment: freedom of speech. And let there be no question the order of importance. It is your very first in your Bill of Rights: freedom of speech.

I believe that these rights are so sacred, so precious that I'm introducing the Free Flow of Information Act to protect journalists from the prying eyes of this Federal Government. It is my hope that Republicans and Democrats alike will support this just like then-Senator Obama did in 2007.

A select few in these agencies represent the worst when it comes to a heavy-handed government working to shut down your basic right to speak out as an individual or report the news as an organization. Now is the time that we stand up and say, Our society is not about I, the Federal Government; it is about we, the people. And to quote my generation's music from Public Enemy to Rage Against the Machine: ''We gotta fight the powers that be; we gotta take the power back.''

In other words, we need to stand up and say that we see the abuse from a few in Washington and we must return the power back to the people. After all, Washington works for you. Not a party. Not an ideology. Your government—elected and unelected—works for you, not against you.

But now we clearly see that both the IRS and the Department of Justice are working against you, working to stifle, to shut down your God-given right of freedom of speech, that freedom often carried out by the press.

In the United States, we are so unique and so powerful because we really share a common belief of some pretty simple things. You should be able to speak your mind. Again, it's called ''freedom of speech.'' And journalists should be able to do their job and do so without the fear of a heavy-handed tyrannical government threatening or stifling them. It's called ''freedom of the press.''

But now we see an entire culture of government acting on their own behalf, not even beholden to an administration, party, or even a belief. These are rogue agencies that we are talking about, unelected, unchecked, without boundaries, without ethics, and without a shred of respect for the Constitution or you. These individuals are some people on some floor of some building named after some dude that you've never even heard of messing with your life.

□ 1010

And if you don't think that wiretaps or IRS audits are going to hit you, think again. Two groups from my home in southwest Florida were hit so hard by the IRS that they quit. They shut down their groups. That was it; enough is enough. This is the clearest example of how the government is coming after you to strip away your most basic rights. These groups were made up of hardworking Americans just like you. Their goal: to teach people about the Constitution. Think about that for a second. They wanted to teach people about the very document that tells you you have the right to say what you want. They're now gone.

And let's look at the Department of Justice wiretapping, seizing and prying into the lives of journalists. I worked as a journalist for almost 20 years, living with what I thought our government also believed in—freedom of the press. The freedom to investigate, share, and speak out on injustice.

And from journalists to partisan pundits, Rachel Maddow to Bill O'Reilly, they're coming for you next. Sean Hannity to Chris Hayes, you'll be tapped next as you try to shed light on truth, on injustice, or just try and get some answers.

Where does all of this end?

Well, this is where the so-called far left and far right need to embrace each other. Whether you are a Tea Partier or part of the Occupy movement, this is about you. Whether you are an evangelical Christian wanting to share the word of God or an atheist simply asking for a more secular society, this is about you. This is about you—your freedom of speech, your ability to express what you believe in. This is about you.

Washington insiders should not be dictating your life. The more it's about them, it's not about you. The more government grows unchecked and unbalanced and out of control, the more it's about them and not you.

I believe in you. Stand with me and let's take the power back and return this government to we the people. I promise to stand with you.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

## PROTECT BANGLADESHI FACTORY WORKERS

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

Mr. GEORGE MILLER of California. Mr. Speaker, little more than 100 years ago, a New York State assemblyman was an eyewitness to one of our Nation's worst industrial tragedies—the Triangle Shirtwaist factory fire. He recounted how he saw girl after girl appear in the reddened windows, pause for a terrified moment, and then leap to the pavement below, to land as a mangled, bloody pulp. He said it went on for what seemed like a ghastly eternity, and described how the firemen's life nets were torn by the impact of falling bodies.

This inferno at a sweatshop garment factory in New York City employed mostly poor, immigrant women. One hundred forty-six workers died that day because it lacked proper stairways, fire escapes, and managers had locked all of the exits. This tragedy shook our Nation and led to lifesaving workplace safety reforms.

A century later, I recently met a young Bangladeshi garment worker named Sumi. She, too, jumped from a window of the Tazreen garment factory. She survived, but 12 of her coworkers who jumped with her did not. More than 100 others who never had the opportunity to jump were found inside of the factory dead. This haunting tragedy has many parallels to the Triangle fire: exit doors were locked; fire extinguishers were not working; fire codes went unenforced.

We don't tolerate those workplace conditions in the United States anymore, but those are deadly conditions that are tolerated in other countries that make the clothing that we wear. These tragedies have moved from New York to Bangladesh, driven by the business models and global supply chains of the world's leading retailers and clothing brands. But now Bangladesh has had what might be its own Triangle Shirtwaist fire.

On April 24, more than 1,100 people died as Rana Plaza and its garment factories collapsed. Some 2,000 more were injured, and rescuers are still pulling bodies out 3 weeks later. There have been an additional 40 fires, explosions, and other incidents between the Tazreen fire and the Rana Plaza tragedies. It's simply a matter of time before there is another one.

These incidents shocked people around the globe and laid bare the need for bold action. The lives of 4 million workers in these factories are counting on bold action. But not everyone has been shocked. Major American retailers and clothing brands have refused to change the way they conduct business in Bangladesh, the second largest garment producer in the world after China. They are hoping instead that the heightened attention will pass without having to change their business model. That business model pits sweatshop against sweatshop, country against country, in a race to the bottom to rake in billions of dollars in profits while paying as little as 22 cents per shirt.

In Bangladesh, American and international companies flourish in this system, companies we all know like

Walmart, the Gap, JCPenney, and The Children's Place, just to name a few. They refuse to accept responsibility.

So what can be done to improve the Bangladeshi factory safety? Certainly there are things local government can do: address corruption that allows unsafe, dangerous structures; enforce safety codes; defend the right of workers to form unions and to have workers be able to refuse unsafe work.

The Bangladeshi Government is scrambling to implement limited reforms, hoping to keep the industry that is critical to its economy, but only the retailers and brands can put a floor under this race to the bottom. The economic power rests with them. That is why the announcement this week by major European companies and one American company that they have signed a binding and enforceable fire and building safety agreement for Bangladesh factories is so significant.

H&M, Zara, Primark, and C&A are to be applauded for their unprecedented and bold steps. They have been joined by only one American company, Phillips-Van Heusen, which has Calvin Klein and Tommy Hilfiger among its brands, and one major German retailer. But now El Corte Ingles, Marks & Spencer, Mango, and Benetton have also agreed to sign this enforceable agreement.

The agreement provides for independent safety inspections with public reports, mandatory repairs and renovations, money to fund the necessary safety upgrades, the right of workers to refuse unsafe work, and the vital role of workers and unions. This agreement is truly unprecedented.

But where are the other American companies? Where are the American retailers? Where are the American clothing brands? Where is Walmart? Where is JCPenney? Where is the Gap? Where is The Children's Place? Their silence in the face of this tragedy is inexcusable. They should sign the binding safety agreement to protect Bangladeshi workers. They should sign it now.

Experts estimate safety improvements under this plan would cost about a dime a garment. A dime for the life of these women.

I urge all Americans to join in demanding that the American retailers and fashion brands stop selling their bloodstained labels and sign the enforceable agreement to protect these Bangladeshi women.

## AMNESTY BILL HARMS VULNERABLE WORKERS

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

Mr. BROOKS of Alabama. Mr. Speaker, the President and Senate Gang of Eight amnesty bill is not only bad for America, it is a disaster for American workers who are pitted against millions of illegal aliens in the competition for scarce jobs.

On April 24, 2013, Dr. Frank Morris, former executive director of the Congressional Black Caucus Foundation and now leader for the African American Leadership Foundation, stated, ''The Senate Gang of Eight's immigration bill is not only impractical, but immoral. Increasing immigration levels through amnesty and new visa programs, particularly at the low-skilled level, will flood the labor market with millions more people, leading to higher unemployment, more poverty, and a lower standard of living for many in the Black community.''

Dr. Morris is right. Amnesty undermines millions of African-American workers' incomes and job searches by flooding the American market with cheap labor.

In an April 23 news release, the African American Leadership Foundation stated, ''Blacks have an unemployment rate nearly twice that of the national average. The Senate's immigration plan to drastically increase the immigrant workforce will continue to keep that number high.''

Dr. Morris emphasized that illegal aliens have huge advantages over American job seekers. ''Immigrants are the preferred employees because they are more vulnerable, you can cut them out of overtime, you can cut them out of safety measures, you can cut them out of anything and they have no recourse.''

Charles Butler, also of the African American Leadership Foundation, added that the amnesty bill would ''provide green cards and residency benefits to illegal aliens when many Americans are hurting the most. What makes sense is for America's jobs to be reserved for people who are legally entitled to compete for them.''

In 2007, T. Willard Fair, president of the Urban League of Greater Miami emphasized that, ''Amnesty for illegal workers is not just a slap in the face to Black Americans. It's an economic disaster.

''I see illegal immigration and the adverse impact that it has on the political empowerment of African Americans and the impact it has on the job market.''

□ 1020

How bad does illegal immigration hurt American workers?

Harvard Professor George Borjas found in a study released in April 2013, and I quote, ''Illegal immigration reduces the wage of native workers by an estimated $99 to $118 billion a year, and generates a gain for businesses and other users of immigrants of $107 to $128 billion.''

Who is hurt the most by illegal aliens? American workers who lose $99 to $118 billion in badly-needed income.

Who is helped the most by illegal aliens? Employers who pad their profits to the tune of $107 to $128 billion when they hire illegal aliens over Americans. Dr. Borjas adds that ''immigration has its largest negative impact on the wage of native workers who lack a high school diploma, a group that makes up a modest . . . share of the workforce. These workers are among the poorest Americans.''

Who do American workers compete against for jobs? Per a 2010 Pew Hispanic Center study, 7.8 million illegal aliens hold jobs in America. That's 7.8 million job opportunities that would be opening up for American workers if the President would enforce Federal immigration laws.

The way to help our blue-collar and low-wage workers is not to flood the market with illegal aliens. The way to help America's blue-collar and low-wage workers is by denying American jobs to illegal aliens, thus forcing blue-collar wages up and helping workers and their families pursue the American Dream.

Mr. Speaker, we must return American jobs to American citizens. The White House and Congress should be fighting for American jobs for American citizens, not jobs for illegal aliens.

Mr. Speaker, I cannot, in good conscience, ratify illegal conduct with my vote, and I hope other elected officials in Washington will represent Americans seeking jobs, not foreigners illegally on American soil.

## THE PARTNERSHIPS FOR ACHIEVING STUDENT SUCCESS ACT

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

Ms. CHU. Last month, Galway Central School District in New York considered outsourcing the roles of their school psychologist and social worker. After all, budgets are tight, and what harm could come from this?

Andrew Huzsar, the district psychologist, and Christine Bornt, the school social worker, had already faced an uphill battle helping their students. Although the district has only 900 children in attendance, Galway is geographically one of the largest school districts in New York State. And as the only school psychologist and social worker, Andrew and Christine struggled to meet the needs of their students, facing more than double the recommended ratio of students to mental health professionals across the district.

An onslaught of letters and testimony soon flooded the Board of Education, as students, parents, and teachers, alike, protested on Andrew and Christine's behalf. The board soon relented to the public outrage, perhaps thanks to a very moving letter of support that Andrew received. This letter was from a young student explaining that he would not be alive today if it had not been for Andrew intervening in his life. This student was not someone Andrew saw regularly. They met only three times the previous school year.

Mental health counseling is a critical component for student success. Just three meetings were enough to save this student's life.

As a clinical psychologist, I know that there is no budget cut more shortsighted than one that stands between mental health resources and those who desperately need them. For a student, that access may be the difference between a productive day in class and an act of aggression against themselves or their peers. In the case of Andrew and that student, it made the difference between life and death.

That's why last week I introduced the Partnerships for Achieving Student Success, or PASS, Act. It does more than ever before to help our Nation's neediest schools ensure that our children have access to the appropriate mental health and student service professionals on campus. It creates a Federal grant program to help low-income school districts recruit, employ, and retain school counselors, school social workers, school psychologists, and other psychologists qualified to work in K–12 schools.

Galway School District ultimately kept their mental health professionals, but not every school district has the capacity to do so. By expanding the number of school mental health professionals in low-income, high-need schools, we can effect positive change in the lives of students who need it most. That's why the PASS Act already has the support of the American Psychological Association, National Association of School Psychologists, American School Counselor Association, and the School Social Work Association of America.

And it is why I take to the floor today to encourage my colleagues to support this bill and improve the academic and life success for students across this country. Together, we can make sure that the Andrews of this world are there when their students need them.

## COMFORT WOMEN

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

Mr. ROYCE. Mr. Speaker, I rise today to condemn the systematic and brutal enslavement of women during World War II by the Imperial Government of Japan. What is known today as ''comfort women'' is, in reality, a state-sponsored program of sexual brutality against 200,000 women from Korea, China, Taiwan, and the Philippines.

The fact that women and girls as young as 13 years old would be forced into this kind of misery is appalling. It runs counter to every recognized international norm against human dignity.

Anyone seeking to justify or deny the existence of comfort women is ignoring history. The sheer amount of evidence regarding this terrible time in history is staggering. Not only are there documents chronicling the existence of comfort women camps, but there is also the gut-wrenching testimony of survivors and of eye witnesses.

Countless governments around the world have come to the conclusion that, yes, the Imperial Government of Japan did indeed condone this most reprehensible of actions during World War II, along with such brutal violence as the rape of Nanking.

That is why I rise today to condemn the unfortunate remarks of the mayor of Osaka, Japan, who, as recently as yesterday, denied the existence of comfort women. The mayor not only questioned the existence of comfort women, but he sought to justify the use of a ''comfort woman system'' as a means to boost morale for the military. The mayor's remarks are absolutely outrageous, and it adds insult to injury for survivors and their families.

The rise of ultranationalism in Japan is very worrisome and, as chairman of the Foreign Affairs Committee, I strongly condemn it.

Mr. Speaker, the House went on record in 2007 to express our outrage regarding the forced enslavement of 200,000 women during World War II. The civilian populations of Korea, China, Taiwan, and the Philippines suffered so much from the imperialism and aggression of the Imperial Government of Japan.

We speak with one voice when we speak against grave violations of human rights. It is in America's interest that we continue to press for justice and to never forget.

## THE AFFORDABLE CARE ACT

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

Mr. CARSON of Indiana. Mr. Speaker, this week the House is voting to repeal the Affordable Care Act for the 37th time.

In every congressional district, there are seniors, new mothers, young children, low-income families, and young adults just starting out on their own. Do my good Republican friends really want to take away their chance for better health?

I would never do that to my constituents, which is why I'm here today, Mr. Speaker, to say again, I am proud of my vote for the Affordable Care Act.

□ 1030

Recently, I had a chance to spend some time with some Hoosiers across my district, and I heard again and again their worry about rising health care costs and their family's ability to access care. Fortunately, millions of Americans no longer have to worry about accessing care because of the Affordable Care Act. Instead, more than half a million Medicare beneficiaries in Indiana alone received free preventive services in 2012, avoiding more costly illnesses. More than 17 million children with preexisting conditions nationwide are no longer being denied insurance coverage. More than 100 million Americans no longer face lifetime limits on coverage.

Mr. Speaker, over 360,000 small businesses have already used tax credits to help insure 2 million workers. By the end of this year, health exchanges will be set up making it easier for people who don't have insurance to choose the coverage that best suits their needs. Next year, we will happily welcome even more consumer protections. Insurance companies will no longer be able to place lifetime limits on coverage. Discrimination against preexisting conditions will be banned for all Americans.

This means that when a woman notices a lump under her arm, there is no reason for her to wait until she finds a job to schedule an appointment. And she doesn't have to wait to get sicker, costing more of her time off from work and away from her family. Under the Affordable Care Act, Mr. Speaker, she knows she can obtain potentially lifesaving care right away. The same goes for her spouse, her parents, and her children. Our health care system benefits us by allowing us to make investments in lower-cost treatments and prevention now rather than expensive therapies later.

Of course, I know that times are tough right now and we have to be even more careful about the mandates we put on businesses. But my good Republican colleagues seem to forget that people have to be healthy to contribute to our economic growth. As a Representative of many hardworking families, Mr. Speaker, I have stood here time and time again over the past few years to extend a hand to anyone who wants to work with me and us to provide quality health care for all Americans.

Today, I make that very same offer. I will work gladly with anyone who wants to improve our health care system and ensure that all Americans have access to quality and affordable health care.

I call on my Republican colleagues to work with us to implement the Affordable Care Act and start improving it. It's time we all stand together, Mr. Speaker, and start looking out for the health of this great Nation. Without it, we have nothing.

## POLITICAL BIAS AT EPA

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

Mr. WHITFIELD. Mr. Speaker, I rise today to express in the very strongest terms possible my disapproval of a pattern of conduct of the Obama administration that is of great concern to all of us, a pattern of conduct in which this administration rewards its friends and punishes its opponents.

Now, when our Founding Fathers wrote the Constitution many years ago, there were some basic principles in that Constitution. One was equal protection under the law, and the other was protection from discriminatory

practices. Well, we all know about the IRS being accused of going after groups that they disapprove of.

Today and late yesterday afternoon, two more incidents arose that show that this administration is about punishing their opponents and taking care of their friends. The first incident revolves around the Environmental Protection Agency. There is a system in the Federal Government called the Freedom of Information Act in which individuals, groups, and other entities can request of the Federal Government to obtain information about regulations, things that the Federal Government is doing; and if the group asks for a waiver of fees to obtain that information, they can obtain the information free.

Well, because of a lawsuit filed by the Competitive Enterprise Institute, we now find out that EPA routinely grants fee waivers to its favored left-wing groups who demand a more intrusive and powerful EPA, but systematically deny waivers for free information from any group that EPA disagrees with. In fact, the headline says that EPA gives information for free to groups it agrees with 92 percent of the time, but it denies fee waivers for groups that it disagrees with 93 percent of the time. We cannot afford a government that systematically goes against groups that it opposes and yet rewards groups that it favors.

I want to give you another example that came about yesterday. More than 573,000 birds are killed by the country's wind farms each year, including 83,000 hunting birds such as hawks, falcons, and eagles. Now, nearly all the birds being killed are protected under the Federal environmental laws which prosecutors have used to generate tens of millions of dollars of fines and settlements from businesses, including oil and gas companies and electricity generators over the past 5 years. As a matter of fact, BP oil company was fined $100 million for killing and harming migratory birds during the 2010 gulf oil spill. And PacifiCorp, which operates coal plants in Wyoming, paid more than $10.5 million in 2009 for electrocuting a number of eagles along power lines in its substations.

Yet this administration has never fined or prosecuted a wind energy company, even those that flout the law repeatedly. Instead, the government is shielding the industry from liability and helping to keep the scope of the deaths secret.

So there is clearly a double standard in this administration. If you kill an eagle and you happen to be a private business or you are a power generator or you're an oil company or a chemical company, you're going to be fined. But if you're a wind energy company, even though the bird you killed may be protected under the Endangered Species Act, you're going to be protected. America will not stand for a government that rewards its friends and punishes its opponents in this discriminatory fashion.

## ACKNOWLEDGING THE END OF THE CIVIL WAR IN SRI LANKA

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

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise today to acknowledge the fourth anniversary of the end of the civil war in Sri Lanka on May 18, 4 years ago. Although the war has ended and all of those who care about the well-being of this country are indeed glad and delighted, there remain high levels of suspicion among many Tamils who still feel that they are being denied equal rights, equal protection under the law, and are being treated as second-class citizens.

A large number of Tamils fled the country, left their homeland, during the war; and many have not returned to their homes. Peace is present, but there still exists many hard feelings. Therefore, I urge that the government and the Tamil community find as many ways as possible to promote peace and live in harmony with equality, equal justice, and equal protection under the law. Mr. Speaker, I wish the country well on its peaceful coexistence.

□ 1040

## INTRODUCTION OF PUERTO RICO STATUS RESOLUTION ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. Mr. Speaker, today, joined by a bipartisan group of my colleagues, I am introducing the Puerto Rico Status Resolution Act. This bill is a response to the results of a referendum held in Puerto Rico in November. The first question asked voters if they support Puerto Rico's current territory status, which deprives my constituents of the most fundamental democratic rights. Fifty-four percent said ''no.''

The second question asked voters for their preference among the three alternatives to the current territory status. Of those who chose an option, 61 percent favored statehood. More voters said they want Puerto Rico to become a State than to maintain the current status, which is unprecedented.

The White House has recognized the importance of the results, which is why the President is seeking an appropriation to conduct the first federally authorized vote in Puerto Rico's history, intended to ''resolve'' the territory's future status.

The legislation I am filing today is consistent with the President's budget request and serves as a blueprint for how the vote conducted pursuant to that appropriation could be structured.

After outlining the rights and responsibilities of statehood, the bill authorizes a ratification vote on whether Puerto Rico should be admitted into the Union as a State. If a majority of voters affirm Puerto Rico's desire for statehood, the bill provides for the President to submit legislation to admit Puerto Rico as a State after a reasonable transition period. The bill also expresses Congress's commitment to act on such legislation.

Now, I want to speak directly to the men and women who voted for statehood in November. Our movement has become a predominant force in Puerto Rico. Every day, we grow stronger. Like you, I believe that justice delayed is justice denied. And, like you, I find it difficult to be patient. But we fight with our heads as well as our hearts. Perfecting our Union requires passion, but it also demands perseverance. There are no shortcuts on the path to statehood, and politicians who suggest there are are leading us to a dead end.

The statehood movement is powerful because we are united by a single principle, the principle of equality. The November vote has fortified our spirit and renewed our sense of purpose. We will not shy away from a fight. History teaches that once a people have chosen democracy, self-government and progress, they are unlikely to reverse course. Rest assured, now that the people of Puerto Rico have withdrawn their consent to second-class citizenship, the question is not whether, but when, Puerto Rico will obtain equality through statehood.

To my colleagues who represent States, I know you will respect my constituents for seeking the same rights and responsibilities as your constituents. This respect must take the form of concrete action. The U.S. citizens of Puerto Rico have made their choices heard, and they deserve a meaningful response from their national government.

There is overwhelming evidence that territory status has affected Puerto Rico's political, economic, and social development; and it has become clear that the status quo does not serve the national interest, either. The U.S. succeeds when Puerto Rico succeeds; when the island is strong, stable and secure; and when its residents do not feel obligated to relocate to the States to achieve their dreams. From the U.S. perspective, a robust and resilient State of Puerto Rico would advance the national interest.

The position of every President since Harry Truman has been that their administration would accept whatever status choice is made by a majority of Puerto Rico's voters. The U.S. Government is a champion of democracy and self-determination around the world, and it must adhere to those principles with respect to its own citizens. This is essentially true in light of the service that generations of men and women from Puerto Rico have rendered to this Nation, most notably in the Armed Forces, but in so many other ways as well. In a very real sense, Puerto Rico has earned the right to be equal, and equal we will become.

Puerto Rico has been called the shining star of the Caribbean. The time has

come for our star to shine, alongside the others, on the Flag of the United States of America.

## GOVERNMENT OPPRESSION OF PATRIOTS

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

Mr. POE of Texas. Mr. Speaker, early last year, I spoke with businesswoman Catherine Engelbrecht, also founder of True the Vote and King Street Patriots in Houston, Texas. True the Vote is a nonpartisan organization whose purpose is to train poll workers to uphold voter integrity at the polls, because, despite what many say, voter fraud is rampant in America. King Street Patriots is a group of liberty-minded, patriotic individuals in Houston who meet weekly to discuss what's going on here in Washington.

Catherine told me that both of these groups and her family had not only been harassed by liberal progressive groups but also by the Federal Government. It all began when Catherine applied for nonprofit status in 2010 for True the Vote and King Street Patriots. So began the tidal wave of government inquiries and harassment.

In a recent interview, Catherine said this:

> We applied for nonprofit status in 2010. Since that time, the IRS has run us through a gauntlet of analysts and hundreds of questions over and over and over again. They've requested to see each and every tweet I've ever tweeted and each and every Facebook post I've ever posted. They've asked to know every place I've ever spoken since our inception, and to whom, and everywhere I intend to speak in the future.

We have learned that the IRS has even asked these groups, Mr. Speaker, for donor lists.

Mr. Speaker, this level of detail goes well beyond the business of the IRS, and it didn't stop there. The Federal Government's snooping included six visits by the FBI, as well as multiple unannounced visits from OSHA and, yes, even the ATF. Mr. Speaker, you may remember the ATF. Those are the ones responsible for smuggling guns into Mexico. How ironic it is they want to audit American citizens but lose track of guns where they were purposely sent to the drug cartels.

In any event, in addition to True the Vote, Catherine and her husband were also personally audited. Keep in mind Catherine and her husband have owned a small family business for 20 years and have never been audited by the IRS until all of this. Why now? It seems very coincidental.

I asked that question when I submitted a FOIA request on behalf of True the Vote and King Street Patriots to FBI, OSHA and the ATF asking if they were under criminal investigation. The reply from these agencies was that none of these individuals were under criminal investigation. Well, if they're not, why are they being treated like criminals? Just because they question government.

Mr. Speaker, Catherine is not alone. The IRS has admitted to systematically targeting certain groups who have opposing views from the administration. According to USA Today, between February 2010 and May 2012, only one Tea Party group was granted tax-exempt status from the IRS. But during that same 2-year period, the IRS has approved dozens of liberal and progressive groups for their tax-exempt status. Coincidence? Yeah, right.

Not only does this behavior of the IRS threaten individual freedom and violate the Constitution; I think it may be criminal. It is unlawful for any Federal agency to use its law enforcement and its investigation power as a means to harass and target certain individuals whose political views differ from any administration. It would appear that such actions are also in violation of Federal law and the equal protection and due process protections guaranteed in the Constitution.

Private citizens should not be punished for questioning government. This is America, not a Third World dictatorship or the Soviet Union.

□ 1050

This type of government oppression and political opposition is disturbing. I've written Attorney General Eric Holder to request him to direct the U.S. Office of Special Counsel to investigate any potential violation of the Hatch Act that may have occurred by IRS employees. I've also asked Attorney General Holder to appoint a special prosecutor to investigate all of this.

No government should be requiring citizens to furnish their schedules, donor lists, personal communications or political beliefs to any government agency. No government agency—whether it's the IRS, the FBI, the ATF, or OSHA—should be used as a tool to suppress those who are considered ''opposition groups'' and dare to question our government.

The IRS is abusing its power to tax by harassing and punishing those who have been ''taxed enough already.''

And that's just the way it is.

## RECESS

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

Accordingly (at 10 o'clock and 50 minutes a.m.), the House stood in recess.

## PRINTING OF PROCEEDINGS OF FORMER MEMBERS PROGRAM

Mr. MCHENRY. Madam Speaker, I ask unanimous consent that the proceedings during the former Members program be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the proceedings have the privilege of revising and extending their remarks.

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

There was no objection.

The following proceedings were held before the House convened for morning-hour debate:

### UNITED STATES ASSOCIATION OF FORMER MEMBERS OF CONGRESS 2013 ANNUAL REPORT TO CONGRESS

The meeting was called to order by the Honorable Barbara Kennelly, vice president of Former Members of Congress Association, at 8:05 a.m.

### PRAYER

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

Lord God of history, and our salvation, when former Members return to Congress it must be similar to any American opening the Bible or their holy book at random. By doing so, people of the Book read between the lines, see the story of America, and rejoice.

Congress, too, holds old and familiar stories, strong exhortations, repeated corrections, and consoling confirmation of hopes that speak anew of love, patriotism, and light. Looking at Congress once again, these former Members, still Your stewards, hear the praise of Psalms, the lament of Job, and are strengthened by the sentiments of Gideon as well as Paul, the commands of Moses and the prayers of Jesus.

As the Good Book binds people into community, You tie together the years of Congress and make of them a prophetic voice that reverences the past, speaks to the present, and holds promise for the future.

May all former Members be rewarded for their contributions to this constitutional Republic and continue to work and pray that the goodness and justice of this beloved country be proclaimed to the nations.

Quicken life, promise, and fortitude in all here gathered that we may bring joy to the present age and long for eternal happiness, calling upon Your holy name, now and forever.

Amen.

### PLEDGE OF ALLEGIANCE

The Hon. Barbara Kennelly 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.

Ms. KENNELLY. The Honorable STENY HOYER will now address us.

Mr. HOYER. ''Address us'' overstates what I'm going to do, but I'm always so pleased to be with all of you. And I was kidding on saying that.

I want to tell you frankly, on the Republican side, you guys look so much better than you did when we served together, and we want all of you back on our side of the aisle. We're voting to reelect you.

But I am so pleased to be here with all of you. I had the opportunity to say just a few words yesterday, but I particularly wanted to be here, and I don't

see my Republican Speaker here. I think some of you know that story. Ray LaHood was presiding, and it was the nineties, '95, early '95, and I went up to Ray. We had about—I forget exactly—199 Members at that point in time. I went to Ray and I said, ''Ray, if you can get 20 votes, I will get 199, and we'll elect Bob Michel Speaker.'' But we didn't do that, as you noticed historically.

But I fondly recall with you the days when we really did sit down and work together on a lot of things in a positive way and get things done for our country. We're not doing that as well this time, as you know. Ray would tell you that, working in the administration, but I particularly wanted to be here this morning.

I don't see Bob here. Is Bob coming?

Ms. MORELLA. He is coming.

Mr. HOYER. Okay. Well, he is not here.

I'm a huge fan of Bob Michel's, but I'm also a huge fan of Ray LaHood's, and I know you're honoring Ray today, and I want to join with you in honoring him. Not only did he serve as a staffer in the House of Representatives, upholding what we're not upholding as much today, the integrity and the self-respect of all the Members here, to some degree denigrating this institution and Members—I lament that.

But Ray LaHood, as a staffer and as a Member of Congress and as a member of the President's Cabinet, has done some extraordinary work.

Ray, I want to congratulate you and thank you for all the positive roles you have played in moving this country forward. We're going to miss you from the Cabinet, but we don't expect to miss you from our lives, as so many here see. I want to wish you the very best.

Jack tells me he's now the president of a community college in New York. I said, ''Well, are you watching what we're doing?'' He said, ''Not much.'' That's why he's got such a happy look on his face—hear no evil, see no evil, speak no evil.

Some of you were here when I came to the Congress in 1981, and some came with me. I came 5 months after you did, Dennis, and just a few months before Barbara came to the Congress.

So I want to say on behalf of all the leadership—hopefully on both sides of the aisle—I know that's the case.

And remember, I'm not going to drag my leg, but do you remember John Rousselot? Does that name ring a bell with you? Well, when I came to the Congress, John Rousselot probably was the Member that I had the most negative feelings about: John Birch Society, et cetera, et cetera, et cetera. Into about a year, I got to really think, John Rousselot is not a bad guy at all.

I don't recall whether you recall, but he used to smile at all of us as if to say, Okay, I've come over to your side and now I'm really gonna give it to you. And he did it with such a twinkle in his eye and such a positive. Jim Blanchard—Governor Blanchard, Ambassador Blanchard, all things Blanchard—is shaking his head. But that was a lesson to me, as it should be a lesson for all of us, to take people not on which side of the aisle they're on, not which side of the liberal-conservative range they may fall, not on some simplified newspaper story that you read, but on, as King said, the content of their character.

I think the more that we get to know one another, the more we understand why this body really does over the long term work. The only way you can get here is be elected by your neighbors, and they do pretty well. They're not perfect, we're not perfect, but they do pretty well, and they elect some really fine people Representatives of their districts.

The trick is for all of us to come together and work together. Your efforts here, I think, help in that regard. So, welcome back, and I look forward to seeing you, not just when the former Members come back. I see Connie all the time and Bev all the time, my colleagues from Maryland. And I saw Jim the other day, and we had a good talk. But come back, visit; and if I can help in any way, I want to do it, just as I will want those who succeed me after I leave to do the same.

So, Ray, congratulations to you. Thank you very much. And, to all of you, thank you for all you have done through the years, and thanks for remembering and coming back and helping our institution be all that it can be. Thank you very much.

Ms. KENNELLY. Thank you, Leader.

And now I would like to present the Honorable Connie Morella, president of the Former Members Association.

Ms. MORELLA. First of all, I want to thank, on behalf of all of us, STENY HOYER for launching us this morning for this 43rd annual meeting that we had. STENY never really saw an aisle. He saw issues and compromise, and that's what we—the brothers and sisters who have been here—would like to see continued.

So, thank you, Barbara. It is always a distinct privilege to be back in this revered Chamber, and we appreciate the opportunity today to present our annual report of the United States Association of Former Members of Congress.

I'm going to be joined by some of our colleagues in reporting the activities and projects of our organization, but, first of all, I would like to ask the Clerk to call the roll.

The Clerk called the roll of the former Members of Congress, as follows:

Mr. Alexander of Arkansas
Mr. Buechner of Missouri
Mr. Bustamante of Texas
Ms. Byron of Maryland
Mr. Carr of Michigan
Mr. Clement of Tennessee
Mr. Coyne of Pennsylvania
Mr. DioGuardi of New York
Mr. Edwards of Oklahoma
Mr. Ewing of Illinois
Mr. Frost of Texas
Mr. Gordon of Tennessee
Mr. Hertel of Michigan
Mr. Hughes of New Jersey
Mr. Johnson of Georgia
Mr. Kennedy of Minnesota
Ms. Kennelly of Connecticut
Mr. LaHood of Illinois
Mr. Michel of Illinois
Mr. Moore of Kansas
Ms. Morella of Maryland
Mr. Quinn of New York
Mr. Sarasin of Connecticut
Mr. Tanner of Tennessee
Mr. Turner of Texas
Mr. Walsh of New York
Mr. Wamp of Tennessee
Mr. Zeliff of New Hampshire
Mr. Spratt of South Carolina
Mr. Largent of Oklahoma
Mr. Blanchard of Michigan
Mr. Hochbrueckner of New York
Mr. Pressler of South Dakota
Mr. Slattery of Kansas

Ms. MORELLA. Thank you all for joining us today. Our association, as you know, was chartered by Congress, and one requirement of that charter is for us to report once a year to Congress about our activities. Today, therefore, is our opportunity to demonstrate to Congress that creating us over 40 years ago wasn't such a bad idea.

Before my colleagues and I describe our activities of the past 12 months, I want to focus on the second purpose of our meeting here this morning, and that is to bestow our association's highest honor on a former Member of Congress whose public service inspires us and who deserves our recognition. When you look at Ray LaHood's public service, you understand quickly why he was a unanimous choice and an easy choice for our board to make.

Ray LaHood has spent his entire professional life in service to either his community or to the country, or to both. He was a junior high school teacher, he was a member of the Illinois State Legislature, a congressional chief of staff, a Member of Congress, and now a member of President Obama's Cabinet. In Congress, he served on the Transportation Committee and on the Appropriations Committee. During his many years in Congress, Ray LaHood's approach to legislating was characterized by decency, reason, civility, and respect. He was a Member more interested in solutions and debate than politicking and scoring wins.

It is that credibility and integrity that made it easy for President Obama to appoint him to his Cabinet regardless of party label. We are so pleased that we can recognize his exemplary dedication via our Distinguished Service Award.

The inscription on the award reads:

The 2013 Distinguished Service Award is presented by the United States Association of Former Members of Congress to Secretary of Transportation Ray LaHood.

Ray LaHood's devotion to public service has taken many forms and has guided his entire professional life, whether as a teacher, a congressional staff member, a Representative, or a member of the President's Cabinet. In all these roles, he always put country

above party and solutions above politics. He was the arbitrator when a divisive debate required sensible leadership. He would find common ground when compromise seemed unattainable. Whether as a Member of Congress or as a member of the Cabinet, Ray LaHood has distinguished himself as a dedicated and exemplary public servant, and his former colleagues from both sides of the aisle salute him.

Washington, DC, May 15, 2013.

That is the inscription.

I am reminded of a statement from Shakespeare: ''the force of his own merit makes his way,'' and he has worked hard and deserves the recognition we are about to give him.

Later on in our program, we expect that a former leader, Bob Michel, will be coming here to say something about Ray LaHood, whom he loved and felt was sort of a mentor, and they're good friends, but he hasn't arrived yet. I do want to commence with giving the award, and then later, when Bob comes, we will recognize him at whatever point in the program.

So I am going to ask Secretary Ray LaHood to join me here at the dais and accept our association's 2013 Distinguished Service Award.

Secretary LaHood, we have also a booklet for you, which is here under this award, which I read word for word. The booklet includes letters sent by former Members and friends for you, saying how great you are. So, when you need that inspiration, you can just open the book and read those words. It is a great honor to present this to you, Ray. Congratulations to you.

Mr. LaHOOD. Thank you very much, Connie, and to the former Members.

Thank you so much to the association for this great honor that you do to me, and I know that, when you honor one former Member, we honor all Members. I am grateful to the association for all of the work that you do and for all of the encouragement that you give to people on college campuses, to young people, through the programs that you carry out year in and year out, and for the fact that the association continues to represent former Members and represent what is good about having served here.

I want to say a special word of thanks to my former Illinois colleague, Tom Ewing, for being here. Tom's district and my district were joined together, and we used to fly to Chicago and ride together, and he would give me a ride kind of near my district, and we worked together on some very important issues.

I also want to thank two of the people who I came to Congress with in the election of 1994—Zach Wamp from Tennessee and Steve Largent from Oklahoma. As you can imagine, when our class came, there were 73 Republicans and 13 Democrats, I believe, and the most famous in our class, God rest his soul, was Sonny Bono. We all thought that we were pretty important. You come with a Hall of Famer like Largent and others who were in our class, but every camera focused on Sonny. When we went out for our photo and when we were around, we all thought we were pretty important until Sonny showed up, and the media kind of gravitated towards Sonny. While in our first year here, Steve was actually inducted into the NFL Hall of Fame. Yes, he was a great football player out in Seattle. So I am grateful for the two of them coming and representing our class.

I also want to say a word about NICK RAHALL, whom I thought maybe I saw here. He might have walked in. He and I worked on some Lebanon issues together.

Let me just say quickly that this bipartisan thing comes very naturally to me. The district that I represented was 20 counties in central Illinois. Nine of those counties were represented by Abraham Lincoln for one term in this House. So it comes naturally.

One of my predecessors was Everett Dirksen, who went over to serve in the Senate, who became minority leader, and who helped Lyndon Johnson pass the civil rights bill. We're going to celebrate the 50th anniversary of the civil rights bill. Tom Pegram is writing a book about that, and he did a lot of research on Everett Dirksen. Some of you remember Dirksen. He was a fellow from central Illinois who did work with Johnson in so many ways to pass major legislation right after Johnson had been elected in 1964.

Then of course, Bob Michel, whom I served with as his chief of staff, was renownedly known for his bipartisanship. During the time that President Reagan served in the White House for 8 years, he got a lot of credit for doing a lot of major legislation; but what people forget is that Bob Michel was the leader for the Republican Party, which was the minority party then, but he was able to reach across and get some Democratic votes in order to get Reagan's agenda passed.

So this idea of bipartisanship, it's in the water in central Illinois. It comes very naturally. It really does. When I came here, I came with people like Steve and Zach and others. Some of our class ran on the idea of turning this place upside down and reform and all of that, and we came here after the Republicans had been 40 years out in the wilderness as the majority party. I came here, really, to use the House of Representatives as a way to solve the country's problems and to solve the issues and problems in central Illinois. I didn't come here to necessarily turn the place upside down. I thought the House was a place where you could really solve problems, but it only could be done if there were some compromise involved in what we did. That's the way that we tried to operate, and I think it's a good lesson for people to look at. The House really can be a place where you solve the Nation's problems and issues in your own districts, and that's the way I always looked at it.

I was very proud of the fact that I cochaired four bipartisan retreats. We started out with David Skaggs and then with Charlie Stenholm. Our first bipartisan retreat included over 200 Members, over 100 spouses, and over 150 kids. That's the first time that a congressional kid got to meet another congressional kid or that a spouse got to meet a spouse, and those friendships have lasted well beyond Congress.

My friend Jack Quinn, who is here, he and I were not in the same class, but we became friends, and we had friends on both sides of the aisle.

Look, I'm speaking to the choir here. You all know, and that's why you're here—you believe in the House; you believe in this organization; you believe that this is a place where you can have debates. But the bottom line is no problem gets solved—no issue ever gets resolved—unless it's done with compromise, unless it's done in a bipartisan way.

You can't name an issue, big or small, that was ever solved unless it was bipartisanship. Not one of us in this House, not one of the 435 gets their own way, not one of us.

Big things get done when people work together, and big legislation gets passed when people work together. That's the only way. That's the formula. I don't care what anybody says. If you look back on the storied history of this House any time that you served here, any issue that you dealt with where you could have a spirited debate, people could give great speeches. In the end, it was when people came together across the aisle that things got done, when big issues got solved. And it's true today.

During the time that I've had this privilege that President Obama gave me, we've been able to pass a transportation bill and an FAA bill in a bipartisan way. We've been able to do some things, but always in a bipartisan way, always with compromise. There is no other way under this system that we have. So to all of you that are gathered here and honoring me, we honor all of you. We honor this association.

Come on, Mr. Leader. Come on up here.

I know Connie probably wants to introduce him.

They've already said a whole bunch of nice things about me, Mr. Leader. Come on. Come on up here.

Let's hear it for our former leader.

Ms. MORELLA. I don't need to introduce this gentleman. You all know him. But I do want to say that he does exemplify what Ray LaHood has said about bipartisanship and drinking the waters of central Illinois.

The bipartisan spirit in which Bob Michel is held was recently exemplified at a 90th birthday party held for him. At that birthday party, the Democrats came in, the Republicans came in, and all the former leaders came in. It was a wonderful opportunity to see how this man is so respected and what he exemplifies.

As we've already given the tribute, it's up to you now to say something. He gave a great speech.

Mr. LaHOOD. Say a word or two.

Mr. MICHEL. Good morning, everybody. Sorry I'm tardy. I thought we started at 9 o'clock, and I went downstairs in the Speaker's dining room there and I thought there would be a few of you for coffee or something. So I apologize for my very tardy entrance.

Have we got the cart before the horse here or something? Something is backward anyway. But I thank you folks.

You may or may not remember that Ray got his start out in Illinois with former Congressman Tom Railsback. Some of you older folks will remember Tom. He was in my local office there, and then during my tenure as leader, in the last 10 years of that leadership role, I had Ray serve as my chief of staff. And I tell you, he kept me out of all trouble. He knew right from wrong, and he knew this institution. He loved to see Members of both sides. I think we talked about that a number of times, to get to know everybody on your side for sure, but don't be afraid to cross that aisle and get to know personally as many of the Democratic Members as you possibly can. He did a marvelous job doing that.

So it was kind of natural when I left and retired, he ran for my seat and won handily, and during his 14 years of service was on the Transportation Committee and the Appropriations Committee. I thought one of the things that Ray wanted to get done, if he possibly could—he always sought a Democrat or two to join him—was having retreats for the newer Members to get to know one another personally and feel comfortable in dealing with them. That was the way, at least with any measure of success that I might have enjoyed—it came by the fact that you loved to visit with the Members on the other side of the aisle whenever it was possible. Ray did that to the nth degree.

But most important I think for me is that he's got a great moral compass and he knows right from wrong. I tell you, that's guided him during his public service time. Those of you who have served, any number of times there are things that come up in the office once in a while where you're thinking, Well, I'm not altogether sure about this. It may be good; it may not. Ray always knew the right choice to make. That made me feel comfortable. And if I enjoyed any measure of success as leader, boy, I owe so much to this guy.

I think that's what the President saw in Ray when he decided, after he was elected, that he was going to have a couple of Republicans serve in his administration. Of course, Bob Gates was Secretary of Defense, and then he picked Ray to be his Secretary of Transportation. And with Ray's experience and again that ability to be very sociable and likeable, he was a great success and was a good ambassador for the President in that position.

I think if we look back over that period of 4 years, that Bob Gates and Hillary Clinton, yes, were very popular and well-known, and, boy, I tell you, ranking right under them had to be Ray LaHood in his tenure as Secretary of Transportation.

He is a guy that really pushed safety. This idea of texting and talking while you're driving, boy, he made the case with the American public out there, and with some of those shady bus operators, when they were running into trouble, you know, Ray stepped right up there to bat. So I think it's just a wonderful thing that our organization would, by tradition, name someone of our former group to receive some special honor and recognition. Whoever makes the decision in the group these days, I personally thank you so much because he is my dear friend, and I don't think we could have made a better choice then Ray. Congratulations to you.

And since I got things backward, I was going to read the citation as I concluded. But obviously——

Mr. LaHOOD. Connie read it.

Mr. MICHEL. Oh, she did? Thank you.

Again, he prompted me correctly.

But in conclusion, thanks everybody. It's nice to see so many of you here.

Mr. LaHOOD. You obviously realize why Bob Michel was able to serve for 38 years. He's just a phenomenal human being. He's loved.

We had a 90th birthday party in our hometown of Peoria a couple of weeks ago, and over 300 people came to Bob's 90th birthday party. This is after he had left office for more than a decade. They came because of his service and the respect that they have for him, and we had a great day in Peoria honoring Bob Michel.

Again, in honoring Ray LaHood, we honor all of you and we honor the association.

Thank you all for what you've done to make this institution the great institution that it continues to be, and hopefully the few words that we said about how things really work and how to get things done will resonate a little bit through the hallways here for a moment or two. I know it won't be much more than a moment, but maybe somebody will pick it up.

Thank you to the association. I'm deeply honored. And I thank all of those who came this morning. God bless everybody.

Ms. MORELLA. That was a nice beginning of our annual meeting.

I'm now privileged to report to Congress about the activities of the U.S. Association of Former Members of Congress since our last meeting in July of 2012.

Our association is bipartisan. You've heard that over and over again, and you know that as you see the people who are here and listen to the words that have been spoken. It was chartered by Congress in 1983, and the purpose of the U.S. Association of Former Members of Congress is to promote public service and strengthen democracy abroad and in the United States. About 600 former Senators and Representatives belong to the association. Republicans, Democrats, and Independents are united in this organization in their desire to teach about Congress and the importance of representative democracy. We're proud to have been chartered by Congress, and we receive no funding from Congress. All the activities, which we're about to describe, are financed by our membership dues, programs, specific grants and sponsors, or via our fundraising dinner.

Our finances are sound, our projects are fully funded, and our most recent audit by an outside accountant came back with a clean bill of financial health. Not bad, aye?

It's been a very successful, active, rewarding year. We have continued our work serving as a liaison between the current Congress and legislatures overseas. We have created partnerships with highly respected institutions in the area of democracy building and election monitoring. We have developed new projects. We are expanding others. And we, again, sent dozens of bipartisan teams of former Members of Congress to teach about public service and representative democracy at universities and high schools, both in the United States and abroad.

When this organization was created over 40 years ago, the former Members who founded our association envisioned this organization to take the lead in teaching about Congress and encouraging public service. They were hoping that former Members could inspire the next generation of America's leaders. Well, over the years we have created a number of programs, most importantly the Congress to Campus program, to do just that.

We continue to work with our great partner, the Stennis Center for Public Service Leadership. We thank them for their invaluable assistance in administering the Congress to Campus program.

I now yield to a former president of our association, Jack Buechner of Missouri, who, along with Matt McHugh of New York, cochairs this great program. So, Jack, if you would briefly tell us something about it.

Mr. BUECHNER. Thank you, Connie.

I welcome this opportunity to report on this outstanding program. As most of you know, the Congress to Campus program is the flagship operation of the former Members. It's a domestic program, and it also is an international program. It energizes and engages former Members from all over to come and join bipartisan teams of former Members. We go to colleges, universities, and even high schools across this country, and as I said, around the world, to educate the next generation of leaders about the value of public service.

Students benefit from the personal interaction with our association members, whose knowledge, experience, and accessibility are unique teaching tools. During each visit, our bipartisan teams lead classes, meet one on one with students and faculty, speak to campus

media, participate in campus and community forums, and interact with local citizenry. Institutions are encouraged to market the visit to the entire campus community, not just to those students majoring in political science, history, or government. Over the course of 2½ days, hundreds of students from all areas of academic studies are exposed to the former Members' message of public service and civility. The Congress to Campus program has always interviewed and surveyed the former Members and the campus contact to determine how the visit was so our program can continually improve.

This spring semester, the students are being surveyed both before and after the visit. That way, we can provide a way to determine the impact of the program on the students. By gathering this information, the Congress to Campus program can make a clear evaluation on what aspects of the program have the greatest effect, as well as provide tangible data to help find further funding for the program.

This program has also made a number of international visits this academic year, including two visits to the United Kingdom, one trip to Turkey, and one to Canada. Domestically, we had an extremely busy fall semester, coinciding with the elections. We had 13 visits across the country. The 2012 to 2013 academic year included visits to the United States Naval Academy, Palm Beach State College, Suffolk University, Pepperdine University School of Law, Boston University, Penn State, and the McGovern Center for Public Service at the University of South Dakota.

More than 30 former Members participated during this academic year, and I want to thank each of you who donated your time—pro bono—to this vital program. I also want to encourage our newest former Members and those who have not yet had the opportunity to consider doing so to encourage a friend from across the aisle to join you. It's an excellent opportunity to continue your public service after Congress.

You can also make a pledge to connect us with a host school, for example your alma mater, a college in your old district, or the university that your children or grandchildren are attending. Our staff will then follow-up with you to make the arrangements. Sharon Witiw runs the program and has all the information you will need.

As was mentioned earlier, we have continued our excellent partnership with the Stennis Center for Public Service Leadership in the administration of this program. We owe a special debt of gratitude to Brother Rogers of the Stennis Center for his fine work. Our staffs work very closely together to make this program such a success.

As I briefly mentioned, the Congress to Campus program has an international outreach. On average, we send two delegations per year to the United Kingdom for one week, with dozens of universities and hundreds of British students studying foreign policy and the United States. Let me tell you, as a former Republican Member of Congress, during the height of the Iraq war, it was quite a challenge dealing with our continental friends. And now with the advent of ''House of Cards,'' U.S. version, and I might add the campaign with Will Ferrell, there are a lot of interesting questions coming from students about what it is we do and how we do it. Our former Members actually become quasi-ambassadors on behalf of the United States. They really get to engage with these students.

Recently, we also sent former delegation Members on Congress to Campus visits to Turkey. And just last month, former Members Jim Kolbe, Martin Lancaster, Lincoln Davis, and Ben Chandler spent 10 days visiting universities all over Turkey. This great project was made possible via a partnership with the Mid-Atlantic Federation of Turkic-American Associations, and we thank them very much for putting an extremely productive and, I might add, busy program together.

Just a heads-up to my colleagues: former Member participation in these overseas trips is based on how actively you participate in the not-as-glamorous domestic programs.

Since our last annual meeting, we have also continued our relationship with the People to People programs. That's an organization that provides hands-on learning opportunities for elementary, middle school, and high school students visiting Washington, D.C. On each visit, former Members meet and speak with students about the importance of public service—again pro bono—their personal experiences in Congress, and the value of character and leadership. In the spring of 2013, two speaking engagements were held in congressional panel format. The events take place on the Hill, and not only feature a former Member as a speaker, but also Hill staffers and interns. This gives students the opportunity to learn what it really is like to be in the Congress and work in the Congress. People to People visits are often in the middle of the business day, and we are grateful to those former Members who take time out of their busy schedules to connect with students touring our Nation's capital. It is greatly appreciated by them and by the association.

Finally, I want to say how grateful we are to all of those who have made this Congress to Campus program such a success in the 36 years it has been in existence. We want to strongly encourage you, our friends and colleagues here, to participate in the program, either by making a visit to a school or by recommending a school to the program. As you know, democracy can prosper only if its citizens are both informed and engaged. As former legislators, we have a particular opportunity and responsibility to encourage such involvement. This program is one of our association's best ways to give back to our community and our Nation.

Thank you very much.

Ms. MORELLA. Thank you, Jack. You're right, it's a great way for us to share our experiences and enthusiasm with the younger group coming into leadership.

Also, we thank Matt McHugh, your colleague, for the great job you've done with the program.

As you may recall, friends, from our last report to Congress, the association has put some energy and focus into this question of bipartisanship and civility in our political discourse. We are furthering this important work via the Common Ground Project. The purpose of the Common Ground Project is to involve citizens in a dialogue about the issues of the day, have a vigorous debate that's both partisan and productive, and benefit from the experience of respecting a different point of view.

Some of our existing undertakings already fit very nicely with this objective, for example, the Congress to Campus program that Jack Buechner just reported. And to give you more background about the Common Ground Project, I invite my colleague from Oklahoma, former Member Mickey Edwards, to share a report.

Thank you, Mickey.

Mr. EDWARDS. Thank you, Connie.

Now, Pete wrote this talk, and so I want to ad lib a little bit and say that, well, first of all, because it mentions my book, and I didn't put that in there.

But I had the opportunity very recently to give a speech at Bradley University, and I was so proud to start out my talk by saying how honored I was to be in the home of Bob Michel and Ray LaHood. And it just meant so much to me to be able to share that with them.

One quick comment to pick up on what Steny had said. One of the things I mentioned in my book is that every place you go to hear a speech, there's a lectern, except in this place, where there's a separate lectern for Republicans and Democrats. So I would paraphrase Ronald Reagan about tearing down this wall. Let's have one lectern, instead of dividing us into separate teams.

Everything we do at the Former Members Association is done in a bipartisan manner. Our leadership is comprised equally of Republicans and Democrats, our delegations are led by bipartisan teams of former Members of Congress, and our projects involve both Republicans and Democrats equally. We truly are a bipartisan organization where Members from across the political aisle come together for a common purpose.

We have found that, for a number of reasons, this type of bipartisan interaction has become more and more difficult for current Members, which is a great concern, I know, to every one of us. After we leave the Chamber today, we will participate in a full-day conference hosted by Senator John

Breaux, where we'll attempt to analyze some of the factors that go into today's dysfunctional political discourse.

This development has many causes, some of which are beyond the control of today's Members. Our association, therefore, has created the Common Ground Project, with the purpose of finding ways in which Democrats and Republicans can work together.

We decided to put some thought and effort into a structured program that could serve to foster a more civil and productive political discourse in this country. We hope to reconnect America's voters with their political process and encourage a respectful and productive debate on the many issues that we face.

Mostly, we achieve this outreach by working together with some of the many reputable and like-minded organizations across the country that are putting their energy and resources into this important topic. One such organization is the Concord Coalition, and we've had a number of events where former Members come together with either the public or with a university student audience to work our way through the Concord Coalition's excellent budget simulation.

Another example is our collaboration with the National Institute for Civil Discourse in Arizona. Together, our two organizations connected a bipartisan group of former Members with a bipartisan group of current Members to have a dialogue about what some of the causes might be that have led to a less civil and, therefore, less productive political climate.

We discussed the role of the media, the influence of campaign fundraising, the realities of our primaries. This was a very good discussion, and our goal is to continue this type of interaction, while expanding the number of participating Members. The next step in the partnership with the Institute for Civil Discourse is to identify congressional committees where there may be an opportunity for across-the-aisle collaboration and interaction. I think we call that getting back to the regular order.÷

And our most prominent example of how the Common Ground Project can reconnect citizens with Congress is our partnership with the National Archives. This is now our third year of putting programming together at the Archives, where we invite a large audience to discuss with a bipartisan group of former Members the issues of the day.

We had such an event right after the November election to look at the role of money and the role of media in the elections. We had another one at the National Archives in the spring, based on my own book, ''The Parties Versus the People,'' where we talked about the hold that party politics has on our system of government; and we're hosting one tonight examining the interaction between Congress and the White House.

We can learn a lot from each other, and that is certainly what the Common Ground Project is all about. So on behalf of the organization, I invite my colleagues to become an active participant in this important dialogue, and I hope we will continue to have many opportunities to reengage the public when it comes to their representative government.

Thank you.

Ms. MORELLA. Thank you, Mickey. We very much value your participation.

And by the way, it's a great book, very provocative. I really thought you highlighted some of the very important aspects of what's going on in today's politics and what we need to do about it or think about. And I'm saying that without any cut in royalties.

But a great example of how powerful and productive bipartisanship can be is our annual Congressional Charity Golf Classic. It's chaired by our immediate past president, Dennis Hertel, and by fellow board member, Ken Kramer of Colorado.

I'm now going to yield the floor to Dennis Hertel of Michigan to give us a brief report about the Charity Golf Classic, which has been so successful.

Dennis.

Mr. HERTEL. I want to thank Madam President Connie for all that you're doing for the organization.

And I want to talk about the golf tournament, but the first thing I want to reassure everybody about this tournament is you don't have to be Tiger Woods to play. And I'm probably the best example of somebody who's not really a golfer participating all these years in this tournament.

It goes back 35 years. Remember, we used to play out at Andrews Air Force Base. And Bob Michel, our great leader, I remember when Bob Michel beat us on this floor in 1981, and we still all liked him on this side of the aisle. Bob Michel and Tip O'Neill were there for our tournament; and it was a very quiet tournament, a private tournament at Andrews Air Force base.

And then, because they changed the rules here in the House, and all the rest, to attract current Members, but mostly, as our other endeavors to do something for others, we established this charitable tournament 6 years ago to help the wounded warriors.

And with Zach Wamp and others, we used to meet in Zach's office, as cochair. We got more active Members, current Members to play. And this year we've got over 20 current Members signed up. Our problem, our former Members: we only have a handful, so we really need more of you to participate in this to go forward.

It's going to be July 22 at the Army-Navy Country Club, so we've gone up as far as where we're playing the tournament. And they've just redone the entire club, and it's fantastic. The courses are new, and the clubhouse is brand new. It really is beautiful.

During each of our past tournaments, we've had dozens of current and former Members from both sides of the aisle come together, and they have met with dozens of wounded warriors, many of whom give ball-striking demonstrations or play in our foursomes, and they're just tremendous young people.

They have even had double amputees included in their numbers who hit further and straighter than a lot of our Members, certainly much better than I. And it's an incredibly humbling, rewarding, and memorable experience to spend a day in the presence of these inspiring men and women.

Last year we had two outstanding current Member honorary chairs: Joe Baca of California and ANDER CRENSHAW of Florida. And I want to thank them, as well as Ken Kramer, our association's cochair, for all they've done to make our tournament such a success.

I want to thank Joe Baca, who didn't return for the 113th Congress, for how much he did as far as his energy in getting Members to play and to go forward with our tournament.

Now we have Congressman MIKE MCINTYRE of North Carolina as our Democratic cochair, who's just been tremendous in being a fusion to get current Members to play.

And we're so fortunate to have JIMMY DUNCAN from Tennessee, who a lot of us served with in the Congress, to be our Republican cochair. There's just no better invaluable supporter than JIMMY DUNCAN getting current Members to play.

I want to thank our sponsors for their generous contributions, and particular thanks to DSUSA and the PGA for being such steadfast and important partners. And PGA wants to take it up another level and get more professionals to play with us and to participate and to become a greater sponsor.

It's really an honor for us to help our Nation's heroes in this small way. Again, the next tournament is July 22. This tournament can only be successful if our Members, both current and former, give it their time and attention. Please let us know if you can play. We would really like to see you July 22.

Ms. MORELLA. Thank you, Dennis.

Ms. KENNELLY. The Chair recognizes the distinguished Speaker of the House, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Good morning. Tanner is giving me this look like, Hey, it's just BOEHNER. Leave him alone.

Let me say on behalf of all of my colleagues, welcome. Thank you for your years of service here in this institution. Let me congratulate Ray LaHood on being this year's Distinguished Service Award winner. I'm not sure I would have given it to him, but you all did. Just teasing.

But, listen, I'm trying to keep this institution focused on a couple of simple things. One is growing the economy. You all know the economy is not growing the way it should be. It's not creating jobs as fast as it should be, and wages aren't going up as quickly.

And so there's a lot of things that I think we need to continue to do to get our economy going again. But having said that, there are always other things that crop up around here.

You're all familiar with Benghazi, and now the Justice Department's investigation of the Associated Press, and then the IRS of all things. So in spite of trying to keep the institution focused on what the American people are most interested in, we end up also having to do our other responsibility, which is providing oversight of the executive branch, and we will do that.

In addition to that, I continue to believe and continue to work to make this a more open and fairer process for all the Members. If you look over the last couple of years, the minority has gotten more than its fair share of amendments. If committee chairs and others can't defend their product, it's not up to me to protect them. So I'm a big believer that people ought to have their shot. I think my colleagues on the other side of the aisle would agree that I've been more than fair in terms of what comes to the floor and how it's to be considered.

So, opening up the process, I believe, is very important because the more open process there is on the floor, the more work that the committees have to do to reach across the aisle and build bipartisan support for whatever proposal they have. Over time, I think this will break down some of the scar tissue that's built up over the years around here and be good for the institution.

So, I'm just here to say good morning and it's nice to see all of you.

Spratt, how are you? You're looking good. Don't have more hair than last time I saw you, though.

But really, it's nice to see all of you, and welcome back. Thank you.

Ms. MORELLA. Thank you, Mr. Speaker, for sharing those words with us, particularly understanding the number of issues that are appearing before you, the little things that you mention.

I also wanted to thank Dennis for what he's done, too, with the golf tournament and for his leadership. We're honored that we, as an association, can play a small role in the rehabilitation of these amazing men and women who are the wounded warriors.

So as we continue, in addition to the domestic programs we have just described, our association also has a very active and far-reaching international focus. We conduct programs that are focused on Europe and Asia, and we bring current Members of Congress together with their peers in legislatures overseas.

Ms. KENNELLY. The Chair recognizes our leader, NANCY PELOSI.

Ms. MORELLA. This is an abundance of riches, isn't it?

Ms. PELOSI. Thank you, Madam Chair. I certainly did not want to take the floor from our distinguished colleague, Connie Morella. It's so wonderful to see you. Maybe good news for you, I've lost my voice. I know it will be good news for the Speaker, but we'll see later in the day.

I join him in welcoming you back to the Capitol. I hope it is always a source of joy to you to set foot on this floor, this place our Founders decided was the marketplace of ideas, where we would compete in the marketplace of ideas and find common ground to go forth. Your legacy is an important one to us. As I look around and see all of you, I see contributions that you have made over the years that we still benefit from.

It's an honor to be here with Bob Michel. I think he enjoyed the job of minority leader more than I do. What do you think, Bob? What do you think? We were all there to celebrate his birthday recently. It was a bipartisan fiesta, wasn't it? That was just a couple months ago we celebrated a landmark birthday. Happy birthday again.

But all of you, I heard what the Speaker said about this openness on the floor, and I thought that was really good news, because we've been trying to get a budget to the floor for a very long time but without much success to allow our budget to come to the floor. So I'm going to take the words that I just heard to CHRIS VAN HOLLEN and tell him that happy days are here again and that our amendment will be made in order in the Rules Committee.

Martin, Governor, Bob, all of you, we all are on a first-name basis. Last night, rightfully all of you honored the distinguished Secretary, Mr. LaHood. He has done a remarkable, remarkable job. We couldn't be prouder of him as a legislator and as a Secretary in the Cabinet even if he had been a Democrat. He's just absolutely wonderful. We love him, and he brings bipartisanship to all of what we do. And that's really what is, I think, not to get to a partisan place, Madam Chair, but is on the ballot in the next election: bipartisanship. It's something that is the most popular concept in politics. People would vote for that in overwhelming numbers; and hopefully, in this election, whatever the outcome is, bipartisanship will prevail.

I always say to people that you can win an election, that's up to the public, but the idea has to prevail, and that is what we're striving to do here. That's what we hope the election will impact. It already did have an impact in the last election with immigration. All of a sudden, it became an issue near and dear to the hearts of so many more people in the Congress who never had an interest in it before, because when the people spoke in such a big way, especially Hispanics, it became a priority for many more people in the Congress.

So, again, when all of you were here, we worked in a very, very civil and respectful way. We hope that we can return to that. But that doesn't diminish the contribution that you made in so many ways regarding the substance, the values, and the ethics that make our country so great.

So it really is a joy to see each and every one of you. I hope your lives are very happy. You certainly look well. There seems to be a good life after Congress, but it brings us such pride to see so many of you come back to continue this bonding. Thank you. It's an honor to see you.

Madam Speaker, how does it feel up there? It feels good, huh? It feels good. Welcome, Barbara. Thank you all very much for being here.

Ms. MORELLA. We are very honored that our minority leader chose to join us again to greet us as well as the Speaker of the House and STENY HOYER.

So let's continue on with our program. We were talking about programs that focus on Europe and Asia and bringing current Members of Congress together with their peers and legislatures overseas, which actually helps in terms of what we discussed with people knowing each other and therefore finding it easier to work together noting that they have common objectives.

We work with the Department of State to talk about representative democracy with audiences overseas. We partner with former parliamentarians from other countries for democracy-strengthening initiatives. This is a very active outreach to emerging democracies. My colleague from Texas, Martin Frost, instituted the so-called Frost-Solomon Task Force when he was in Congress, and many of the legislative-strengthening projects that we conduct are actually modeled on his good work.

It is now a pleasure to yield the floor to our friend from Texas, Martin Frost.

Mr. FROST. Thank you, Connie. Since we have to be off the floor at 9:30, I'm going to truncate these remarks a little bit.

A number of years ago, we created the International Election Monitors Institute under the leadership of then-president Jack Buechner. It is a joint project of the U.S. Association of Former Members of Congress, the Association of Former Members of the European Parliament, and the Canadian Association of Former Parliamentarians. In addition to conducting multiple workshops for former legislators to train them for election-monitoring missions, this group sent delegations to monitor elections in places such as Morocco, Ukraine, and—our most ambitious undertaking—Iraq. The original intent of the International Election Monitors Institute was to train former legislators and prepare them for the task of observing an election. We have since broadened and expanded this to focus and are now incorporated as the Global Democracy Institute, again in partnership with our colleagues from Ottawa and Brussels. Former legislators from all political walks of life can be a tremendous asset to these organizations that seek to strengthen democracy across the globe.

In addition to that, this organization has undertaken a number of trips. I

had the privilege, along with Connie and some other people in this room, to take part in an exchange in China last year. This was one of a series of those. I know that we're going to be doing that again. I encourage you to take part in these. They are educational. For some reason, the people in China think that former Members of Congress still have some influence, so they treat us very well. It is interesting to learn about the evolution of their particular democratic process. It's slow, but I think it's important that we continue to show interest. I think it's very helpful for our country.

We have participated in a variety of projects in Turkey and in the United Kingdom, as well as in Nigeria. I just think that when you're asked as a former Member to take part in one of these trips, try and find some time to do it. You will find that you have a lot to offer to emerging democracies to talk about how our system works. I think it's very good for us as a country and an association that we continue this work.

Connie, you've got a couple of other speakers. I'm going to yield back the balance of my time and again thank you for what you've done for the association.

Ms. MORELLA. Thank you.

I am now going to yield time to my colleague from Maryland, Beverly Byron, to report on some of the other activities of the association.

Ms. BYRON. Thank you, Connie. Let me thank Martin for his interest in furthering the U.S. Association of Former Members in the world.

Another important international undertaking which involves the Former Members is our new Middle East fellowship program. Now in its third year, it brings young professionals from the Middle East and from North Africa to Washington for a 1-month immersion program. It is chaired by former Members Scott Klug and Larry LaRocco, and I want to thank them for their leadership in this program.

In the spring of 2009, the Former Members began a partnership with Legacy International, a Virginia-based NGO, which has been in existence for 30 years, for the Middle East Legislative Fellows Program. Initiated by the Department of State and the Bureau of Educational and Cultural Affairs, the LFP hosted young professionals from Egypt, Libya, and Tunisia this spring. Previous delegations have included young professionals from Kuwait, Morocco, and Oman. Our guests are in the D.C. area for a month-long fellowship working in congressional offices and NGOs.

The program is designed to promote a positive relationship between the U.S. and the gulf states, which, in light of the Arab Spring, is now more vital than ever. The fellows—candidates with strong leadership skills who represent the top talent in their fields in their countries—have an opportunity to gain practical experience and direct interaction with the U.S. Government and its officials. This is an invaluable opportunity on both sides. For one who has hosted a dinner each year for a number of the individuals, they are very, very sharp, they're bright, they're articulate; and we will be looking to them in the future to be leaders of their country.

Our association connects the fellows with former Members who work together. The former Members act as a kind of mentor of the young men and young women through one-on-one meetings, roundtable discussions, and by attending program discussions and events. The former Members have a great opportunity to expand their understanding of where we are.

In an exciting extension to the LFP, at the conclusion of each program, a team of former Members completes the exchange by then leading a delegation to the region to conduct workshops and gain firsthand experience of that area. The goal of this program is to seek a better understanding between the cultures and establish an avenue of dialogue between nations. LFP is an unprecedented opportunity to augment a constructive political and cultural discourse between the U.S. and the Middle East. I am pleased that our association is part of this new, vital program; and every time has been a wonderful opportunity to meet with the young people that come.

Thank you.

Ms. MORELLA. Thank you, Bev, for your leadership and your active involvement in this great program. As a former Ambassador, I am acutely aware of the power of personal interaction and people making a difference to bridge the cultural divide. This is, indeed, a great program for our association.

Not all of our programs focus exclusively on former Members, as you may already have discerned. As was mentioned earlier, we have a number of projects that benefit from former-Member leadership but involve primarily current Members and their peers overseas. We call these programs Congressional Study Groups, and our focus is on Germany, Turkey, Japan, and Europe as a whole. To give you more background about the Congressional Study Groups, I invite former Member Bart Gordon of Tennessee to the dais.

Bart, maybe you will give us a synopsis.

Mr. GORDON. Thank you, Connie, for those kind words, but, more importantly, thank you for the grace that you show as you lead us. You continue to be our ambassador to the world.

Ms. MORELLA. You're so political, Bart.

Mr. GORDON. No, no. You know that's true. We all know that's true here.

Let me first say, as I look around and see everyone, many of you I spent all of my 26 years with, and some a part of that. It's sort of a kaleidoscope of memories that just wash over you. I think almost every one of us sat down together somewhere on the floor and talked about business or what was going on at home. Fortunately, Jim Walsh and I are next-door neighbors in our offices. I'm glad to see my Tennesseans again. We don't get to see each other enough, but it's like we were just here and again like that conversation just continues. This is, I think, one more real benefit of the association, and I'm glad to have a chance to join that.

Pete, many thanks to you for assembling the really excellent staff that you have. They have just a little bitty office, but they really churn out lots and lots of good work. A part of that good work is the Congressional Study Groups.

We have Congressional Study Groups on Germany, Japan, Turkey, and Europe, the flagship international programs of the Former Members of Congress. The study groups are independent, bipartisan legislative exchanges for current Members of Congress and their senior staff and serve as educational forums and invaluable tools for international dialogue with the goal of creating better understanding and cooperation between the United States and its most important strategic and economic allies.

The Congressional Study Group on Germany celebrates its 30th anniversary this year and remains one of the largest and most active parliamentary exchange programs between the United States Congress and the legislative branch of another country.

With your permission, Madam President, I'm going to ask that the remainder of my remarks be made part of the Record—since we're supposed to be out of here at 9:30—and just say that these are very good programs.

Our world is becoming smaller. We do need allies around the world. And I think by making parliamentarians of other countries and the United States come together, it really is forming great ties that will benefit us.

The other thing, I don't think you can be around here and not be a bit of a junky—political junky, that is. These programs are for the active Members, but there are a number of programs here in the United States and Washington that allow parliamentarians and others to come together and discuss the issues of the day, which I think that you will find very interesting and I hope that you will have a chance to participate in those.

It gives me great pleasure to report on the work of The Congressional Study Groups on Germany, Japan, Turkey and Europe, the flagship international programs of FMC. The Study Groups are independent, bipartisan legislative exchanges for current Members of Congress and their senior staff and serve as educational forums and invaluable tools for international dialogue with the goal of creating better understanding and cooperation between the United States and its most important strategic and economic partners.

The Congressional Study Group on Germany celebrates its 30th anniversary this year and remains one of the largest and most active parliamentary exchange programs between the U.S. Congress and the legislative branch of another country. In the 113th Congress, Representative TIM RYAN of Ohio and Representative CHARLIE DENT of Pennsylvania lead the Study Group on Germany in the House, following on two successful years of service by Representative PHIL GINGREY of Georgia and Representative RUSS CARNAHAN of Missouri. In the Senate, Senator JEFF SESSIONS of Alabama and Senator JEANNE SHAHEEN of New Hampshire serve as Co-Chairs.

The Study Group's programming consists of periodic roundtable discussions on Capitol Hill for Members of Congress featuring visiting dignitaries from Germany or U.S. government officials. In addition, Annual Seminars are conducted abroad and at home, as well as Study Tours geared toward senior Congressional staff. This year, the 30th Annual Congress-Bundestag Seminar brought together a record nine Members of Congress with their counterparts in Berlin and Munich for in-depth, substantive discussions, including a meeting with Chancellor Angela Merkel.

This 30th anniversary of the Seminar was particularly special as FMC awarded its first ever International Statesmanship Award to Hans-Ulrich Klose, Chair of the Bundestag's U.S.-German Parliamentary Friendship Group, ''for his longstanding service to strengthening the U.S.-German relationship and in appreciation of his leadership championing The Congressional Study Group on Germany.'' Thank you again, Mr. Klose.

A few highlights from the Study Group's domestic programming include: a German parliamentarian at the start of discussions for a transatlantic free trade agreement last June; the Vice-Chancellor of Germany; a roundtable with international journalists providing a unique analysis of the November 2012 elections; the Editor-in-Chief of leading European broadcaster ZDF; and the State Secretary from the German Federal Ministry of Economics and Technology.

Since its establishment, The Congressional Study Group on Germany has received financial support from The German Marshall Fund of the United States, and we are grateful to Craig Kennedy and Maia Comeau. The Association also receives additional funding from a group of organizations making up the Study Group's Business Advisory Council. The Study Group's current Business Advisory Council members are Airbus Americas, Allianz, BASF, Daimler, Deutsche Telekom, DHL Americas, Eli Lilly and Company, Fresenius, Lufthansa, RGIT, and Volkswagen.

Also celebrating a milestone anniversary is the Association's Congressional Study Group on Japan, founded in 1993. In the House of Representatives, Congressman JIM MCDERMOTT of Washington and Congresswoman SHELLEY MOORE CAPITO of West Virginia continue to serve as Co-Chairs in the 113th Congress. In the Senate, Senator LISA MURKOWSKI of Alaska serves as the Republican Co-Chair, and Senator MAZIE HIRONO of Hawaii—the first Japanese immigrant to serve in the Senate. The Study Group would also like to extend special acknowledgement to its Honorary Co-Chairs, former Speakers Dennis Hastert and Tom Foley, who remain active in our programming.

Since its inception, The Congressional Study Group on Japan has been funded by the Japan-U.S. Friendship Commission, and the Association would like to extend a special thanks to the Paige Cottingham-Streater and Margaret Mihori.

This year, the Study Group also launched a strategic partnership with the Sasakawa Peace Foundation USA. Thanks to the support of President Junko Chano, Director Takahiro Nanri, and Senior Fellow Daniel Bob, The Congressional Study Group of Japan has undergone significant revitalization.

The Congressional Study Group on Japan is also grateful for the support of the Japanese business community here in Washington, DC, represented by the Study Group's Business Advisory Council. The nine companies of the 2013 Council are The Bank of Tokyo-Mitsubishi UFJ, Japan Railways-JR Central, Hitachi, Honda, Marubeni, Mitsubishi, Mitsui, Sojitz, and Toyota Motor North America.

With this expanded and diversified funding base, the Study Group has been able to increase both the quality and quantity of its programming. Already in the 113th Congress, the Study Group has convened eight events, with plans for many more. Featured speakers have included a senior councilor to the new Prime Minister; Ambassador Demetrios Marantis, then Deputy U.S. Trade Representative; a delegation from the American Chamber of Commerce of Japan; and the Chairman of the Japanese Diet's Committee on Foreign Affairs.

The Congressional Study Group on Japan was also honored to convene a roundtable discussion at the home of Ambassador Sasae earlier this year. Seventeen current Members of Congress participated—including 8 freshman Members—which constitutes the largest delegation from Congress to the Embassy in recent memory, and shows promise for the future strategic U.S.-Japan alliance.

The Congressional Study Group on Turkey was founded in 2005, supported by generous grants from TEPAV, the Economic Policy Research Foundation of Turkey. Since the Arab Spring, there has been increasing interest in bilateral relations with one of our strongest allies in an often unstable region.

In the 113th Congress, Representative ED WHITFIELD (R–KY) and Representative GERALD CONNOLLY (D–VA) continue leading the Study Group, and I am happy to share that the past Co-Chairs, VIRGINIA FOXX of North Carolina and STEVE COHEN of Tennessee, also remain active.

Similar to our other Study Groups, Turkey's programming consists of periodic roundtable discussions on Capitol Hill for Members of Congress featuring visiting dignitaries from Turkey, U.S. government officials and other experts. A recent highlight from this year was our roundtable discussion with the Turkish Minister for EU Affairs and Chief Negotiator for EU Accession. The Study Group also convened programs on the ''Southern Energy Corridor'' and Secretary Kerry's first official visit to Turkey.

Additionally, last month, Former Members Jim Kolbe of Arizona, Martin Lancaster of North Carolina, Lincoln Davis of Tennessee, and Ben Chandler of Kentucky travelled to Turkey with FMC's ''Congress to Campus'' program to meet with Turkish high school and university students to discuss the U.S. presidential system, federalism, and the U.S. political process, as well as reforming the Turkish Constitution. FMC is grateful to The Mid-Atlantic Federation for Turkic-American Associations who helped to organize and fund the trip.

The Congressional Study Group on Turkey looks forward to organizing a Study Tour for Members of Congress to Turkey in the coming programming year.

At the end of 2011, the Association established the Congressional Study Group on Europe, which serves as an outreach to the broader transatlantic relationship. Programming focuses not just on Brussels and the European Union, but capitals throughout Europe.

Together, Representative JEFF FORTENBERRY of Nebraska and Representative PETER WELCH of Vermont chair the Study Group in the 113th Congress. These gentlemen follow the successful leadership of the inaugural co-chairs, now-former Congressman Ben Chandler of Kentucky and Representative CHARLIE DENT of Pennsylvania, who has joined the leadership of The Congressional Study Group on Germany.

The Study Group continues to work closely with European-focused caucuses and embassies to provide Capitol Hill programming. Program highlights from the past year include a Senior Fellow of the European Council on Foreign Relations, discussing Franco-German relations; a delegation from the EU Parliament's Economic and Monetary Affairs Committee, led by the Committee Chairwoman; and Ambassador Miriam Sapiro, Deputy U.S. Trade Representative, who addressed the proposed Transatlantic Trade and Investment Partnership just days after it was announced at the State of the Union.

Finally, this year marks the second year of the Association's Diplomatic Advisory Council. Initially envisioned as a sister program to The Congressional Study Group on Europe, the Diplomatic Advisory Council now has nearly 25 Ambassadors who advise and participate in all of our programming. Their interest and commitment to multilateral dialogue is a valued addition to The Congressional Study Groups.

As former Members of Congress, we are proud to bring the important services provided The Congressional Study Groups to our colleagues still in office and are proud to play an active role in our continued international outreach.

Ms. MORELLA. I want you to know he has a very extensive report to give on the congressional study groups because they've been very, very active, And they involve current Members of Congress. So you current Members of Congress who may be watching, please link up with the congressional study groups and you'll have some great opportunities to continue to work overseas.

I appreciate his abbreviating his report in deference to the time.

Right now I just want to mention to you—and again, I'm going to be very brief—that we have the Statesmanship Award Dinner. This is one of our major ways of raising money. So to tell you something about that as part of our overall number of activities is our colleague, Jim Walsh.

Mr. WALSH. Thank you, Connie. Good morning, everyone. I'm pleased to tell you this is the last report of the morning prior to our election, which I

suspect will go very swiftly and without controversy.

I'd like to thank Connie for her gracious leadership. I'd also like to thank Lou Frey for the remarkable job that he does organizing us and keeping the ducks in a row as we work on this fundraiser, which is really key to our success every year.

On March 19, the association was proud to host its 16th annual Statesmanship Award Dinner, with almost 500 guests in attendance. For the 16th dinner, we decided to continue the very successful expansion we initiated last year. In addition to our traditional Statesmanship Award, we created two additional award categories: the Civic Statesmanship Award and the Corporate Statesmanship Award.

We continued to present the dinner under the theme of ''A Salute to Service,'' and all four of our honorees very clearly fit into that category of outstanding public service. The focal point of the evening was the presentation of the Statesmanship Award, which recognizes a former or current Member of Congress for their devotion to public service. We were very pleased to recognize the leadership throughout their careers of Senator Sam Nunn and Senator Dick Lugar as our Statesmanship Honorees for their outstanding political careers, service to our country, and bipartisan accomplishments that have made the world a safer place.

The Civic Statesmanship Award honors a person or a nonprofit for having made significant improvement to our society. The 2013 recipient was award-winning actor Gary Sinise and the Gary Sinise Foundation. Mr. Sinise does so much to help wounded warriors and first responders, and we were very pleased to honor him at the dinner.

The Corporate Statesmanship Award recognizes outstanding corporate citizenship, and we chose Margery Kraus, founder and chief executive officer of APCO Worldwide. Not only has she established a culture of corporate philanthropy with APCO, but she is also one of the driving forces behind the Close Up Foundation—which many of you dealt with when you served here—which brings youngsters from across the country to D.C. to learn about their government.

I'd also like to take this opportunity to thank Pulitzer Prize-winning columnist Colbert I. King, who was our master of ceremonies and did a fantastic job for the event and lent wonderful grace to the event.

The evening is a wonderful way to showcase our association and recognize outstanding public service. In addition, the dinner is our financial lifeline. All the programs you've heard about are self-financed by your association. Not a single taxpayer dollar is appropriated for this organization and for the many projects that we conduct. Therefore, success of the fundraising dinner translates directly into success for the association.

The evening is a lot of fun, and it's also of great importance to the organization. I hope that all former Members currently in attendance can be counted upon when Lou Frey picks up the phone next summer and gives you a call to help recruit you for our dinner.

Thank you very much.

Ms. MORELLA. Thank you, Jim.

All the programs that we have described of course require both leadership and staff to implement, and I want to say openly and very enthusiastically our association is blessed to have top people in both categories.

I want to take this opportunity to thank our board of directors—30 former Members divided equally between parties—for their advice and their counsel. We really appreciate it.

The membership is going to vote on new board members in just a moment. You might notice that this year's slate is larger than in past years. That's because at our most recent board meeting we voted to increase the number of directors so that we have open slots available for newer former Members.

Also, I would be remiss if I didn't thank the other members of the association's executive committee: our vice president, Barbara Kennelly, who eventually will be president. You notice we'll have two women, president and vice president, et cetera. Just a point of observation.

Our vice president, Barbara Kennelly; our treasurer, Jim Walsh; our secretary, Bill Delahunt; our past president, Dennis Hertel, who has given me a lot of advice and counsel through the year—you've all made the association a stronger and better organization than it's ever been. Thank you all.

Now, to administer these programs, it takes a staff of dedicated and enthusiastic professionals. I've often felt, to paraphrase the 23rd Psalm: my rod and my staff, they comfort me and prepare the papers for me in the presence of my constituents. And boy, this staff has really done that—small staff, a lot of work.

Rachel Haas has joined our association as office manager just 6 months ago. Already we can't imagine what we ever did without her. Just stand. We're not going to have applause for everybody. Hold your applause. I just want them to stand.

Andrew Shoenig, who is our international programs officer, does such a terrific job implementing all the Capitol Hill events that you've heard about. He started as an intern and has now been with us full-time for over a year.

Sharon Witiw, she is our member services manager. She takes exceptionally good care of our 600 association members and all their various requests, needs, and inquiries. She is also in charge of the Congress to Campus program.

We have Meltem Ercan, who is our international programs manager, with particular focus on the wonderful Turkey program that you've heard about and will read about. She served for many years as the head of protocol at the U.S. Embassy in Ankara.

Sabine Schleidt is our international programs director. She oversees all the current Member programs, which is so impressive and important. I'm very impressed with the kind of work that she has done in her outreach. In less than 2 years, she has created two international outreaches that are already a big success: the Congressional Study Group on Europe; and the Diplomatic Advisory Group, which has about 25 to 30 Ambassadors from the region who are part of it.

Peter Weichlein is the chief executive officer, 14 years with the Association, 10 years in top positions, and he works so darn hard.

So I'd like you to give a round of applause to the staff. But before you do that, I want to add somebody else who is such a great communications expert, Dava Guerin. She has taken on the role of our communications director. She tells our story, connects us with the media, all at a ridiculously low rate.

I want to thank Dava, and I want to thank all the staff.

Now will you give them a round of applause. I wish we had more time for me to tell you more about what they do, but you will get to know them as you get more involved with the association.

Now, every year at our annual meeting, we ask the membership to elect new officers and board members. In the past we've done so in a separate business meeting of the membership, but it occurred to us that there is no better place for holding a vote than the Chamber of the House of Representatives. I therefore now read you the names of the candidates for officers and board members. They're all running unopposed. I would have never known what that was like ever, but I do now. I therefore ask for a simple ''yea'' or ''nay'' as I present to you the list of candidates as a slate. I'm going to do it quickly because, again, in the interest of time.

For the association's board of directors, the candidates are:

Russ Carnahan of Missouri
Bob Carr of Michigan
Bob Clement of Tennessee
Jim Courter of New Jersey
Lou Frey of Florida
Bart Gordon of Tennessee
Dennis Hertel of Michigan
Jim Jones of Oklahoma
Scott Klug of Wisconsin
Ron Sarasin of Connecticut
Olympia Snowe of Maine
Cliff Stearns of Florida
Steve LaTourette of Ohio.

All in favor of these 13 former Members to our board of directors please say ''yea.'' All opposed? Hearing no objection, the slate has been elected by the membership.

Next, we will elect our executive committee. Barbara Kennelly, Dennis Hertel, and I are finishing the first year of our 2-year term and are therefore not up for election. The candidates for a 1-year term on our executive committee are Jim Walsh of New York for treasurer and Bill Delahunt of Massachusetts for secretary. All in favor of

electing these two former Members to a 1-year term on our executive committee, please say ''yea.'' All opposed? Hearing no opposition, the slate has been elected by the membership. Thank you.

It is my sad duty to inform the Congress of those former and current Members who have passed away since our last report. I ask all of you, including the visitors in the gallery, to rise as I read the names; and at the end of the list, we will pay our respect to their memory with a moment of silence. We honor these men and women for their service to our country. They are:

Jack Brooks of Texas
Cardiss Collins of Illinois
David Cornwell of Indiana
John Durkin of New Hampshire
Mervyn Dymally of California
Joseph Early of Massachusetts
Bob Edgar of Pennsylvania
Robert Gammage of Texas
Sam Gibbons of Florida
James Grover of New York
Daniel Inouye of Hawaii
Ed Koch of New York
Peter N. Kyros of Maine
George McGovern of South Dakota
David O'Brien Martin of New York
Charlie Rose of North Carolina
William Royer of California
Warren B. Rudman of New Hampshire
Arlen Specter of Pennsylvania
Sam Steiger of Arizona
Donald Tewes of Wisconsin
Richard Tonry of Louisiana
Charlie Wilson of Ohio

We will have a moment of silence.

Thank you.

It's sad to have lost those Members, but they live on in our memory and love.

That concludes the 43rd report to Congress by the U.S. Association of Former Members of Congress. We thank the Congress, the Speaker, and the minority leader for giving us the opportunity to return to this revered Chamber and to report on our association's activities. We look forward to another active and productive year.

Thank you.

Ms. KENNELLY. The Chair terminates the meeting.

The meeting adjourned at 9:32 a.m.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HULTGREN) at noon.

## PRAYER

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

We give You thanks, O God, for giving us another day.

We ask Your blessing this day upon the Members of the people's House. May their labors be graced by Your gifts of wisdom, patience, and charity, that truth and righteousness might prevail in all of their proceedings.

We take special note this day, May 15, National Peace Officers Memorial Day, of the 123 peace officers who have died this past year in the line of duty. We ask that You grant them eternal rest for having paid the ultimate price in protecting us.

Give their families consolation in mourning their loss. May they be assured that we, as a nation, hold them in our hearts and understand that we will always be indebted to them.

May all that is done within the people's House this day be for Your greater honor and glory.

Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. VEASEY) come forward and lead the House in the Pledge of Allegiance.

Mr. VEASEY led the Pledge of Allegiance as follows:

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

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

## WHITE HOUSE ASSAULTS FREEDOM OF PRESS

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

Mr. WILSON of South Carolina. Mr. Speaker, the expansion of Big Government is a threat to the American people. According to Politico, the administration:

> had obtained records that listed incoming and outgoing calls and the duration of these calls for work and personal phone numbers of AP reporters and phone lines for AP offices in New York; Hartford, Connecticut; and Washington, as well as the main number for AP reporters in the House of Representatives press gallery. The government seized records—which listed incoming and outgoing calls and the call's length—for more than 20 separate lines assigned to the AP and its reporters.

The American people are losing their trust in the White House. The recent admissions reveal that the President and his administration will do whatever it takes to extend power, including violating First Amendment rights. Even the media is at risk of Big Government intrusion. Over the coming weeks, it's my hope that this is thoroughly investigated and those responsible will be held accountable.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

## SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

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

Mrs. BEATTY. Mr. Speaker, I rise today to denounce the proposed cuts to the Supplemental Nutrition Assistance Program, known as SNAP, in the House farm bill.

Last week, I had the opportunity to witness a mother feeding her two children and giving them a jump-start because of SNAP, and then a young lawyer came and talked to us about being able to make an investment in this country because she was assisted.

I'm from Ohio, and in Ohio, SNAP reaches 16 percent of the State's population. Eighty-four percent of the households receiving SNAP have incomes below the poverty line. SNAP has helped to lift about 4.7 million Americans above the poverty line in 2011, including 2.1 million children.

For many of the poorest Americans, SNAP is the only form of income assistance they have. Mr. Speaker, we must protect our most at-risk children and families in this Nation. Let's save SNAP.

## REPEAL OBAMACARE

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

Ms. FOXX. Mr. Speaker, what was ObamaCare's central claim? The Affordable Care Act, as it was termed by President Obama, was supposed to make health care more affordable for the American people. Many who believed that claim, however, now have buyer's remorse.

ObamaCare was to help save families $2,500 on their health care premiums. But that's not true. Family premiums have increased $3,000 since 2008.

Even workers who make $25,000 a year will pay more for health care because of ObamaCare. Young people struggling to pay off debt and find careers in this jobless economy could see their health premiums rise by as much as 189 percent.

In spite of lofty promises, health insurance costs are higher. More than 30 studies have found ObamaCare will make health care premiums less affordable by the time it's fully implemented.

Promises for affordable health care have delivered a true train wreck to the American people. It's time to repeal ObamaCare and all of its broken promises once and for all.

## SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

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

Ms. LEE of California. Mr. Speaker, as if voting to repeal the Affordable Care Act for the 37th time is not enough, Republicans are adding insult to injury by marking up a farm bill this week that doubles down on their indiscriminate sequester.

The Supplemental Nutrition Assistance Program, formerly known as the Food Stamp program, is one of our Nation's first lines of defense against hunger and among the most effective forms of economic stimulus. Every $1 in SNAP benefits generates $1.70 in economic activity. Yet the Republican farm bill cuts nearly $21 billion from our Nation's antihunger program while millions of Americans continue to struggle from the impacts of the Great Recession. These cuts would end food assistance for nearly 2 million low-income people, mostly working families, children, and seniors, already hit by the sequester.

Mr. Speaker, when I was a student and a single mother, the American people provided a lifeline in the form of food stamps while I struggled to make a better life for my children. That's true today for millions of families across the country, including 4.3 million Californians who need this critical lifeline.

Cutting SNAP is morally wrong and an economic disaster. We should reject these cuts, stop sequestration, and create jobs.

□ 1210

## THE GOSNELL TRIAL

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

Mr. PITTENGER. Mr. Speaker, on Monday, justice was served in Philadelphia when a monster by the name of Dr. Kermit Gosnell was convicted of the murder of three small babies in his abortion clinic. Each and every life is precious, Mr. Speaker, and murdering an innocent baby for the sake of convenience or greed is terribly, terribly wrong.

In the last 40 years, Mr. Speaker, the lives of over 50 million young babies have been taken. How do we know that God did not place in the lives of these individuals a cure for cancer, a cure for Alzheimer's, a cure for Parkinson's? We won't know that until eternity. We grieve over those losses.

May I quote Thomas Jefferson, Mr. Speaker, for the sake of our Nation:

> God, who gave us life, gives us liberty. Can liberties of a nation be secure when we have removed a conviction that these liberties are a gift of God? Indeed, I tremble for my country when I reflect that God is just, that His justice cannot sleep forever.

## IN OPPOSITION TO PROPOSED SNAP CUTS

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

Mr. VEASEY. Mr. Speaker, I rise today to speak against the proposed cuts to the Supplemental Nutrition Assistance Program, or SNAP. As the Nation's most important antihunger program, SNAP offers nutrition assistance to 46 million low-income Americans and provides economic benefits to communities. SNAP also allows families to more easily set aside a portion of their resources for food and not have to outsource all of their meals and to prioritize a healthier, more consistent diet without compromising as much on obligations such as rent, utilities, transportation and other basic needs.

Over 80 percent of SNAP households have incomes below the poverty line and 40 percent have incomes below half of the poverty line. For many of these Americans, SNAP is the only form of income assistance they receive. We cannot allow the budget to be balanced on the backs of the poor and most vulnerable in our country.

The proposed farm bill up for a vote in the House Agriculture Committee today would cut $20 billion from the program. I join my colleagues in opposing these draconian cuts to ensure that 46 million people who rely on this program will have food.

## CONGRATULATING THE GRADUATING CLASS OF FLINTHILLS HIGH SCHOOL

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

Mr. POMPEO. Mr. Speaker, this Sunday, I had the good fortune of being in Rosalia, Kansas, at the high school graduation for Flinthills High. Flinthills High has 11 strong graduating in 2013, but it was remarkable. With all the challenges the country faces, we had young people going to be nurses, young people entering our Nation's Army National Guard. We had a young man who was off to attend school but who knew that he was going to be coming back to help his father and mother on the farm.

With all of the challenges we face today, it was incredibly heartening to see this next generation of leaders being raised in the heartland. Congratulations to those 11, six young women and five young men.

Go, Mustangs.

## IN OPPOSITION TO PROPOSED SNAP CUTS

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

Ms. MCCOLLUM. Mr. Speaker, today the Agriculture Committee marks up a farm bill, cutting $20 billion from food support for the poorest, most vulnerable Americans. The Republican SNAP cuts will cut 210,000 children off the school lunch program and deny 2 million Americans food.

The Supplemental Nutrition Assistance Program, SNAP, is a lifeline for nearly 50 million Americans to have access to healthy, affordable food and avoid hunger. More than half of SNAP recipients live in deep poverty. That's an income of less than $10,000 a year for a family of three. Right now, the daily SNAP benefit is $3.78.

Two out of three SNAP recipients in Minnesota are poor children, seniors and adults with disabilities. To reduce the budget deficit by inflicting hunger on children, seniors and people with disabilities is simply immoral.

I urge my colleagues to reject this cruel and harmful proposal to increase hunger in America.

## IRS SCANDAL

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

Mr. GRAVES of Georgia. Mr. Speaker, I rise today to speak out against the IRS for targeting Americans because of their political beliefs. What is clear is that the IRS has violated the public trust in a serious and disturbing way. It's sickening to learn that the IRS not only targeted Tea Party conservative groups but also groups that criticized the government or even taught the United States Constitution.

The United States is a beacon of hope and freedom for the oppressed all across the world, but the coordinated suppression of President Obama's political opponents undermines who we are and what we stand for.

Mr. Speaker, who gave the orders to target Americans who disagree with this administration? Who gave the orders? The American people deserve to know, and our Republic depends on us finding out that answer.

I represent a lot of Georgians who are sick and tired of the IRS targeting them. It is time for this House, the people's House, to instead now target the IRS. We must find the full truth and we cannot stop until we have full accountability.

## FREEDOM OF THE PRESS

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

Mr. HIMES. Mr. Speaker, it is the fashion amongst many of us to blame the press for our troubles, and that's, of course, because the press reports our troubles. At their best, the media keeps us honest, it keeps us in our constitutional lanes, and it reports our failures. It is essential for democracy. There is a reason why freedom of the press is not the Second or Fourth or 10th Amendment. It's the First Amendment.

So, Mr. Speaker, I am profoundly concerned over the Department of Justice's overbroad and chilling behavior with respect to the Associated Press. Seeking records for 20 phone lines, giving the AP no notice, refusing at this point to discuss their behavior feels to me like overreach.

Mr. Speaker, it's time for the Department of Justice to stand back. You can imagine that there is somebody out there today who has a failure to report who is chilled and says, I will not do that because of the approach that the Department of Justice has taken.

Mr. Speaker, I am proud to serve in the very core of democracy, but this Chamber rests on foundations, and a key part of that foundation is a free and competent press.

## THE 29ERS

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

Mr. MCCLINTOCK. Madam Speaker, across the country, employers are holding office meetings and the announcements are going something like this: We love you guys, but here's what we make, and here's what ObamaCare will cost us. We can't stay in business with ObamaCare, but if we cut everybody back to 29 hours a week, we can avoid the mandate and stay in business.

There's even a name for them now: the 29ers. ObamaCare was sold on three claims, all of which were false:

That it would save people money. In fact, it's producing crippling increases in health plans costs.

That it would be good for the economy. In fact, the CBO estimates it will cost the economy a net loss of 800,000 jobs.

That if you like your plan, you can keep it. Well, many are finding not only is that a lie but they can't keep their jobs either.

Madam Speaker, let's pull the plug on this before it wrecks our health care and our jobs.

## SUPPORTING GARMENT WORKERS

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

Ms. KAPTUR. Just this past Sunday, our Nation celebrated Mother's Day, a day that honors the mothers of our Republic. In March, we observed Women's History Month, honoring the progress toward full equality of over half our population.

Thus, one would have thought that when over 1,100 garment workers in Bangladesh—seamstresses, sewers, cutters, helpers—died working in dangerous factory conditions for an average wage of $38 a month, America's retailers would have been the first to sign the landmark international safety agreement to improve the working conditions of these workers, who are predominantly women.

Surely, when 20 percent of Bangladesh's exports, mostly garments, are destined for U.S. buyers, our Nation's clothing firms should be on the front lines fighting for decent working conditions and a fair day's pay, not exploiting women workers.

But only Tommy Hilfiger and Calvin Klein have stood up for women garment workers, millions of invisible hands working in death traps, making so much of the clothing we wear that is marketed in our country.

So, where are Walmart and Sears? Where is the Gap? Where is Target? They appear to be missing in action. We need to reward those companies that care about workers and women workers in particular. When you think about buying clothing, think Tommy Hilfiger and Calvin Klein and ask, Where are the others? Without conscience and, obviously, on the wrong side of honor.

□ 1220

## REPEAL OBAMACARE: ECONOMIC REASONS

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

Mr. BROOKS of Alabama. America struggles under President Obama's economic policies:

Nearly 12 million Americans are out of work. Last month, almost 280,000 Americans were forced into part-time jobs because their hours were reduced or they couldn't find a full-time job;

The average workweek and weekly take-home pay for Americans dropped;

The best measure for employment, the Labor Participation Rate, is at 63.3 percent, the worst since the economic malaise of President Jimmy Carter.

With the Obama economy doing so poorly, why implement a law we know will kill, according to the Congressional Budget Office, some 800,000 American jobs?

ObamaCare undermines the ability of American companies to hire workers. It stymies economic growth, and it's only going to get worse. Even top Democrats admit as much. One of the law's authors, Senator MAX BAUCUS, called it a ''train wreck.''

Madam Speaker, we must stop the train before the wreck. It's time to repeal ObamaCare before it does even more damage to the American economy.

## WHAT HAPPENED TO THE ''REPLACE'' IN REPUBLICANS' ''REPEAL AND REPLACE''?

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

Mr. DEFAZIO. Okay, 38th time repealing all or part of the Affordable Care Act. Now, the Republican mantra was ''Repeal and Replace,'' but somewhere along the way they forgot about the ''replace'' part. So tomorrow, total repeal.

Well, what does that mean? I've got a few concerns.

It means insurance companies can go back to rescinding, that is, taking away your policy when you get sick even if you've been paying premiums. They could do that until this law passed.

And 3.1 million young adults, 18 to 26, oops, you're off your parents' policy. Sorry. No insurance.

5.3 million seniors who got their doughnut hole reduced last year, sorry, you're back in the bill doughnut hole.

3.54 million people in private plans who got free preventative procedures last year, sorry, those aren't free anywhere.

Up to 17 million children with preexisting health conditions would again be denied coverage.

105 million people in health care plans that previously had lifetime limits, well, your lifetime limit is back.

So total repeal, no replace, doing incredible damage to seniors, children, and many other insured Americans.

## IRS TARGETS CONSERVATIVE GROUPS

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

Mr. SAM JOHNSON of Texas. Madam Speaker, you know, during a commencement address in 2009 President Obama ''joked'' about the IRS auditing university officials for failing to award him an honorary degree. Now fast-forward to last Friday, when we learned that the IRS has been targeting conservative groups.

Madam Speaker, the misuse of the IRS power is no laughing matter. As Chief Justice John Marshall once said, ''The power to tax is the power to destroy.''

Folks and groups back home seeking to express their support for our hard-fought freedoms and liberties, for limited government, and for a better America should never be subjected to intimidation because of their political beliefs—never.

The use of the IRS as a political weapon is unacceptable. What's worse, this is the same agency that will be enforcing ObamaCare.

We must hold those responsible accountable. That's why the Ways and Means Committee will hold a hearing this Friday.

The American people deserve the truth, the whole truth, and nothing but the truth. And if you're as outraged as I am, call the White House at this number that's right there in front of you. We must make sure it never happens again.

The SPEAKER pro tempore (Ms. FOXX). Members are reminded to direct their remarks to the Chair.

## SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

(Mr. LANGEVIN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. LANGEVIN. Madam Speaker, today I rise in strong support of the Supplemental Nutrition Assistance Program and against the proposed $20 billion cut in SNAP funding under the House Republican farm bill.

Coming on the heels of a sequester-induced reduction, SNAP beneficiaries continue to feel the pain and the cruel pinch of this Congress' misguided priorities.

SNAP, better known as food stamps, helps millions of Americans living in poverty put food on the table. That may very well be the difference between a child or a family going hungry or not. In the wealthiest nation in human history, it is unconscionable that every American cannot afford life's basic necessities.

Eighty percent, Madam Speaker, of the households receiving SNAP earn below the Federal poverty line. That translates into millions of working families. With these cuts, make no mistake about it, millions will go hungry and be forced to make decisions between food and other vital needs that nobody should ever have to confront.

Madam Speaker, we can do better. I call on my colleagues to reject these cuts.

## REPEAL OF OBAMACARE

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

Mr. HULTGREN. Madam Speaker, the President's health care law is full of broken promises, and these are only becoming more evident as the law begins to take effect.

His law promised affordable health insurance for all Americans, a fine goal. But since 2008, health care premiums have actually increased by over $3,000.

His law promised universal health care coverage, but according to the Congressional Budget Office, the law will leave 30 million Americans without insurance.

His law promised to help Americans with preexisting conditions, but the program it set up to care for them is already turning qualified applicants away.

And the once promising future of medical innovation in America has been stifled by his new taxes and regulations, including its poorly conceived tax on medical devices, the repeal of which I have cosponsored here in the House.

Madam Speaker, we've also already seen that it's caused small businesses to cut back worker hours. And the uncertainty over pending regulation makes businesses, small and large, hesitate to hire new people or make new investments, slowing down our economic recovery.

It's time for repeal and real reform.

## STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT

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

Mr. GEORGE MILLER of California. Madam Speaker, today I'm reintroducing the Stop Child Abuse in Residential Programs for Teens Act. This legislation will protect teenagers attending residential treatment programs from abuse by staff personnel.

These programs range from boot camps to behavior modification facilities. They are often a last resort for parents trying to help a child deal with behavioral or other issues. But investigations by our committee found that these programs are not always run in a safe manner.

Just last year, the Tampa Bay Times confirmed that problems continue, with stories of children being bruised, bloodied, and choked to unconsciousness at these programs, all in the name of discipline.

My bill would make it illegal for a residential facility to deny a child essential water, food, clothing, shelter, or medical care, whether under the guise of discipline or therapy.

It would also ensure that parents have the information needed to make safe choices for their children about these programs. When a parent turns to these programs for help, they should trust that their child will not suffer neglect, injury, or even death while undergoing therapy.

I encourage my colleagues to support this legislation.

## ACCOUNTABILITY AND CONSEQUENCES FOR THE IRS

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

Mr. YODER. Madam Speaker, I stand today with Americans rightfully outraged and stunned that their government has admitted to harassing Americans with audits and paperwork simply based upon their political beliefs.

The American people expect the institutions of their government at their most basic, most simple levels to be fair. They expect not to be discriminated against or targeted based on their beliefs—religious, political, or otherwise.

But, Madam Speaker, we've learned over the past days about gross violations of our constitutional rights, an appalling overreach by the Internal Revenue Service which has admitted to targeting certain Americans for heightened tax scrutiny and additional burdensome and costly audits based solely on political affiliations. These anti-American violations strike at the heart of our free and democratic society and they confirm the worst fears that many Americans have about their government. What makes matters worse is Congress was misled into believing that this wasn't happening.

Madam Speaker, we must get to the bottom of these very serious admissions by the IRS. There must be accountability and consequences for those involved, and we must ensure that this never happens again.

□ 1230

## SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

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

Mr. HORSFORD. Madam Speaker, I come to the floor today opposed to looming cuts to the Supplemental Nutrition Assistance Program, or SNAP. I urge the House Agriculture Committee and this Congress to refrain from slashing funding for this vital program.

SNAP is our Nation's most important antihunger program. It provides food assistance to approximately 46 million Americans and it kept 4.7 million people out of poverty in 2011, including 2.1 million children.

SNAP has cut the number of children living in extreme poverty in half. We should not be cutting the safety net for our most vulnerable while maintaining costly government subsidies for the well-off and the junk food, oil, and gas industries.

A Nevada child in my district who receives $1.48 per meal is not the problem with the Federal budget. The problem is corporate welfare and the special interest giveaways that litter our Tax Code.

I urge my colleagues not to cut SNAP and to invest in our children and their nutrition safety.

## DEVASTATING EFFECTS OF OBAMACARE

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

Mr. MCHENRY. Madam Speaker, last week, I held a telephone townhall meeting with my constituents. Towards the end of that call, I heard from a constituent who had already seen her hours cut at the local grocery store from 36 hours down to 28.

As a result of ObamaCare, industries, corporations, and people are posed with this very tough challenge: either they pay for very expensive health care, cut people's hours, or lay people off. Unfortunately, her grocery store decided to limit hours and make more part-time workers.

Sadly, as a result of this, she lost $140 a month. That prevented her from being able to pay for the very affordable health insurance plan she currently is on. Other coworkers could no longer afford car payments, for instance.

These devastating effects are a terrible result of bad public policy, and

that is why we must repeal ObamaCare.

## NATIONAL POLICE WEEK

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

Mr. KENNEDY. Madam Speaker, I rise today in recognition of National Police Week. A month ago this very day, those of us from Massachusetts had every reason to be proud of our first responders and our police officers. Over the course of that week, I heard from so many of my colleagues, Democrats and Republicans, who said how proud they were to be Americans because of the response that our law enforcement officials took in reaction to the marathon bombings.

It is not just in disasters, however, that our first responders and our police officers answer the call. I want to recognize Sergeant Michael Murphy from Brookline and Sergeant Jim Machado from Fall River, who are here this week.

As a former prosecutor, you realize every day that the routine is anything but. Every time a car is stopped, every call that a police officer responds to, they literally put their life on the line.

We need to only remember the acts of MIT Officer Sean Collier to recognize how dangerous the job is that they perform each and every day to enforce our laws and to keep us and our neighbors safe. And so, as a Member of the Fourth District of Massachusetts and on behalf of the Commonwealth of Massachusetts, I want to take a brief moment to all of our police officers and say thank you.

## ACTIONS OF TREASURY SECRETARY AND THE IRS COMMISSIONER FALL ON PRESIDENT'S SHOULDERS

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

Mr. HUELSKAMP. Madam Speaker, on Monday, President Obama claimed that the IRS was an ''independent agency.'' Mr. President, that is not true. As your chart shows, the President can remove both the Treasury Secretary and the IRS Commissioner at will. They both serve at the pleasure of President Barack Obama.

In recent weeks, months, and perhaps years, President Obama has increasingly claimed little or no responsibility for the actions of his administration. Whether it is the Benghazi coverups, the ObamaCare failures, or this targeting of conservative groups by the IRS, President Obama has flipped the moniker of President Truman on its head. Instead of ''the buck stops here,'' Obama's theme has become ''the buck never stops here.''

The evidence is clear. The IRS targeted Tea Party and other conservative groups, and the IRS Commissioner knew about it. This gross misuse of political power is an absolute outrage.

Mr. President, the IRS Commissioner and the Treasury Secretary serve at your will, and thus, the responsibility for their outrageous actions falls squarely on your shoulders.

## SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

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

Ms. SCHAKOWSKY. Madam Speaker, are you kidding me? Taking food out of the mouths of hungry children—is that the reason that any of us would come to Congress? But that is exactly what the farm bill that's being considered today does. It takes food out of the mouths of hungry children.

Not only will 1 million children lose their SNAP funding—the money that puts food on the table—but 200,000 of them will also lose their school lunches. This in the richest country in the world? This in the name of deficit reduction? This in a country where already tens of millions of children go to sleep hungry?

There's not a district in this Nation, there's not a Member of Congress who doesn't have constituents who have to line up at a food pantry because otherwise they and their children would go to sleep hungry. This is the most incredibly mean-spirited piece of legislation.

I urge a ''no'' vote on the $20 billion cut in SNAP.

## ASIAN PACIFIC AMERICAN HERITAGE MONTH

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

Ms. TITUS. Madam Speaker, I rise today to recognize Asian Pacific American Heritage Month and to celebrate the many contributions of this vibrant community to Nevada's First District and to the country at large.

Asian Pacific Americans comprise the fastest-growing minority group in Las Vegas, having doubled in size between 2000 and 2010. Along Spring Mountain Road, we find the Chinatown Plaza, built in 1995 by Mr. and Mrs. James Chen; Korea Town, developed by Mr. Hae Un Lee and Mr. James Yu; and hundreds of Thai, Chinese, Japanese, and Vietnamese restaurants, markets, and shops that enrich our society and enhance our economy.

Along Maryland Parkway is a flourishing Filipino district, and numerous cultural festivals are held across the valley throughout the year featuring music, dance, costumes, and food from the thriving Asian Pacific community.

As we celebrate APA Heritage Month, let us acknowledge the value immigrants bring to our lives every day and recognize how much we all stand to gain by enacting immigration reform that honors our country's legacy as the ''land of opportunity.''

## SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

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

Mr. DEUTCH. Madam Speaker, I stand here today because the Supplemental Nutritional Assistance Program, SNAP, is not a form of government waste. There is nothing wasteful about a program that, through providing modest assistance to low-income families, has nearly eliminated severe hunger in the United States of America.

The average SNAP benefit provides only $1.40 per meal. Already, this forces many seniors and families with young children to skip meals throughout the week or face a shortage in food by the end of the month. We already know that children who go hungry are more likely to struggle in school and face serious health problems and less likely to escape poverty as adults.

The GOP's proposed cuts to SNAP of $20 billion amount to punishing children who struggle with hunger that is beyond their control. Don't we have a national interest in protecting families who are struggling to feed themselves?

Our budget is a moral document. And, Madam Speaker, there is nothing moral about abandoning America's families and American children who are struggling with hunger.

□ 1240

## PASS THE AMERICAN JOBS ACT NOW

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

Ms. WILSON of Florida. Madam Speaker, it has now been 864 days since I arrived in Congress, and the Republican leadership has still not allowed a single vote on serious legislation to address our unemployment crisis. We need to pass the American Jobs Act now. It deserves a vote.

Unemployment is now higher than the 7.5 percent we hear about in the news. Another full percent of the workforce can find only short-term, unreliable work. Another half percent has stopped looking because there is no opportunity. Another 5 percent is stuck working part-time when they want full-time work. So our real unemployment rate is closer to 14 percent.

Madam Speaker, these people are not lazy. It's this Congress that's lazy. We are doing nothing to create opportunity for Americans who are suffering. Our mantra should be: jobs, jobs, jobs.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## RULEMAKING DEADLINE EXEMPTING CERTAIN SECURITIES

Mr. MCHENRY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 701) to amend a provision of the Securities Act of 1933 directing the Securities and Exchange Commission to add a particular class of securities to those exempted under such Act to provide a deadline for such action, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 701

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

**SECTION 1. RULEMAKING DEADLINE FOR EXEMPTING CERTAIN SECURITIES.**

Section 3(b)(2) of the Securities Act of 1933 (15 U.S.C. 77c(b)(2)) is amended in the matter preceding subparagraph (A) by striking ''The Commission'' and inserting ''Not later than October 31, 2013, the Commission''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. MCHENRY) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. MCHENRY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to submit extraneous materials for the RECORD on H.R. 701, as amended, currently under consideration.

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

There was no objection.

Mr. MCHENRY. Madam Speaker, I yield myself such time as I may consume.

My colleagues, this is a bipartisan, straightforward bill, and it had unanimous support within the Financial Services Committee.

This bill codifies an intended deadline within the JOBS Act. This legislation simply puts a reasonable date for the deadline for an improved Regulation A, which came out of a bipartisan bill before the House of Representatives just over a year ago and then the JOBS Act the President signed more than a year ago. The deadline is very achievable, setting an October 31 deadline for the SEC to write regulations. It is nearly 19 months after the JOBS Act was signed into law, and it is, in fact, 5 months before the due date of the SEC's recurring review of a renewed Regulation A.

Regulation A is a very interesting provision within securities regulation. It is a sensible and philosophically sound exemption that should help millions of small- and moderate-sized businesses, but it's actually unused by all small businesses. The JOBS Act language includes raising the cap on Regulation A securities offerings from $5 million to $50 million, which is existent in the law; but the act also requires that we have meaningful regulatory improvements to Regulation A so it can, in fact, be utilized by small businesses as it was intended.

Stakeholders and academics have testified that Regulation A should be a covered security or that the SEC should radically simplify Reg A's registration and qualifications if small businesses are to ever use and utilize this well-intentioned exemption again. For proof of whether State exemption matters, merely look at the dominance of rule 506, even for issuances of $1 million, compared to those other exemptions; and let's just face it—the numbers speak for themselves.

Additionally, other areas of critical consideration include quiet periods, testing-the-waters activities, comment period turnaround, and even the number of Securities and Exchange Commission staff dedicated to small business exemptions. We've made that very clear to the Securities and Exchange Commission the concerns we have on those issues. The SEC must conduct a holistic review of Federal and State regulations on these matters to learn which have impeded entrepreneurs from accessing external capital, which is really the intention of Regulation A.

If you look back at a GAO report, it asserted that, from 1997 to 2011, the number of Regulation A filings decreased from 116 annually to 19, and that's only the number of filings. To go to the next step of an offering, it's even further reduced. It reduced from 57 in 1998 to just one offering, under this important regulation, in 2011. Now, that's very disturbing. The same GAO report maintains that the SEC has never evaluated the abandonment of Regulation A, an exemption solely created to capitalize small- and moderate-sized businesses and to empower everyday investors. That's absurd. It's high time the SEC gets around to this and gets it done. That's what this bill is all about.

The Small Business Administration asserts that there are more than 5 million small businesses in the U.S. with fewer than 20 employees, representing 20 percent of our national employment, and that firms with fewer than 100 employees employ more than 36 percent of our national employment. These millions of small businesses do not utilize Reg. A or other exemptions actually intended for them. There are bad consequences for this because they are not able to get the capital they need to grow and prosper and to perhaps go from being small businesses to big businesses or from small businesses to more successful small businesses. They are the ones that are at a loss, and at a time of high unemployment we need to make sure that we are able to get those capital-starved businesses access to the moneys they need to grow and to prosper in these tough economic times.

This is a bipartisan bill that has garnered the support of my colleagues from across the aisle, Ms. ESHOO and Mr. SCOTT, as well as the support of my colleagues on this side of the aisle, Mr. SCHWEIKERT and Mr. GARRETT, who have long been proponents of these reforms and necessary changes.

With that, I reserve the balance of my time.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
*Washington, DC, May 13, 2013.*

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting and defending America's free enterprise system, strongly supports H.R. 701, which would amend a provision of the Securities Act of 1933 to help ensure the success of the JOBS Act, which became law last year.

H.R. 701 is a bi-partisan bill which would place a deadline of October 31, 2013, for the Securities and Exchange Commission to complete the changes to Regulation A as required under the Jumpstart Our Business Startups Act (''JOBS Act''). The bi-partisan JOBS Act mandates the modernization of certain regulations critical to the capital formation of emerging growth companies. The Chamber is concerned that the pace of regulatory implementation is too slow, and H.R. 701 would help ensure the timely implementation of this legislation important to new businesses.

The Chamber believes H.R. 701 would help speed the implementation of the JOBS Act, thereby assisting the capital formation needed for robust economic growth and job creation. The Chamber strongly supports H.R. 701.

Sincerely,

R. BRUCE JOSTEN,
*Executive Vice President,*
*Government Affairs.*

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NASDAQ OMX,
*Washington, DC, May 7, 2013.*

Hon. JEB HENSARLING,
*Chairman, House Committee on Financial Services, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN HENSARLING: Rep. Patrick McHenry has proposed legislation, H.R. 701, which seeks to impose a deadline on the Securities and Exchange Commission (SEC) for completion of an important section of the JOBS Act signed into law on April 5, 2012. Specifically, the legislation requires the SEC to issue its rules with respect to Regulation A by October 31st of this year.

NASDAQ OMX supports this legislation's goal to induce timely action on a key feature of the JOBS Act. As rules are finalized, small businesses should have the regulatory certainty necessary to make critical capital funding decisions that can allow them to grow and create jobs—the purpose behind the JOBS Act and NASDAQ OMX's support of that legislation.

Please let me know if I can be of further service to the Committee.

Thank you,

TERRY G. CAMPBELL,
*Vice President,*
*Global Government Relations.*

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BIOTECHNOLOGY
INDUSTRY ORGANIZATION,
*Washington, DC, May 13, 2013.*

DEAR MEMBER OF CONGRESS: On behalf of the Biotechnology Industry Organization (BIO) and its more than 1,100 members, I am writing in strong support of H.R. 701, sponsored by Rep. Patrick McHenry. I urge swift consideration and passage of this important legislation by the House of Representatives.

H.R. 701 will speed the implementation of a key provision in the Jumpstart Our Business Startups (JOBS) Act, which passed both houses of Congress last year with broad, bipartisan majorities. Title IV of the JOBS Act directed the SEC to make revisions to Regulation A that will increase access to capital for growing companies, including biotech innovators.

Before the JOBS Act was enacted, Regulation A allowed companies to conduct direct public offerings of up to $5 million; the JOBS Act increased the offering limit to $50 million. Once this change is implemented, Regulation A will spur fundraising for emerging biotech companies, for which a $50 million capital influx could support groundbreaking research and stimulate job creation.

H.R. 701 will give the SEC a deadline to complete rulemaking on Regulation A. The current delay at the SEC has blunted the potential capital formation impact of the JOBS Act at a time when research-intensive small businesses are in dire need of funding for their innovative R&D. Changing the eligibility threshold for Regulation A offerings will provide a new source of private capital to finance the search for cures and breakthrough medicines.

BIO supports expeditious implementation of the JOBS Act. On behalf of BIO's membership, I urge you to support H.R. 701 when it is considered by the House of Representatives.

With Sincerest Regards,

JAMES C. GREENWOOD,
*President and CEO.*

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CONNECT,
*May 15, 2013.*

Hon. PATRICK MCHENRY
*U.S. Capitol,*
*Washington, DC.*
Hon. DAVID SCOTT

DEAR REPRESENTATIVES MCHENRY AND SCOTT: As a leading voice for tech start-ups and emerging companies, CONNECT enthusiastically endorses your efforts to pass H.R. 701. This straightforward legislation, to set an October 31 deadline for the SEC to promulgate rules to implement the JOBS Act increase for Regulation A offerings, is specifically targeted to increase the flow of capital to start-up and emerging companies which represent the best job-creating engine to spur America's economic recovery.

CONNECT was birthed out of the University of California—San Diego over twenty-five years ago with the mission to propel creative ideas and emerging technologies to the marketplace by training entrepreneurs and connecting them to the comprehensive resources they need to sustain viability and business vibrancy. Since 1985, CONNECT has assisted in the formation and development of over 3,000 companies and is recognized as one of the world's most successful regional innovation development programs. CONNECT is the recipient of the 2010 ''Innovation in Regional Innovation Clusters'' award presented by the U.S. Department of Commerce.

As you are well aware, one of the barriers to start-up company growth is access to capital. Although the Reg A offerings are supposed to help emerging companies get access capital, the cost of compliance with regulatory burdens made the $5 million cap unworkable. Congress was absolutely right to pass the JOBS Act requiring the SEC to promulgate rules to raise the cap to $50 million. Doing so will open new pathways by which startups and emerging companies, including those stuck in the proverbial ''valley of death,'' can access capital, allowing them to grow and create new jobs. But more than a year after this bipartisan triumph for innovators, the SEC hasn't even published Reg A rules. H.R. 701 will fix this and is urgently needed.

There is much talk in Washington about helping start-ups, but your bill takes tangible action toward achieving that goal and ensuring the promise of the JOBS Act is realized. We commend you for finding a bi-partisan solution that will have real-world benefits for America's entrepreneurs and innovators. CONNECT stands ready to assist you as the bill advances in the House and strongly encourages Majority Leader Reid to promptly place the bill on the Senate floor calendar.

Sincerely,

TIMOTHY TARDIBONO, M.A., J.D.,
*Vice President of Public Policy.*

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Ms. WATERS. Madam Speaker, I yield myself such time as I may consume.

As you know, the Jumpstart Our Business Startups Act, or the JOBS Act as it is commonly known, was signed into law about 1 year ago. This bill received the support of both Democrats and Republicans on the Financial Services Committee.

Some of us, including me, have some concerns about this legislation. We are basically taking a chance that investors will not be harmed, but we're taking a chance because we are so anxious to create jobs, and this legislation is possibly yet another approach to creating jobs.

□ 1250

This is not the American Jobs Act, but this is a jobs act. And I believe that my colleague on the opposite side of the aisle, Mr. MCHENRY, really believes that this is going to create jobs. So we're going to take a chance that this will create jobs.

Regulation A currently allows certain companies to raise up to $5 million a year through a streamlined, less costly registration process, providing smaller companies with much-needed capital without overly burdening them with registration requirements. In the JOBS Act, we raise that level to $50 million, thus providing small companies with a greater ability to develop new products and create much-needed jobs for their local economies.

The JOBS Act did not set a deadline under which the Commission needed to complete this rulemaking. Given the tremendous workload the Commission is managing—including setting up new offices under the Wall Street Reform Act, regulating new markets such as the over-the-counter derivatives market, and completing various other rulemakings under the JOBS Act—it is understandable that the SEC has not yet completed the Regulation A update. H.R. 701 would basically require that the SEC complete the Regulation A rulemaking by October 31 of this year.

While I am reluctant to impose accelerated rulemaking timetables on the Commission, given the resource constraints they face, I will support this bill and my colleagues are supporting this bill, particularly since we understand that the SEC has indicated that they will finish the rulemaking before October 31 anyway, even without this legislation.

Finally, I would ask that my colleagues support adequate funding for the Commission so that they have the staff resources to carry out this and other outstanding rulemakings under both the Wall Street Reform Act and the JOBS Act. This is very important.

The SEC has a great responsibility carrying out the rulemaking for all that we have placed on them. As I know that they like to do this rulemaking in a timely fashion, we must recognize that they don't have all the resources they need. So I hope that as we're taking a chance with our colleagues on the opposite side of the aisle, hoping that this bill is going to produce the kinds of jobs that have been indicated, we want our friends on the opposite side of the aisle to reciprocate with support for the SEC and the funding that they need.

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

Mr. MCHENRY. A 418 percent increase since the late nineties with the Securities and Exchange Commission in terms of funding, I think, is adequate; but I certainly appreciate my colleague's concerns.

We passed this provision in the fall of 2011 in this House with a floor vote of 421–1. This enhances this provision and provides for a deadline that is 19 months after the original act was signed. I think that's more than generous and sufficient.

With that, I would like to yield 2½ minutes to my colleague from Florida (Mr. ROSS), who is a quite vocal proponent of getting capital to small business.

Mr. ROSS. Madam Speaker, as my colleague mentioned earlier, the JOBS Act passed into law with broad bipartisan support.

It hasn't been easy for Republicans and Democrats to agree on a lot of things; but when it came to directing the SEC to get out of the way and allow small public companies to raise capital and create jobs in America, we agreed.

Over a year later, we're still waiting for the SEC to implement several portions of a bill that should have been noncontroversial. This isn't the first instance. In title II of this act, the SEC failed in a time certain to follow the will of Congress and promulgate rules. That's why we're here today.

Now, it's unclear when the SEC is going to promulgate the rules under title IV, which will allow faster capital formation for smaller public companies. But like the job creators and the unemployed in my district, I'm tired of waiting. We're down here today urging Members to support legislation to require the SEC to do their job and implement the rules under this title by the end of October.

It's disheartening that we have to waste taxpayer dollars to do this, but I urge Members to vote in favor of H.R. 701. Madam Speaker, it's time for the SEC and all the regulators to stop stalling and stop ignoring the will and direction of Congress. It's time for regulators to do their jobs so Americans can go back to work and do their jobs, and it's time that Congress hold all regulators accountable.

Thank you, Mr. Chairman, for this bill.

Ms. WATERS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. AL GREEN) control the time for the remainder of the debate.

The SPEAKER pro tempore (Mr. PITTENGER). Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. AL GREEN of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCHENRY. We're prepared to close.

Mr. AL GREEN of Texas. I will await your closing.

Mr. MCHENRY. If the gentleman yields back his time, I will then close. As the majority party, we have the right to close.

Mr. AL GREEN of Texas. I yield back the balance of my time.

Mr. MCHENRY. Mr. Speaker, I would like to just simply close by saying that we should help small businesses.

When we have congressional Members acknowledging pop culture, as I did in committee, there is always a debate about that. But as Beyonce once said, ''If you like it, you should have put a ring on it.'' Likewise, we should put a deadline on it. That's what this bill is all about.

As I close, I will not quote Jay-Z, but I will say we should help small businesses. And I ask my colleagues for their support as I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 701. While I applaud the bipartisan efforts of my colleagues to help small businesses grow and create jobs, the sting of the effects of financial deregulation is still too strong to allow me to support this bill.

I voted against similar legislation in the 112th Congress because I think raising the Securities and Exchange Commission (SEC) Regulation A threshold is a bad idea. I note that Congress has raised this threshold five times already. In each of those instances, though, Congress approved a modest increase that was relative to the rate of inflation and the purchasing power of the dollar. H.R. 701 would mandate an unprecedented tenfold increase in the current threshold of $5 million to $50 million. Such an increase strikes me as grotesquely large, especially since inflation has risen only 165 percent since 1980.

H.R. 701 will force the SEC—without additional appropriations—to do something that constitutes a tremendous incitement to perpetrate fraud on investors. I cannot in good conscience support this bill and urge my colleagues to vote it down.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCHENRY) that the House suspend the rules and pass the bill, H.R. 701, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. AL GREEN of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## HOMES FOR HEROES ACT OF 2013

Mr. MCHENRY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 384) to establish the position of Special Assistant for Veterans Affairs in the Office of the Secretary of Housing and Urban Development by transferring the Special Assistant for Veterans Affairs to the Office of the Secretary of HUD, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 384

*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 ''Homes for Heroes Act of 2013''.

**SEC. 2. SPECIAL ASSISTANT FOR VETERANS AFFAIRS IN THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.**

(a) TRANSFER OF POSITION TO OFFICE OF THE SECRETARY.—Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

''(h) SPECIAL ASSISTANT FOR VETERANS AFFAIRS.—

''(1) POSITION.—There shall be in the Office of the Secretary a Special Assistant for Veterans Affairs, who shall report directly to the Secretary.

''(2) APPOINTMENT.—The Special Assistant for Veterans Affairs shall be appointed based solely on merit and shall be covered under the provisions of title 5, United States Code, governing appointments in the competitive service.

''(3) RESPONSIBILITIES.—The Special Assistant for Veterans Affairs shall be responsible for—

''(A) ensuring veterans have fair access to housing and homeless assistance under each program of the Department providing either such assistance;

''(B) coordinating all programs and activities of the Department relating to veterans;

''(C) serving as a liaison for the Department with the Department of Veterans Affairs, including establishing and maintaining relationships with the Secretary of Veterans Affairs;

''(D) serving as a liaison for the Department, and establishing and maintaining relationships with the United States Interagency Council on Homelessness and officials of State, local, regional, and nongovernmental organizations concerned with veterans;

''(E) providing information and advice regarding—

''(i) sponsoring housing projects for veterans assisted under programs administered by the Department; or

''(ii) assisting veterans in obtaining housing or homeless assistance under programs administered by the Department;

''(F) coordinating with the Secretary of Housing and Urban Development and the Secretary of Veterans Affairs in carrying out section 3 of the Homes for Heroes Act of 2013; and

''(G) carrying out such other duties as may be assigned to the Special Assistant by the Secretary or by law.''.

(b) TRANSFER OF POSITION IN OFFICE OF DEPUTY ASSISTANT SECRETARY FOR SPECIAL NEEDS.—On the date that the initial Special Assistant for Veterans Affairs is appointed pursuant to section 4(h)(2) of the Department of Housing and Urban Development Act, as added by subsection (a) of this section, the position of Special Assistant for Veterans Programs in the Office of the Deputy Assistant Secretary for Special Needs of the Department of Housing and Urban Development shall be terminated.

**SEC. 3. ANNUAL SUPPLEMENTAL REPORT ON VETERANS HOMELESSNESS.**

(a) IN GENERAL.—The Secretary of Housing and Urban Development and the Secretary of Veterans Affairs, in coordination with the United States Interagency Council on Homelessness, shall submit annually to the Committees of the Congress specified in subsection (b), together with the annual reports required by such Secretaries under section 203(c)(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11313(c)(1)), a supplemental report that includes the following information with respect to the preceding year:

(1) The same information, for such preceding year, that was included with respect to 2010 in the report by the Secretary of Housing and Urban Development and the Secretary of Veterans Affairs entitled ''Veterans Homelessness: A Supplemental Report to the 2010 Annual Homeless Assessment Report to Congress''.

(2) Information regarding the activities of the Department of Housing and Urban Development relating to veterans during such preceding year, as follows:

(A) The number of veterans provided assistance under the housing choice voucher program for Veterans Affairs supported housing (VASH) under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)), the socioeconomic characteristics of such homeless veterans, and the number, types, and locations of entities contracted under such section to administer the vouchers.

(B) A summary description of the special considerations made for veterans under public housing agency plans submitted pursuant to section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) and under comprehensive housing affordability strategies submitted pursuant to section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705).

(C) A description of the activities of the Special Assistant for Veterans Affairs of the Department of Housing and Urban Development.

(D) A description of the efforts of the Department of Housing and Urban Development

and the other members of the United States Interagency Council on Homelessness to coordinate the delivery of housing and services to veterans.

(E) The cost to the Department of Housing and Urban Development of administering the programs and activities relating to veterans.

(F) Any other information that the Secretary of Housing and Urban Development and the Secretary of Veterans Affairs consider relevant in assessing the programs and activities of the Department of Housing and Urban Development relating to veterans.

(b) COMMITTEES.—The Committees of the Congress specified in this subsection are as follows:

(1) The Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) The Committee on Veterans' Affairs of the Senate.

(3) The Committee on Appropriations of the Senate.

(4) The Committee on Financial Services of the House of Representatives.

(5) The Committee on Veterans' Affairs of the House of Representatives.

(6) The Committee on Appropriations of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. MCHENRY) and the gentleman from Texas (Mr. AL GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and submit extraneous materials for the record on H.R. 384, as amended, currently under consideration.

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

There was no objection.

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

Today I rise in support of H.R. 384, the Homes for Heroes Act of 2013.

This bill was introduced by my colleague from Texas, Congressman AL GREEN, who I had the pleasure of having serve alongside of me as the ranking member of the Oversight Investigation Subcommittee on the Financial Services Committee.

This bill would establish the position of Special Assistant for Veterans Affairs within Housing and Urban Development to coordinate services provided to homeless veterans and to serve as HUD's liaison to the Department of Veterans Affairs, the U.S. Interagency Council on Homelessness, State and local officials, and nonprofit service organizations. The position is currently in the Office of the Deputy Assistant Secretary for Special Needs. This transfer highlights the importance of addressing the housing needs of our veterans.

H.R. 384 would also require HUD to submit a comprehensive annual report to Congress on the housing needs of homeless veterans and the steps undertaken by HUD to meet those needs.

□ 1300

H.R. 384 is a version, in part, of the Homes for Heroes Act of 2011, 2009, and 2008, all of which passed this House with well over 400 votes each.

As our service men and women continue to serve our country both here and abroad, the least we can do is ensure they have proper access to the services that are offered to them when they return.

This bill represents a step in that direction, and I urge my colleagues to support this worthy endeavor.

With that, I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to start by thanking Mr. HENSARLING, the chairperson of the committee. He gave me his word. He said this bill would come to the floor, and he has kept his word. I would like to thank the ranking member, Ms. WATERS. She committed to help with this bill. In fact, the genesis of this was a conversation I had with her, and she kept her word. I'd like to thank Mr. MCHENRY. Indeed, he and I do serve on Oversight and Investigations, and I appreciate very much his being here today to help us by managing this piece of legislation. I believe he and I will accomplish additional things on a bipartisan basis. This is a bipartisan piece of legislation.

I'd also like to thank the staff. While I will stand here and hopefully rise to the occasion, it really takes greater people to make the occasion. These people are the staffers that work long into the night on many occasions to try to reach a consensus on legislation. The staff really put a lot of time into this legislation, Mr. Speaker, and I think they should be complimented.

I especially would recognize one staffer in particular, Ms. Harmeet Kaur. This is her last week in our congressional office. She's a fellow, and I'm honored to say she worked with us on this piece of legislation.

Finally, I'd like to thank our veterans. Mr. Speaker, we stand here in the well of the House and enjoy many of the freedoms that we have because there are people who are willing to go to distant places, willing to risk their lives. Indeed, Mr. Speaker, many of them do not return the way they left. I just believe, Mr. Speaker, that the least a grateful Nation can do is make sure that when they return home, they return home to good jobs, the best health care, and good housing. I believe that it's almost sinful to see a veteran standing on the corner with a sign that reads, ''Homeless, hungry.'' I believe that we ought to do everything within our power to help people who are willing to risk their lives for us.

I had the good fortune or misfortune, I'm not sure which, to pass by a VA hospital with a sign out front that read, ''Come in and see the price of freedom.''

Something that bears repeating: ''Come in and see the price of freedom.''

The price of freedom is quite high, Mr. Speaker. The price of freedom will cost some in the prime of their lives things that you and I can never replace, money can't buy. And when money can't buy and you and I can't replace, the least we can do is all that we can. This is why we're asking that this Special Assistant be placed in the Office of the Secretary of HUD, that this be codified into the law; that it is not going to be easy now for this person to be replaced or this position to be removed.

And, Mr. Speaker, I must say also that HUD has been quite helpful. HUD has established a similar position in another part of the Department, but this would place a person in the office with the Secretary. And this person in the Office of the Secretary would try to help us with some of the statistics that we find abhorrent.

We find that there are approximately 76,000 to 144,000 veterans who are homeless. This is unacceptable. We find that on any night in 2012 about 62,000 veterans were homeless. This is unacceptable. And what this assistant will do is work with the homeless veterans organizations, serve as a liaison person to the Department of Veterans Affairs, the U.S. Interagency Council on Homelessness, and with State and local officials, and not-for-profit organizations. This assistant will coordinate services with these various entities.

Mr. Speaker, this is not enough, but it is a start. It is a continuation, if you will, of what we've been trying to accomplish. Mr. Speaker, I beg that my colleagues—I would besiege them and implore them to please support this legislation because you're really supporting our veterans.

Mr. Speaker, in closing, I will remind us that the greatness of America is not going to be measured by how we treat people who live in the sweets of life. The greatness of America is often going to be judged by how we treat people who live in the streets of life. Too often, we have people who have served their country living in the streets of life. They literally live on the streets. It is time for us, the richest country in the world, where one out of every 100 persons is a millionaire, to acknowledge what our veterans have done to make it possible for us to enjoy these great and noble American ideals as extolled in the Pledge of Allegiance, liberty and justice for all, and in the Constitution, wherein we would have all people be created and treated equally.

So, Mr. Speaker, I just beg in closing that we, Members, take advantage of this opportunity to support our veterans. It is not something that is going to break the bank. In fact, it has a minimal impact on the deficit, but it can have a huge impact on our veterans.

I thank you, Mr. MCHENRY, and I yield back the balance of my time.

Mr. MCHENRY. Wishing to close, I yield myself such time as I may consume.

Mr. Speaker, I want to commend my colleagues to this bill. I would like to

congratulate my colleague, Mr. GREEN, on putting forward such a worthy proposal that is both sensible and at the same time deeply honors our most-treasured resource in this country, our returning veterans, to ensure they're well cared for. So I ask my colleagues to support this measure.

With that, I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, today I rise in support of the Homes for Heroes Act of 2013 (H.R. 384).

This bill would establish within HUD a Special Assistant for Veterans Affairs to ensure veterans receive fair access to housing and homeless assistance programs and serve as a HUD liaison to the VA.

I am fully committed to strengthening the benefits and fulfilling the obligations a grateful nation owes to its veterans.

The men and women of our Armed Forces unselfishly answer the call of duty to defend our freedom. Congress has a moral obligation to support their returns with housing and other necessities.

I am proud to live in a country that has such brave men and women, and a country where citizens recognize and appreciate the sacrifices our military makes to defend us. I urge my colleagues to stand with our Veterans and support this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCHENRY) that the House suspend the rules and pass the bill, H.R. 384, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

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

□ 1310

## HILL CREEK CULTURAL PRESERVATION AND ENERGY DEVELOPMENT ACT

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 356) to clarify authority granted under the Act entitled ''An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 356

*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 ''Hill Creek Cultural Preservation and Energy Development Act''.

**SEC. 2. CLARIFICATION OF AUTHORITY.**

The Act entitled ''An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes'', approved March 11, 1948 (62 Stat. 72), as amended by the Act entitled ''An Act to amend the Act extending the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah so as to authorize such State to exchange certain mineral lands for other lands mineral in character'' approved August 9, 1955, (69 Stat. 544), is further amended by adding at the end the following:

''SEC. 5. In order to further clarify authorizations under this Act, the State of Utah is hereby authorized to relinquish to the United States, for the benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation, State school trust or other State-owned subsurface mineral lands located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and south of the border between Grand County, Utah, and Uintah County, Utah, and select in lieu of such relinquished lands, on an acre-for-acre basis, any subsurface mineral lands of the United States located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and north of the border between Grand County, Utah, and Uintah County, Utah, subject to the following conditions:

''(1) RESERVATION BY UNITED STATES.—The Secretary of the Interior shall reserve an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 171 et seq.) in any mineral lands conveyed to the State.

''(2) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the United States under paragraph (1) shall consist of—

''(A) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop such mineral resources;

''(B) 50 percent of any rental or other payments received by the State as consideration for the lease or authorization to develop such mineral resources;

''(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

''(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

''(3) RESERVATION BY STATE OF UTAH.—The State of Utah shall reserve, for the benefit of its State school trust, an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq.) in any mineral lands relinquished by the State to the United States.

''(4) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the State under paragraph (3) shall consist of—

''(A) 50 percent of any bonus bid or other payment received by the United States as consideration for securing any lease or authorization to develop such mineral resources on the relinquished lands;

''(B) 50 percent of any rental or other payments received by the United States as consideration for the lease or authorization to develop such mineral resources;

''(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

''(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

''(5) NO OBLIGATION TO LEASE.—Neither the United States nor the State shall be obligated to lease or otherwise develop oil and gas resources in which the other party retains an overriding interest under this section.

''(6) COOPERATIVE AGREEMENTS.—The Secretary of the Interior is authorized to enter into cooperative agreements with the State and the Ute Indian Tribe of the Uintah and Ouray Reservation to facilitate the relinquishment and selection of lands to be conveyed under this section, and the administration of the overriding interests reserved hereunder.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

H.R. 356 is called the Hill Creek Cultural Preservation and Energy Development Act, and it's to promote economic development within the Uintah and Ouray Indian Reservation and to increase funding for public education within the State of Utah, as well as to protect some culturally and environmentally sensitive lands that are within that particular reservation.

This is a bipartisan bill. It's supported by the entire Utah congressional delegation, the oil and gas industry, the Ute Tribe, the Wilderness Society. Actually, everybody with an IQ over 7 is in support of it. It's a noncontroversial measure that will authorize the Secretary of the Interior to resolve a decades-old land tenure issue in a manner that's supported by all parties.

In 1948, Congress extended the Uintah and Ouray Reservation, surrounding about 18,000 acres of school trust lands and mineral leases that were within that portion. In 1955, Congress attempted to solve the dispute amongst some of these lands, and actually failed in doing so. So the Ute Tribe has long protected the southern portion of this Hill Creek area for cultural and environmental reasons. It's also in an area that's known as the Book Cliffs, which is one of the most remote and rugged places within the State of Utah.

The Utah School Institutional Trust Lands Administration, or SITLA, which manages the school lands in Utah, has a constitutional mandate to generate income from trust lands to fund the public education.

So, to achieve the desires of the State, for funding education, and the Tribe, to promote their cultural areas, both parties have worked together in a

cooperative way to craft a plan that authorizes the Secretary to exchange land so that areas that are now with SITLA in the southern part that want to be preserved will be sent over to the reservation.

Areas in the northern part that have mineral resources on them will be given over to SITLA on an acre-by-acre basis. And once the exchange is complete, both the tribe and SITLA will jointly develop oil and gas resources located within the northern portion of Hill Creek and share in that revenue. American taxpayers will also share in the mineral revenue.

So, Mr. Speaker, Congress needs to take note that this model of how you resolve land tenure issues is an extremely effective one. Divisive issues in the past can be resolved through a collaborative process that allows for all points of view to be considered and heard, as was done in this particular bill. In this example, we're able to balance these multiple views and, as a result, we will protect some of our wildest places in Utah and also allow for responsible oil and gas production that will help in funding the education system in Utah.

So I'm hoping to replicate this collaborative model to resolve some of the other longstanding issues that are public land conflicts in my home State of Utah.

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

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

(Mr. SABLAN asked and was given permission to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, H.R. 356 clarifies existing law regarding the Federal Government's authority to permit land exchanges within the boundaries of the Ute Indian Reservation in northeastern Utah and resolve the tribe's split estate problem caused by Federal error over 50 years ago.

The legislation returns the subsurface mineral estate to the Ute Tribe in a portion of its reservation that the tribe considers culturally and environmentally significant and, thus, preserves the area's pristine wilderness from development.

Last Congress, the House passed a virtually identical bill under suspension of the rules by voice vote, and again, I urge my colleagues to support H.R. 356.

Mr. Speaker, I have no further speakers. I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, the State and the tribe have been trying to get Congress to act on this measure for a number of years. It's a widely popular proposal. It's supported by the State. It's supported by local governments. It's supported by the tribes. It is a bipartisan bill, and I urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 356.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## PILOT PROJECT OFFICES OF FEDERAL PERMIT STREAMLINING PILOT PROJECT

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 767) to amend the Energy Policy Act of 2005 to modify the Pilot Project offices of the Federal Permit Streamlining Pilot Project, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 767

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

***SECTION 1. PILOT PROJECT OFFICES OF FEDERAL PERMIT STREAMLINING PILOT PROJECT.***

*Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is amended by striking subsection (d) and inserting the following:*

*''(d) PILOT PROJECT OFFICES.—The following Bureau of Land Management Offices shall serve as the Pilot Project offices:*

*''(1) Rawlins Field Office, Wyoming.*

*''(2) High Plains District Office, Wyoming.*

*''(3) Montana/Dakotas State Office, Montana.*

*''(4) Farmington Field Office, New Mexico.*

*''(5) Carlsbad Field Office, New Mexico.*

*''(6) Grand Junction/Glenwood Springs Field Office, Colorado.*

*''(7) Vernal Field Office, Utah.''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

We are in strong support of this particular piece of legislation, which would be a name change in the Montana Pilot Project office in Billings, Montana, to include the words ''Montana/Dakotas State Office.'' It's extremely important in this pilot process that we don't actually just limit it only to the area of Montana, especially because the area of North Dakota is so important in the development of these pilot projects.

With that, Mr. Speaker, I yield as much time as he may consume to the gentleman from North Dakota (Mr. CRAMER).

Mr. CRAMER. Thanks to my colleague from Utah.

I also want to thank the chairman of the Natural Resources Committee, Mr. HASTINGS, and the ranking member, Mr. MARKEY, and especially thank the chairman of the Subcommittee on Energy and Minerals, Mr. LAMBORN, and the ranking member, Mr. HOLT. We worked together on this, and I'm very proud of the outcome. It's a rather benign bill that has rather major ramifications, I believe.

I also want to thank the leadership at the Bureau of Land Management for not only doing an excellent job in managing the Federal lands in North Dakota, but their support of this bill and their guidance, frankly, in helping to craft it in a way that meets the objectives.

The Energy Policy Act of 2005 established a Federal permit streamlining pilot project to improve the processing of oil and gas applications for drilling on Federal lands. The Montana BLM office in Miles City was included in the pilot project, but what was not known to the drafters of the legislation then was that North and South Dakota are under the direct jurisdiction of that regional office in Miles City. So, without the word ''Dakotas'' in the Energy Policy Act, North Dakota was excluded from this pilot project.

That, in normal times, may not be all that important. But as it turns out, North Dakota really is the heart of the largest oil play and the most exciting oil play going on on the continent.

So the streamlining process itself, I think, deserves some explanation, because I think what I want to do is to calm the fears of anybody that might think we're looking at cutting corners or expediting regulatory process that deserves the rigor that it is receiving.

□ 1320

What the streamlining process does is not cut corners, but rather, it streamlines by co-locating all of the various federal agencies that have jurisdiction, like the EPA, like the Bureau of Land Management, perhaps the USDA and USGS. And by co-locating them, you actually not only enjoy the efficiency of everybody working together in the same place, but you actually get some synergy as well, because you have the experts in the same room on the same plot of land at the same time.

This is a bill, as I said, that doesn't cut corners and streamlines, but it also has broad ramifications because I think that North Dakota is the perfect laboratory for a pilot project like this. The reason I say that is because there's high demand for processing and a lot of applications for drilling on very few acres.

North Dakota is blessed to largely be private and State land, not much Federal land. But there are about 2 million Federal acres that BLM has direct

oversight of; that is to say, we have 2 million mineral acres, and there are over 700 permits or applications for permits to drill on that small plot of land.

In North Dakota, the average number of days for getting a permit processed by the State regulatory body is about 20 days. For the Federal lands, it's anywhere from 225 to 300 or more days. That's too much. I certainly don't advocate, nor do I think anybody else could advocate, streamlining this to the point of where it only takes 10 or 20 days to issue a permit on Federal lands. Clearly, there are 325 million owners of those Federal lands. It requires a more robust environmental protection regime. But we can do better than that, and I think we ought to do better than that.

I think the North Dakota experiment is one that people will look back on and say, that's the way to do it, that's the right way to do it. We in North Dakota care a great deal about our land, about our water, and about our air, and we look forward to working closely with the Federal officials who have an equal care in making this work.

I might also just add that this similar bill was passed last year in the Senate. It did not get a hearing in the House. The same, a companion bill, has been introduced again in the Senate this year by Senator HOEVEN and cosponsored by Senator HEITKAMP. It has bipartisan support in the Senate. It has passed the committee over there. It has not gotten to the floor yet.

So, again, I appreciate the leadership that the chair and ranking members have provided on this and urge my colleagues to pass this important bill.

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

(Mr. SABLAN asked and was given permission to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, H.R. 767 will broaden the geographic reach of a pilot program created in 2005 to provide additional resources to some BLM field offices to permit oil and gas development and conduct environmental reviews.

The Bureau of Land Management has testified that this pilot program has led to increased oil and gas inspection and enforcement capability as a result of hiring more skilled specialists. The Bureau of Land Management has also stated that the increase in inspections has led to better compliance by the industry and a reduction in major violations due to the increased number of inspectors in the field.

We do not oppose this bill, and I ask support for H.R. 767.

Mr. Speaker, at this time, I yield back the balance of my time.

Mr. BISHOP of Utah. It's an excellent bill. I urge adoption of it, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 767, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## AMENDMENT TO PUBLIC LAW 93–435 WITH RESPECT TO NORTHERN MARIANA ISLANDS

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 573) to amend Public Law 93–435 with respect to the Northern Mariana Islands, providing parity with Guam, the Virgin Islands, and American Samoa.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 573

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

**SECTION 1. AMENDMENT.**

(a) IN GENERAL.—The first section and section 2 of Public Law 93–435 (48 U.S.C. 1705, 1706) are amended by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''Guam,'' each place it appears.

(b) REFERENCES TO DATE OF ENACTMENT.—For the purposes of the amendment made by subsection (a), each reference in Public Law 93–435 to the ''date of enactment'' shall be considered to be a reference to the date of the enactment of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Again, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on this bill under consideration.

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

There was no objection.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

This bill is a great bill that treats the Northern Marianas the same way as other colonies by expanding their submerged territorial miles. That would be the same as with American Samoa, Guam, and the Virgin Islands. It is compatible with all other acts. It's a great bill that we passed last year by a very close vote of 397–0.

I urge adoption of this bill again. I hope this time the Senate will be wise enough to pick it up. With that, I reserve the balance of my time.

Mr. SABLAN. I yield myself such time as I may consume.

(Mr. SABLAN asked and was given permission to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, I also rise in support of H.R. 573. The bill conveys to the Commonwealth of the Northern Marianas the 3 miles of submerged lands surrounding each of our 14 islands. I want to thank leaders from both sides of the aisle, Chairman DOC HASTINGS and Ranking Member ED MARKEY of the Natural Resources Committee, and my good friend, Dr. JOHN FLEMING, chairman of the Fisheries, Wildlife, Oceans and Insular Affairs Subcommittee, and my good friend, Mr. BISHOP from Utah, for managing today's bill, all for their support of H.R. 573.

The Northern Marianas is the only coastal jurisdiction that does not have ownership of the submerged lands off its coasts. H.R. 573 corrects that irregularity. It provides the same ownership rights over the submerged lands as are provided by Federal law to Guam, the United States Virgin Islands, and American Samoa.

Today will be the third time that the House will vote to convey these lands. In both the 111th and the 112th Congress, we approved this transfer unanimously. I hope that the House will make the same decision again today.

And I hope that the other body will this time, finally, also agree that the Northern Mariana Islands should have the rights of ownership of our offshore submerged lands and natural resources as other coastal areas of America enjoy.

For thousands of years, the people of the Northern Marianas certainly believed these resources were ours. It was not until a 2005 ruling by the Ninth Circuit Court of Appeals that we were informed that these were not our lands but instead belonged to the Federal Government. We were grateful that there were Members of Congress who quickly responded to our plight, for at the time we had no representation here. Then-Congressman, now-Senator JEFF FLAKE, introduced a bill conveying these lands shortly after the Ninth Circuit ruling.

New Mexico Senator Pete Domenici introduced a companion to the Flake measure. As the first representative from the Northern Mariana Islands, I have continued their work on this issue, as I have said, in the 111th, the 112th, and now in the 113th Congress.

In summary, H.R. 573 costs nothing. Congress has the constitutional authority to enact it. The bill will simply provide parity—the ownership and responsibility for submerged surrounding lands and waters that every other coastal area of our Nation enjoys.

I want to thank all 36 Members who are cosponsors of this bill, and I ask that my colleagues here today support H.R. 573.

Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, it's a great bill. Let's hope the third time is the charm in the process. I urge support of this bill and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 573.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## RECESS

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

Accordingly (at 1 o'clock and 29 minutes p.m.), the House stood in recess.

□ 1704

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 5 o'clock and 4 minutes p.m.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, May 15, 2013.*

Hon. JOHN A. BOEHNER,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 15, 2013 at 4:23 p.m.:

That the Senate passed S. 601.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
*Clerk.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 767, by the yeas and nays;

H.R. 701, by the yeas and nays;

H.R. 384, by the yeas and nays.

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

## PILOT PROJECT OFFICES OF FEDERAL PERMIT STREAMLINING PILOT PROJECT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 767) to amend the Energy Policy Act of 2005 to modify the Pilot Project offices of the Federal Permit Streamlining Pilot Project, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 415, nays 1, not voting 16, as follows:

[Roll No. 147]

YEAS—415

Aderholt
Alexander
Amodei
Andrews
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Beatty
Becerra
Benishek
Bentivolio
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cárdenas
Carson (IN)
Cartwright
Cassidy
Castor (FL)
Castro (TX)
Chabot
Chu
Cicilline
Clarke
Clay
Cleaver
Coble
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Cotton
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Cummings
Daines
Davis (CA)
Davis, Danny
Davis, Rodney
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Doyle
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Himes
Hinojosa
Holding
Holt
Honda
Horsford
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
LaMalfa
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meeks
Meng
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Negrete McLeod
Neugebauer
Noem
Nolan
Nugent
Nunes
Nunnelee
O'Rourke
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters (CA)
Peters (MI)
Peterson
Petri
Pingree (ME)
Pittenger
Pitts
Pocan
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Radel
Rahall
Rangel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schock
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stewart
Stivers
Stockman
Stutzman
Swalwell (CA)
Takano
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Titus
Tonko
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walorski
Walz
Waters
Watt
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NAYS—1

Amash

NOT VOTING—16

Bass
Burgess
Campbell
Carney
Carter
Chaffetz
Clyburn
Culberson
DeFazio
Johnson (GA)
Markey
Quigley
Richmond
Scott, David
Wasserman Schultz
Waxman

□ 1729

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, May 15, 2013.*

Hon. JOHN BOEHNER,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the Certificate of Election received from the Honorable Mark Hammond, Secretary of State of South Carolina, indicating that, at the Special Election held on May 7, 2013, the Honorable Mark Sanford was duly elected Representative in Congress for the First Congressional District, State of South Carolina.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
*Clerk.*

Enclosure.

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THE STATE OF SOUTH CAROLINA

By Her Excellency

The Governor and Commander-In-Chief In and Over the State Aforesaid

CERTIFICATE OF ELECTION FOR TWO-YEAR TERM

To the Clerk of the United States House of Representatives

This is to Certify Pursuant to South Carolina Code §7–17–330 that on this Seventh Day of May, 2013 Mark Sanford, First Congressional District, was duly chosen by the qualified electors of the state of South Carolina as representative in Congress from said state to represent said state in the House of Representatives of the United States for the term of two years, beginning on the fifteenth day of May 2013.

Witness: Her Excellency our Governor Nikki Haley, and our seal hereto affixed at Columbia, South Carolina this fourteenth day of May, in the year of our Lord, 2013.

NIKKI R. HALEY,
*Governor.*

MARK HAMMOND,
*Secretary of State.*

[State Seal Affixed]

## SWEARING IN OF THE HONORABLE MARK SANFORD, OF SOUTH CAROLINA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will Representative-elect Sanford and the members of the South Carolina delegation present themselves in the well.

All Members will rise and the Representative-elect will please raise his right hand.

Mr. SANFORD appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 113th Congress.

## WELCOMING THE HONORABLE MARK SANFORD TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from South Carolina (Mr. WILSON) is recognized for 1 minute.

There was no objection.

Mr. WILSON of South Carolina. Mr. Speaker, South Carolina is very fortunate. Due to the quality of life in South Carolina, tens of thousands are moving to the Palmetto State from the Midwest and Northeast, and from around the world.

South Carolina has gained a new seat in Congress to include the communities of Myrtle Beach and Florence, now held by TOM RICE. This new Seventh District rotated all districts, creating a unique district of the First. The First District of South Carolina is virtually 10 miles wide along the Atlantic Coast from McClellanville in Charleston County to Defauskie Island in Beaufort County. It's a special district to TOM and myself in that we were both born in Charleston, America's most historic city. The district is a composite of America.

In the district's first election, TIM SCOTT was elected as only the second African American from South Carolina elected to Congress in 100 years. We are grateful Governor Nikki Haley appointed Congressman TIM SCOTT to serve in the U.S. Senate. This created a replacement primary with 16 participants, the largest number ever in a congressional primary.

We are here today to recognize the survivor of the primary, run-off, and general election—Congressman MARK SANFORD.

I yield to Congressman DAVID PRICE of North Carolina.

Mr. PRICE of North Carolina. I thank the gentleman for yielding.

Mr. Speaker, I rise in place of the dean of the South Carolina delegation, Congressman JIM CLYBURN, who is away this week on family medical leave, and asked me to read this statement:

Swearing-in Day is always about new beginnings. In that spirit, I want to extend the hand of collegiality to Mark Sanford as he begins a new chapter of service to the people of South Carolina and this great country in the U.S. House of Representatives. Though our past differences have been widely chronicled and we bring different sets of experiences to the public square, I will always work to find common ground as we fulfill our duties and responsibilities to the people who sent us here.

Mr. Speaker, MARK SANFORD's colleagues in the Carolinas delegations join Mr. CLYBURN in wishing MARK well and welcoming him back to the House.

Mr. WILSON of South Carolina. I yield to Congressman MARK SANFORD of the First District of South Carolina.

Mr. SANFORD. Mr. Speaker, ladies and gentlemen of the House of Representatives of the United States Congress, I look forward to working with each one of you. Republican and Democrat, different perspectives we may hold, but at the end of the day we are here to represent the people of South Carolina, and I look forward to going about that business with you.

I see friends, like ELIOT ENGEL, who were so kind to call me in the wake of the events of 2009, Democrat that he may be. I see a whole host of Republicans, long friends; and it is, indeed, an honor to be back with each one of you.

I look forward to working with you on a whole host of issues. Obviously, the greatest among them for me will be efforts to get our financial house back in order here in Washington, D.C. But above all else, here on this day, I am simply humbled to be here.

Each one of our lives involves different journeys, but on that journey I think that we can, in essence, be taken to places wherein we develop levels of appreciation perhaps that we never had before.

And so I stand here before each one of you more appreciative than I ever could have been for the honor of working with each one of you here in the United States Congress, the Congress of the Nation most blessed of all nations here on this Earth. I stand before you most appreciative of the people of the First Congressional District of South Carolina that JOE just alluded to, a people who have taught me a whole lot about love and humility, about wisdom, and about grace. I stand before you, I guess, with a whole new appreciation, indeed, for a God of second chances, and how in the events of our lives, up or down they may be, how every one of us can be refined as human beings in that process. I stand before you as a human being most appreciative in whole new ways for the significance of family and friends.

In that regard, I see Belen up there; I see my sons Marshall and Landon; I see my sister Sarah and her husband, Bill; I see my mom, Peg; I see a long list of different friends.

□ 1740

I would thank them for their presence here to share this day. I would thank a long list of friends, whether that's Buff Chace, whom I've known for the whole of my life, or somebody like Joe Taylor, who was my Secretary of Commerce while I was Governor.

In essence, each one of them is an emissary, a representative, to thousands who were so kind to hold me up through the last couple of years and to be instrumental in this election that brought me to this very place. Above all else, though, I am simply humbled to be here, and I look forward to working with each one of you.

Mr. WILSON of South Carolina. Mr. Speaker, I yield back the balance of my time.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from South Carolina, the whole number of the House is 434.

## RULEMAKING DEADLINE EXEMPTING CERTAIN SECURITIES

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 701) to amend a provision of the Securities Act of 1933 directing the Securities and Exchange Commission to add a particular class of securities to those exempted under such Act to provide a deadline for such action, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. MCHENRY) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 6, not voting 11, as follows:

[Roll No. 148]

YEAS—416

Aderholt
Alexander
Amash
Amodei
Andrews
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Bass
Beatty
Becerra
Benishek
Bentivolio
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cárdenas
Carson (IN)
Carter
Cartwright
Cassidy
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu
Cicilline
Clarke
Clay
Cleaver
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Cotton
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Cummings
Daines
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DesJarlais
Deutch
Diaz-Balart
Doggett
Doyle
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Himes
Hinojosa
Holding
Horsford
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
LaMalfa
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meeks
Meng
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Napolitano
Neal
Negrete McLeod
Neugebauer
Noem
Nolan
Nugent
Nunes
Nunnelee
O'Rourke
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters (CA)
Peters (MI)
Peterson
Petri
Pingree (ME)
Pittenger
Pitts
Pocan
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Radel
Rahall
Rangel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schiff
Schneider
Schock
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stewart
Stivers
Stockman
Stutzman
Swalwell (CA)
Takano
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Titus
Tonko
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walorski
Walz
Waters
Watt
Waxman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NAYS—6

Cohen
Dingell
Holt
Maffei
Nadler
Schakowsky

NOT VOTING—11

Campbell
Carney
Clyburn
Culberson
Gohmert
Grayson
Green, Gene
Honda
Markey
Quigley
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). There is 1 minute remaining.

□ 1746

Mr. HOLT changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 148, had I been present, I would have voted "yea."

## HOMES FOR HEROES ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 384) to establish the position of Special Assistant for Veterans Affairs in the Office of the Secretary of Housing and Urban Development by transferring the Special Assistant for Veterans Affairs to the Office of the Secretary of HUD, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCHENRY) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 3, not voting 10, as follows:

[Roll No. 149]

YEAS—420

Aderholt
Alexander
Amodei
Andrews
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Bass
Beatty
Becerra
Benishek
Bentivolio
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cárdenas
Carson (IN)
Carter
Cartwright
Cassidy
Castor (FL)
Castro (TX)
Chabot
Chaffetz
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Clarke
Clay
Cleaver
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Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Cotton
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Cummings
Daines
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Doyle
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)

Grijalva
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
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Hinojosa
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Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
LaMalfa
Lamborn
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Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meeks
Meng
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Negrete McLeod
Neugebauer
Noem
Nolan
Nugent
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Nunnelee
O'Rourke
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters (CA)
Peters (MI)
Peterson
Petri
Pingree (ME)
Pittenger
Pitts
Pocan
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Radel
Rahall
Rangel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schock
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stewart
Stivers
Stockman
Stutzman
Swalwell (CA)
Takano
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Titus
Tonko
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walorski
Walz
Waters
Watt
Waxman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NAYS—3

Amash
Broun (GA)
Rokita

NOT VOTING—10

Campbell
Carney
Clyburn
Culberson
Holt
Markey
Miller, George
Quigley
Rush
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1753

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''to transfer the position of Special Assistant for Veterans Affairs in the Department of Housing and Urban Development to the Office of the Secretary, and for other purposes.''

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CARNEY. Mr. Speaker, I wish to clarify my position for the RECORD on rollcall votes 147 through 149 cast on May 15, 2013.

On rollcall vote No. 147, on consideration of H.R. 767 I did not vote. It was my intention to vote "aye."

On rollcall vote No. 148, on consideration of H.R. 701 I did not vote. It was my intention to vote "aye."

On rollcall vote No. 149, on consideration of H.R. 384 I did not vote. It was my intention to vote "aye."

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 45, REPEAL OF PATIENT PROTECTION AND AFFORDABLE CARE ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 113–59) on the resolution (H. Res. 215) providing for consideration of the bill (H.R. 45) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1062, SEC REGULATORY ACCOUNTABILITY ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 113–60) on the resolution (H. Res. 216) providing for consideration of the bill (H.R. 1062) to improve the consideration by the Securities and Exchange Commission of the costs and benefits of its regulations and orders, which was referred to the House Calendar and ordered to be printed.

## RECOGNIZING CLARA BANCROFT

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

Mr. TIPTON. Mr. Speaker, I rise today to recognize Clara Bancroft of Durango, Colorado. Clara is one of the exceptional stories to come out of our Nation's complex immigration system. An Argentine by birth, Clara chose to pursue a United States citizen residency and eventual citizenship. She did so entirely within the legal immigration system.

Born in Las Garcitas in the Chaco province of northern Argentina in 1967, Clara was the ninth of 13 children. Her parents were poor ranchers who often struggled to afford food, and her childhood home had no electricity. When Clara was only 8 years old, she had to leave school and become the sole caretaker for her grandmother. After the passing of her grandmother, she moved to Buenos Aires at the age of 16, where she worked as a nanny and returned to school. In 2001, while working as a receptionist at the BV Group, she met her soon-to-be husband, Paul Bancroft.

In February of 2002, Clara came to visit her future husband as a tourist under the U.S. visa waiver program. While she was in America, that program was unexpectedly ended with Argentina. Respecting U.S. immigration law, Mrs. Bancroft returned to her home country as she worked to be able to get her visa. While still navigating the immigration system, Mr. and Mrs. Bancroft were married in October of 2002, and after nearly a year of legal battles, Mrs. Bancroft returned to the United States and reunited with her husband in January of 2003.

Since coming to America, Mrs. Bancroft has learned English, and in 2008 the Bancrofts welcomed their son, Bill, into their family. On November 15, 2012, Clara took the oath of citizenship in the United States. She is a proud citizen and loves her adopted country.

Mr. Speaker, it is an honor to recognize Mrs. Clara Bancroft for overcoming adversity and achieving the American Dream by becoming a citizen of the United States of America.

□ 1800

## ADDRESSING CLIMATE CHANGE

(Mr. BEN RAY LUJÁN of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, the news that carbon dioxide in the atmosphere passed 400 parts per million for the first time in human history should serve as a wake-up call that we can no longer ignore the threat of climate change. Now, I know there are some that still don't believe in science and still believe that climate change isn't real, but we should all agree that this is a problem that we have to confront.

Addressing climate change is not only important for our environment, but also for our economy. Creating a clean energy economy powered by

solar, wind, and other renewable resources will spur new jobs, new technological advancements, and grow our economy.

In order to ensure that we can compete and win in the global market to develop clean energy technologies, it is vital that we have a trained workforce ready to work. That's why this week I reintroduced the Community College Energy Training Act, legislation to support clean energy job-training programs in our community colleges. Community colleges play an integral role in training and retraining Americans who want to get ahead and learn the skills that will open up new opportunities.

By investing in training programs in the clean energy sector, we can lay the foundation for success in a field that holds such great potential and prepare our students for the good jobs of tomorrow.

## FEDERAL GOVERNMENT ESCAPE ARTISTS

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

Mr. POE of Texas. Mr. Speaker, there's a troubling pattern here in Washington. When wrongdoing occurs involving Federal Government employees, blame falls away from the White House and the wrong-doers get a pass. No one is held accountable.

Exhibit A: Fast and Furious. Government walks guns into Mexico. Two Americans and hundreds of Mexican nationals are killed. White House blames Bush and a low-level employee. Employee resigns; government gets a pass.

Exhibit B: Benghazi. Government denies request for support before and during the attack. Four Americans are killed. Investigation is bungled. Blame is placed on a YouTube video. One Federal employee placed on leave, but still getting a paycheck. Government gets a pass.

Exhibit C: IRS target list. IRS unlawfully targets conservative organizations. Blame is placed on low-level employee, and we're waiting for accountability.

Exhibit D: DOJ subpoenas reporters' phone records to silence a leak. Attorney General Holder recuses himself. We're waiting for who's responsible.

Mr. Speaker, this is a disturbing pattern. The so-called most transparent administration in history appears to be obstinately blocking the truth from the American public. America is tired of unaccountable escape artists in the Federal Government.

This ought not to be, but that's just the way it is.

## MILITARY MENTAL HEALTH AWARENESS DAY

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

Mr. PETERS of California. Mr. Speaker, today I rise to honor Military Mental Health Awareness Day. Mental health issues continue to carry a significant stigma in our country, but it is time that we recognize the challenges that many current servicemembers and veterans are facing, and we work to address their needs.

Post-traumatic stress is all too prevalent in our servicemembers and veterans. As a country, beyond partisanship, we must come together to tackle this issue. Our men and women in uniform deserve our dedication, just as we ask them to dedicate their lives to our Nation's service.

In San Diego, nearly 5,000 veterans were treated for post-traumatic stress in 2011 according to the VA. We are fortunate in San Diego to have medical institutions that provide innovative models of care to our servicemembers and veterans; and it is my hope that with further attention to this issue, we can bring some of those standards of care to the rest of the country.

Mr. Speaker, I ask my colleagues to help me bring attention to this issue by working with service providers, counselors, and military groups in their communities as we continue to honor the sacrifices these servicemembers make for us.

## FARRM ACT OF 2013

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today the House Agriculture Committee is marking up a 5-year farm bill reauthorization, the Federal Agriculture Reform and Risk Management Act of 2013, or FARRM Act.

The FARRM Act is a commonsense package of agriculture reforms that will save taxpayers nearly $40 billion while strengthening the economic health of our family farms and small businesses. The bill is the product of a multiyear policy assessment designed to modernize Federal agriculture policy and achieve substantial deficit reduction.

The FARRM Act delivers on both fronts, while offering American agriculture the tools to grow and prosper. The bill reduces regulatory burden on small businesses and makes needed reforms to nutrition assistance programs. It will help protect our forests and better manage our lands.

Mr. Speaker, we can no longer allow partisan gridlock to prevent this reauthorization from becoming law. The bill is good for the economy. It promotes jobs and growth. It achieves deficit reduction. And it secures the ability of American agriculture to continue providing the safest and most abundant food supply in the world.

## NATIONAL POLICE WEEK

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

Ms. GABBARD. Mr. Speaker, I rise today to honor the brave men and women who serve in our police forces. Every day, police officers put their own lives in danger in order to keep our families safe. Many have made the ultimate sacrifice in the line of duty.

This week, we celebrate our local heroes during National Police Week. In order to support the National Law Enforcement Memorial, my sister Davan, a deputy U.S. marshal, joined more than 1,800 officers last weekend in a 300-mile memorial bike ride from New Jersey to Washington, D.C. She honored the memory of three Hawaii officers killed in the line of duty last year: Eric Fontes, Chad Morimoto, and Garret Davis. They've been honored on the national memorial's wall; and in Hawaii, we're working to establish a local memorial, which will be the last State in the country to do so.

Today, I honor these everyday heroes and their families for their unwavering dedication to the safety and service of others.

## DEFENSE AND VETERANS APPROPRIATIONS

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

Mr. FORTENBERRY. Mr. Speaker, America wants Congress to get things done, and lately that's been pretty tough. A deep philosophical divide often separates us, but there are certain things that have to get done. The military has to protect our country, and America has to care for her veterans.

While Congress is stuck in many areas, both parties this morning took a unified step forward in defense of our country and in service to our veterans. Mr. Speaker, in a small hearing room right below here, the Military Construction and Veterans Appropriations Committee said ''yes'' in a bipartisan manner to meet our Defense Department infrastructure needs and to properly care for our veterans.

The bill spends a little less than the President asked for and a little more than last year. Projects not justified are removed, others are properly funded. The bill also compels both the Department of Defense and Veterans Affairs to use a single integrated electronic health record, ensuring a seamless transition of care for our warfighters leaving service.

Mr. Speaker, this morning we got to a ''yes'' on that which is essential and right.

## CONGRESSIONAL BLAME GAMES

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

Ms. JACKSON LEE. Mr. Speaker, this almost seems like the ''Curious Case of Benjamin Button,'' a movie that went backwards, particularly when tomorrow, for the umpteenth time, we'll be debating the repeal of the Affordable Care Act, when over 10 States in the United States, including Texas, have uninsureds up to 28 percent.

What are we thinking?

It's a curious state when, in the Judiciary Committee, someone can come in and offer an audio as testimony that the person who is on there happens to be someone who worked in the Department of Justice with no affirmation of who it is, and then expect the Attorney General to answer questions. And in the instance of who it was supposed to be, Mr. Perez, who has been cited by the OIG as restoring integrity to the voting rights section, or in fact blaming the administration for the Associated Press incident when we're talking about trying to protect the Nation from a terrible attack as it relates to terrorism. And everyone knows that we're unified in protecting the First Amendment rights and shielding reporters. We're not looking for reporters; we're looking for those who leaked something dangerous enough to undermine the security of the United States of America.

This is a curious place. It's nothing but a blame game without revealing any truth whatsoever.

□ 1810

## RELIGIOUS FREEDOM AND THE PENTAGON

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

Mr. FLEMING. Mr. Speaker, I want to be certain that the administration and Pentagon leadership do not deny our men and women in uniform one of the very freedoms they are fighting to protect.

On Monday, I led on a letter sent to Defense Secretary Hagel demanding details about a meeting between Pentagon officials and anti-Christian extremist, Mikey Weinstein. Weinstein has spent 9 years at war, those are his words, at war with evangelical Christians, who, he says, are committing ''spiritual rape'' against the U.S. military, Christians who are merely exercising their First Amendment right, or primary duties, in the case of chaplains.

Mr. Weinstein exploits freedom of speech to name-call and to label Christians as the ''Christian Taliban'' and ''al Qaeda.'' But he seeks to shut down the religious freedom of expression of servicemembers in the process.

I am troubled with several anti-Christian steps the Pentagon has taken in recent years. That is why my colleagues and I seek answers from Secretary Hagel on this important question now.

## NATIONAL LAW ENFORCEMENT WEEK

(Mrs. BROOKS of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BROOKS of Indiana. This week is National Law Enforcement Week and, as chair of the Homeland Security Committee's Emergency Preparedness, Response, and Communications Subcommittee, and as someone who's worked closely with law enforcement as a former deputy mayor of Indianapolis and U.S. Attorney, I want to mark this moment.

Men and women of law enforcement run into the most difficult situations while the rest of us are trying to get out. They spend their lives in harm's way to keep the rest of us out of it.

When I toured the flood damage just last month in Grant, Howard and Tipton counties, I learned the police had gone door to door to make sure that everyone had evacuated.

When I was U.S. Attorney, I spoke at the funeral of Officer Jake Laird, who was shot and killed by a mentally ill gunman. Officers ran in to save a neighborhood under siege.

Historically, Indiana law enforcement has lost 406 individuals in the line of duty. These men and women gave their lives for their fellow Hoosiers. We are forever grateful to them and to their survivors, and honor their memories by supporting and honoring their service and those who proudly wear the badge.

## SERIOUS CONSEQUENCES OF THE IMPLEMENTATION OF OBAMACARE

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

Mr. MARCHANT. Mr. Speaker, it seems like each day a new study or report is released that finds serious consequences coming from ObamaCare's implementation.

The law is already hurting job creation. This was evidenced in the latest jobs report, which showed an increase in the number of part-time workers and a decrease in the average number of hours worked each week.

This law is also raising insurance premiums, increasing deficits, and will reduce the quality of health care for Americans across the country.

Opposition to this law is bipartisan. In fact, a recent Fox News poll found that 56 percent of people that identified themselves as Democrats were against the thousands of pages of ObamaCare regulations and called them ''way over the top.''

We must now repeal this law and get to work on reforms that lower costs, improve the quality of care, and protect jobs.

## WHY THE AFFORDABLE CARE ACT MUST BE REPEALED

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

Mr. MURPHY of Pennsylvania. Mr. Speaker, we're here tonight to talk about health care, something that is important to all of us, something that we have been discussing in this Chamber for the last few years, trying to make health care affordable and accessible to many American families.

A couple of years ago, out of this Chamber, a bill was passed, one that many didn't even get a chance to read. But we were told, in preparation for that, the American people were told there would be tremendous benefits to passing the President's health care law. The President of the United States himself said it would cut health care costs by $2,500 per family per year.

We were also told there are a number of benefits, such as no lifetime caps, a number of prevention benefits, certainly ones that many of us agree with. But to get the benefits of the health care bill, we were also told by then-Speaker PELOSI that we had to pass the bill to find out what is in it. We have, since then, found out many of the things that are in it, and many of those we are still discovering as time goes on.

Tonight we'll discuss what is the Affordable Care Act and many aspects of it that concern us deeply, and why it must be repealed, because just the good intentions of the bill are not enough. Good intentions do not guarantee good results.

What we will discuss tonight is a study that has told us some shocking information: how premiums will go up, on average, 96 percent, even more so for young men and for women before retirement.

We will discuss new findings that show massive premiums increases for families, for individuals, for small businesses across the country. To many of these Americans, they will wake up, when they get their health care bills, and find the Affordable Care Act is not affordable.

But first, let us review again some of the promises and the reality of that Affordable Care Act. To seniors, the President's promised that these reforms will not cut your guaranteed benefits. What we've discovered is that there were more than $500 billion in cuts to Medicare that the administration's own actuary predicts will lead to providers no longer accepting Medicare, meaning that doctors that seniors have been seeing for a while will simply say, we can no longer afford to provide this.

The nonpartisan Congressional Budget Office predicted that, for Medicare Advantage, these cuts ''could lead many plans to limit the benefits they offer, raise their premiums, or withdraw from the program.''

It's important to understand that Medicare Advantage is the program that provides a wide range of preventative services and disease management

for seniors. The very things that people talked about what we should be doing for health care will be omitted. Translation means that Medicare savings come from cutting payments to doctors and hospitals.

We've also known that this Independent Payment Advisory Board is a problem, also known as IPAB. This 15-member appointed board of which, by law, a majority of them may not be in the health care field, will make additional cuts to Medicare without any Congressional approval or appeal, unless the House and the Senate pass legislation and the President signs it into law. So literally, it would take an act of Congress to change some of these aspects that this independent board will make decisions on with regard to payments and coverage.

The President also promised, ''If you like your health care plan, you'll be able to keep your health care plan, period. No one will take it away, no matter what.''

But here are some of the facts we've discovered since the bill has passed. The nonpartisan Congressional Budget Office predicted 3 million to 9 million individuals would lose their employer-sponsored coverage. McKenzie Consulting actually has come up with much higher numbers, saying workers losing their employer coverage could be as high as 80 to 100 million.

Over 1,400 waivers had to be granted to employers so they could opt out of this legislation. The Health and Human Services Department had to grant pardons to large businesses like McDonald's, Universal Studios, and labor unions. It is estimated that these waivers cover 3.2 million people.

And Speaker PELOSI said the bill would create 400,000 jobs almost immediately. Let's look again at the results now that the bill is law. The Congressional Budget Office predicted the law will result in 700,000 additional Americans unemployed, 700,000 additional Americans unemployed.

The National Federation of Independent Business predicted the bill will cause a loss of over 1.4 million jobs.

A new insurance tax will also impact a number of private sector jobs, estimated to be between 146,000 to 262,000 jobs, by 2022. And 59 percent of these job losses come from small businesses, the backbone of our Nation's growth, where so many moms and dads and young men and women have their jobs and get their start.

□ 1820

Those small companies, those neighborhood companies, those ones that have the big impact, that sponsor everything from the Little League games to church events as well, many of these businesses are going to say, We just cannot grow and create new jobs. Many worry how they're going to keep workers employed. Many worry how they're going to afford health care coverage for their workers, and many of those workers are wondering if they can keep their job.

The President also said:

> I can make a firm pledge that under my plan no family making less than $250,000 a year will see any form of tax increase, not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

Let's now talk about the facts.

There are over $835 billion in taxes that will be passed on to families in the form of higher premiums and higher costs. Let's look at some of those taxes. There will be an increase in the Medicare payroll taxes and an increase in other unearned taxes. These Medicare taxes will be a total amount of $317 billion in taxes that people will see coming off of their paychecks. Indeed, they will see them on their paychecks.

There's a medical device tax. All those medical devices that doctors and dentists use to care for you, that will be a new tax. And even though they say this tax will be paid by the manufacturers, those taxes, indeed, will be passed on in terms of higher costs. Those medical devices so critical for the doctors and nurses to provide good health care for you, that will increase their costs.

There will be a health insurance tax, a health insurance tax on the health insurance companies themselves and on the policies. That will be $101 billion.

There will also be the individual mandate tax, saying that if you do not have coverage, you will pay an additional tax. That's $55 billion.

And, of course, if your employer decides to give you a high-level health care plan that covers so many of the things that people want in terms of their doctors' fees, their hospital stay, dental, other medical, eyeglasses, prescription drugs, those may be now labeled as a Cadillac plan, and those will be taxed with a 40 percent excise tax that each family will have to pay in their health insurance, total being about $111 billion on that alone.

These taxes will indeed cost health care more. There will be higher taxes for families who will be paying out of their paycheck. There's no escaping this part that even though people were told they will not pay higher taxes, indeed they will.

But now the Energy and Commerce Committee has also done a study, and we're going to talk about what's going to happen with premiums in this, because the President said that his plan:

> not only guarantees coverage for every American, but brings down the cost of health care and reduces every family's premium by as much as $2,500.

Even after the bill passed, more promises were made about the benefits of the law. In July 2012, President Obama promised that once the Affordable Care Act has been ''fully implemented, your premiums will go down.'' They have not. In fact, since the Affordable Care Act has passed, people have seen their premiums go up by thousands of dollars. We now have the data showing premiums, in fact, will go up even more, and quite dramatically for millions and millions and millions of individuals, families and small businesses across the country, and large businesses as well.

Let me describe the study that the Energy and Commerce Committee performed, submitting letters on March 14 of this year from the Oversight and Investigations Subcommittee.

We sent 17 health care insurance companies requests on information about the Affordable Care Act. We asked them, How would it affect premiums? We asked them to tell us the information that they already have. What numbers did they come up with? What are their analysts telling them already it's going to cost in terms of new premiums?

We didn't request the companies create new information, and we didn't ask them to make anything up. We said very specifically, Tell us what you see is going to happen. And we said, Submit your existing analysis to us so we can capture the purest representation of the impact of the Affordable Care Act. Simply said, what is it going to cost families?

As insurers are currently filing their applications to participate in the exchanges, that prediction phase is over, and now we can find out what was in the health care bill and what it will cost families. We went straight to the source to find out what it will be for America's families, and here is what we found out.

First of all, we noted that health care is going to cost, on average, 96 percent more for people who are going to get a new health insurance plan, 73 percent more for those keeping their insurance, and as much as 413 percent more based on age and the plan mandates.

Now, this is important because what this means, basically, is that young men will see a large increase in their health insurance rates. Women who are nearing retirement age will also see a large increase in their insurance rates. Let's go through what some of the reasons for this are.

What was provided to us, for example, by one actual insurance company analysis said that, as you start to look through these cost increases, what may be a new business or an existing one for your employer, there are several essential benefits. Now, up to this point, people have been able to choose a plan based upon its affordability; but instead, what it's going to be is all plans have to look the same. Now, in that sense they say that that increase can be about 15 percent more.

Now, in addition, for the minimum coverage, about 8 to 10 percent more, there will be other guaranteed issues. Removal of any underwriting actions, that will be about another 65 percent to 10 percent. There will be insurer fees. There will be other things like risk adjustment transfer payments, reinsurance risk adjustment, and other effects small employers will have.

Those will also go up by as much as 35 percent.

There will also be an average start—look at the average starting member cost premium per member per month will be $158. And if you're just doing it on what's called the bronze level, the very low level, which would pay 60 percent premiums, that's about $182 more per month up to $200 per month. There are multiple other fees in this.

Basically, what this comes down to is, for those who are new businesses, newly in the plan, 96 percent higher costs; for those who have an established one, about 73 percent higher costs; and in some levels, as high as 413 percent higher.

On a broader sense, to look at how much this will cost you, in 45 States that were analyzed, 35 percent of the market will see a premium increase of greater than 30 percent. Now, what we see here, some States will be less than 10 percent, some States will be greater than 30 percent, some will see 20 to 30 percent, and some will be 10 to 20 percent.

Let's look at some of the individual States.

Now, in these States, I'm just going to pick out a few here to describe. For example, in the State of Georgia, potential premium increases range from 48 to 63 percent in the individual market and 25 percent in the small group market; meaning, if you're buying on your own, it's going to be much higher than if you're in a small group, but still it's pretty considerable.

Indiana, one insurance company said it would be 100 percent increase in the small group market. Illinois, potential premium increases from 27 to 61 percent in the individual market and 25 percent in the small group market.

Look at Nevada, potential premium increases 31 percent; Michigan, 25 to 88 percent for males, and the individual market with premiums to vary greatly throughout the State. In the small group market, an estimated 44 percent of plans will see some decrease in some cases and other areas seeing an increase.

In my State of Pennsylvania, there's an average increase of 30 percent in the individual market and 27 percent in the group market.

Tennessee, which has already had problems over the years with TennCare, will see a potential premium increase of 49 to 54 percent in the individual market and 35 percent in the small group market.

The lists go on and on. We bring this out so the American people can understand that when people say, if you thought health care costs were expensive, wait until you see what they're costing when they're free, quite frankly, there is no free ride on this.

Now, admittedly, some will have some subsidies on this. About 8 percent of those will have some level of subsidy, which will help to offset some of these costs, but many people will not have these subsidies at all.

At this point, I'd like to ask some of my colleagues up to talk about some of these things. On my left is Congresswoman SHELLEY MOORE CAPITO of West Virginia to talk about what this means in terms of the costs for some employees in her State.

□ 1830

Mrs. CAPITO. I'd like to thank my colleague from Pennsylvania. And I'm glad we're talking about this because tomorrow I intend to vote again to repeal ObamaCare and put an end to what its lead author himself said is a ''train wreck.''

I'd like to read an email that I received about 2 or 3 weeks ago:

> I own a daycare center (260 children and 73 staff). Been in business 24 years. I just got the info on ObamaCare from my insurance company. The numbers will cause me to close my business. How can my own government do this? I have worked hard to have a first-rate child care center, seldom taking vacations and easily putting in 10 hours a day year-round. I have always done the right thing for my employees and clients. This is so discouraging to me. Is there any way to fix this?

So I visited the daycare center and talked with the owner of the business. If she moves forward and doesn't offer insurance, she is going to have to pay $83,000 a year in penalties. She cannot afford this.

So what are her options? She's looking at going from 73 employees down to below 50. Well, that's 24 jobs right there that she's talking about cutting. But let's think of the further implications of cutting 24 jobs in a daycare center. It's over 70 children who are no longer going to have good, high-quality daycare in her small business. She's worked hard for 24 years and she doesn't understand.

She tells me most of the people in her business now have insurance. Those who aren't, because they work at the lower wage scale, are able to access Medicaid and have other health care available to them. She's very, very discouraged.

Another business person in my State of West Virginia just sent me his tax collection for next year for the ObamaCare health plan. He has 105 people. His premiums are going to go up $180,000 more a year. His annual premium in a small business like this is $788,000–$180,000 more than it was the previous year. And this is for a plan that has a $3,000 deductible, which is going to break the back of a lot of employees in his business.

His change? We heard from the gentleman from Pennsylvania that we were promised that premiums would not go up, that it was going to be affordable and premiums would come down. His premiums have gone up 30 percent.

We've already talked about how many folks across this country are going to lose their coverage, how many are going to lose their jobs. These are just two small businesses that are thinking about either cutting their full-time employees down to part time to try to get under the threshold—which means that employee has to go out and find another job to supplement the income to be able to have enough income to sustain their families.

We also learned, as the report from the Energy and Commerce Committee has stated, that for younger people and people going on the individual market, the premiums are going to be 96 percent higher. We've also learned that 80 percent of single adults between the ages of 21 and 29, with incomes at just $16,500, will pay more for their health care than they do today. It's very discouraging to hardworking folks.

I was reading The Wall Street Journal the other day and saw an op-ed by Dr. Ezekiel Emanuel, who I think played a large role in creating ObamaCare. He noted that the exchanges would only work if younger Americans decided to participate. The gentleman from Pennsylvania has just pointed out that the younger working population is the one where the premium increase is going to hit the hardest.

But he further suggests that the President, through the force of his popularity with younger Americans—because they voted for him—could convince them to sign up for health plans because of the popularity of the President. It's difficult to encourage people through a sheer force of personality to act against their own economic instincts. I mean, we're talking about young people that will go across the street—and most people in America that will go across the street—to save a nickel on gasoline even if their dad owns the gas station on the other side. In my view, this just doesn't even hit reality of what's actually going to happen with our young people.

He further states that health insurance needs to be seen as an individual responsibility. You know what? Health insurance right now is an individual responsibility in this country. But instead, purchasing insurance after January 1 will be a requirement imposed by Big Government.

I have shared the concerns of mine. We've talked about the taxes. As I was reading through the renewal summary of the small business that has 105, he has three taxes listed here that his insurance company has enumerated for him:

One is the annual fee on health insurance providers called an insurance fee. This is a nondeductible excise tax applied on health insurance to help finance ObamaCare.

Number two, Patient-Centered Outcomes Research Trust Fund. This provides funding for an institute to assist patients, clinicians, purchasers and policymakers to make informed health decisions.

The other is a transitional reinsurance contribution for those who are in high-risk pools.

This is added tax to small businesses, the employers in our country. They're

going to have to make tough choices because it's unaffordable. Even paying the penalties is unaffordable, which is going to result, as you said, in over 700,000 jobs lost in this country.

We have a better way to do this, a more patient-centered, market-based approach where affordability and accessibility are goals that we all want. We could have, I think, a much more economical, and probably a better health approach because it will have the patient-centered doctor/patient relationship in full consideration.

So I would say to you that I have two concrete examples. I would encourage my colleagues throughout—and I'm sure we have—the House and Senate to talk to these employers who have over 50 employees to see what kind of impact this is going to have. Twenty-four possible people losing their jobs in a day care center; 70 children losing after-school care. What are those families going to do?

I tried to help with this business owner to try to help her find solutions. I couldn't come up with one because this is getting rammed down her throat no matter what.

So, with that discouraging bit of a small business viewpoint of the impact of ObamaCare as it approaches, and with the attitude of some of the architects of ObamaCare that it's our responsibility, or because we voted for somebody, we are going to work against our own economic interests, it just doesn't even pass the laugh test in my opinion. So I think we're in for a rough ride.

I want to thank my colleague for letting me join him on this Special Order and all my colleagues here tonight.

Mr. MURPHY of Pennsylvania. I thank my friend from West Virginia, whose district borders mine in southwestern Pennsylvania down there.

But I note and amplify something you said because even when some say, well, you know, if you're a business of less than 50 employees it's not going to affect you, there are a couple things. Some businesses say, well, then, we'll stay under 50 employees. But also, those people are still going to have the taxes. They're going to have higher Medicare taxes, taxes on their paycheck, they're going to see health care costs going up anyway because of the tax on health insurance, tax on prescription drugs, and other taxes that go on. So people will still see higher costs in this.

I'd like to call now upon another one of my colleagues from Texas, Dr. BURGESS, also on the Energy and Commerce Committee, who continues to work very hard for the sake of patients to make sure we come up with an affordable plan for American families.

Mr. BURGESS. I thank the gentleman for yielding and I thank him for holding this hour tonight. It is important that we have this discussion.

We're barely 3 weeks from the third anniversary of that late-night congressional session where the Affordable Care Act was passed into law. Those of us who were here at the time will remember that this bill that became law that was voted on late that night never went through our committee. We had a bill that went through our committee, but it never saw the light of day. This was a Senate bill that was bounced back over to the House, and we were forced to pass it without a single hearing, without a markup. It basically just came to us and the majority at the time, the Democratic majority, pushed it through.

When you stop and look at what were the American people telling us through the summer of 2009, when we all had those very tense town halls in our district, what were people saying to us? Number one, do not mess up the system that is working well for 65 or 70 percent of us. Number two was, if you're going to do anything at all, can you help us with costs? Well, I think we have the answer to those two questions. Number one, we have messed the system up for the people who were depending upon it, and, the costs are going through the roof.

But when you analyze what this new data means, the real thrust of the cost increases are focused on people who buy in the individual market and people who buy in the small group market. All of the rhetoric from the summer of 2009, through the fall of 2009, to the spring of 2010 was we have to make these changes in our insurance policy. Why? Because we have to help these people in the small group market and the individual market.

□ 1840

This is where the problems occurred; but, in fact, we have made those problems worse, and they continue to grow in severity day by day.

Mr. Chairman, I would also point out, the committee staff on the Energy and Commerce Committee on our Subcommittee on Oversight, has really done an excellent job in compiling this data. We don't get much help from the Department of Health and Human Services. When we say we need information from you about what the cost structure is going to be of this new health care plan, we don't get a lot of help from them.

So the committee staff goes out, actually writes to people who will be in charge of administering the plans for people in the small group and the individual market, and then they compile the data. And the data that they compiled is all up on the Energy and Commerce Web site, and it's startling.

These are the individuals: the small-group market and the individual market. To be sure, the large-group market will be affected, but not nearly as much as those people in the small-group and individual market. It was those people who ObamaCare was supposed to help in the first place, and we've done them the maximum harm.

So a tip of the hat to the Energy and Commerce staff, particularly the staff on the Oversight and Investigation Subcommittee. I think they've done an excellent job in bringing this information to the Congress in a very usable form. Again, I encourage people to look on the Energy and Commerce Web site because this is information that can directly affect you, your family, your business, your children, and literally your health care for the next three decades.

I wish this thing had never happened. We are going to have a repeal vote later this week, and I welcome the chance to do that. This is the unfinished business of this Congress, to undo this dreadful law that has been visited upon the land.

But in the meantime, we also need to make people aware of how this law is going to affect their lives. It's going to be in a big way: if you like what you have, you can keep it—not so much. If you like your doctor, you can keep your doctor—not so much. ObamaCare, you're going to pay a lot more to get a lot less.

Mr. GRIFFITH of Virginia. Will the gentleman yield?

Mr. BURGESS. Yes, I'll be happy to yield for a question.

Mr. GRIFFITH of Virginia. I thank the gentleman for yielding for a question.

I am looking at the report that you have referenced that people can go look at online for themselves, and I notice that your home State of Texas has a projected 23 percent premium increase; is that correct?

Mr. BURGESS. That's my understanding.

Mr. GRIFFITH of Virginia. And I also notice that the report says, from the data that was obtained from the insurance companies, that my home State of Virginia is going to have a 31 percent premium increase in the small group; again, not talking about the large group rates, while they will be affected by the taxes.

Now, I'm just kind of curious. How come Texas is getting off light with only a 23 percent increase and Virginia is getting hit with that 31 percent increase? Can you explain that, or is that just another one of the mysteries of ObamaCare?

Mr. BURGESS. If the gentleman will yield?

Mr. GRIFFITH of Virginia. I will yield to the gentleman.

Mr. BURGESS. Well, let me assure the gentleman from Virginia, I can promise you with absolute certainty that there was no favoritism on the part of the Obama administration toward the great State of Texas. If anything, Texas seems to be singled out for special consideration on some other areas. But perhaps it actually relates to the differences in the insurance market and the type of coverage that's sought. I really can't explain that 5 or 6 percent discrepancy.

What I can tell you—and, again, this is with dead certainty—that the Obama administration did not—did not—show

favoritism to the State of Texas or its Governor Perry.

Mr. GRIFFITH of Virginia. If the gentleman will yield further, perhaps for a colloquy, I would ask the gentleman if he suspects that this is because up to this point in time this has always been a State-driven market and, therefore, there are some differences between the States, but that the vast majority of States, according to this report, in the small-group market are going to be facing significant double-digit increases? Is that his understanding from the report?

Mr. BURGESS. There are going to be double-digit increases. And, of course, as the gentleman is well aware, there are different State mandates that have governed the State-regulated insurance market over time, and that may result in some of the discrepancy that you're seeing.

Mr. GRIFFITH of Virginia. And I would further ask the gentleman if it makes him a little nervous that the folks who are going to be trying to get out there and get records and make sure that folks are doing what they're supposed to, either paying the tax or buying the insurance, are in fact the IRS? That would be the same IRS that we found out for political reasons slow-walked and made it difficult for some conservative groups, particularly from Texas and other parts of the country, to actually get their tax exempt status. Does that make the gentleman a little bit nervous?

Mr. BURGESS. It should concern and make nervous every man, woman, and child in this country that the Internal Revenue Service is going to be administering their health care in the future. I think that's an important point that the gentleman has brought up.

One other difference, if I may add, between the cost in Texas and the cost in Virginia. Do bear in mind that Texas enacted significant medical liability reform 10 years ago, and we have seen the benefits of that. If there's one thing that was the missing link in the Affordable Care Act, it was where was their commitment to reforming the medical justice system in this country, which we all know tends to drive costs up, and the creation of defensive medicine, which in turn drives costs up.

Texas has a 10-year history now of caps on noneconomic damages in medical liability suits. I don't know for certain if that has played a role in the lower premium increase in Texas; but if it has, I'm sure they'll be happy to take credit for it.

Mr. GRIFFITH of Virginia. I would say to the gentleman that I'm sure some of those things have played out, not necessarily the differences between Texas and Virginia, because Virginia has a longer history with medical malpractice caps. And we, too, have seen that it has helped us in many ways in the State of Virginia.

I would point out to the gentleman, and I doubt that he is aware of this, and I don't know the truth or veracity of it, but it is reported in the Courthouse News Service, which is a service for lawyers and press folks, that in California the IRS has actually been sued because they had a search warrant to go in to look at a specific employee's financial records. And in the process, according to the allegations made by the attorney, Robert Barnes, when they went in, it happened to be an insurance company or a company that had medical records—we're not sure because it's called a John Doe company—but it had medical records for something like 10 million Californians, including everybody in the judicial system in California. And notwithstanding the fact that they were told those were not financial records of the individual but personal medical records and that they were probably violating some HIPAA rules, they seized these records and they have now been sued by, as I said, the attorney's name is Robert Barnes in the State of Texas.

That gives me some concern that perhaps what we are seeing in regards to the IRS's callousness towards political parties and political philosophy and the Constitution of the United States groups that were trying to promote that, they may also just have a callous disregard that they can be untouched by anybody, when you see that this lawsuit actually was filed in March, and I don't think it got much attention because people probably thought it was not part of their regular pattern.

But now that we have seen what has happened in other parts of the country in regard to those exemptions, that may also be of some concern to people that they're out there compiling all of these records. And, again, we don't know whether it's true. But some of those records that they got from some of the Tea Party groups allegedly, and alleged by a left-leaning or a liberal group, the IRS gave them the information as to who their donors were, is the IRS also going to give out our medical information to folks that we don't necessarily want to have it?

That's the question that we have to ask when you have a scandal like this at the IRS and it directly impacts ObamaCare. Because right now, before ObamaCare comes into effect, the gentleman, I think, would agree with me the IRS really doesn't have anything to do with your medical records. But now we are opening up the door and taking those 16,000 agents, and they are very likely to be looking at your medical records and your company's medical policies as well as the medical records, and that causes me some concern, and I suspect it may cause the gentleman some concern also.

Mr. MURPHY of Pennsylvania. Will the gentleman yield?

Mr. GRIFFITH of Virginia. I yield to the gentleman.

Mr. MURPHY of Pennsylvania. It certainly is a concern, because not only do you have the IRS with these new 16,000 agents, and we already know that it has come from multiple sources in multiple States, the issue with regard to not only going after conservative groups, but also pro-Israel Jewish groups, the issue of them going into the Gibson Guitar Company, multiple things where they tend to use the heavy hammer for political purposes on those who may not agree with some others.

At this point, there still certainly is a lot of information yet to be garnered from this, but it should give people pause and understanding—what happens if you don't cooperate with the health care plan, will these be the folks who will basically come in and try and enforce that as it goes through?

Mr. GRIFFITH of Virginia. I would ask you in that regard, if someone sees these premium increases that we've been talking about and they decide that they don't want to buy the insurance, what then happens from the IRS's standpoint, or from the government's standpoint in general?

Mr. MURPHY of Pennsylvania. I thank the gentleman for the question.

Look at it this way: let's take a young man who is suddenly going to see his rates go through the roof. He's healthy. In the past, that gentleman in his 20s may have said, you know, I'm going to buy just a little bit of catastrophic insurance if I need it, if at all; or perhaps if it's one that is out-of-pocket, he may decide not to do it.

□ 1850

What does he face?

If the IRS catches him, he pays a $95 fine. Now, if you're looking at paying thousands of dollars a year for health insurance versus $95, even though the gentlelady from West Virginia said that they had hoped that people would just out of affection for the President buy it anyway, when someone is having a hard time paying for groceries—and look at the cost of gasoline and its having gone up a couple thousand dollars for the average family, and they're saying electricity has gone up—you can buy a lot of groceries for $3,000 a year. That's months and months worth of groceries for someone. They may say, I may just pay that $95 fine. Quite frankly, what also comes up is, if they don't have a plan, they could end up in an ambulance or in an emergency room and sign up when they're there just like they do with Medicaid. Now, what motivation will there be for someone to have that?

The important thing about this place is that it's based upon an assumption that a lot people when they're healthy will sign up so we'll have that money coming in. I have my doubts for families and individuals who are already struggling who will then make decisions and say, I think I'll take the risk. Even in 2016, when those fines go up to a maximum of $695—or 2.5 percent income, whatever is greater—I think many individuals may also say, Well, if my choices are paying $695 or $6,000 or $10,000 or $12,000 for the insurance, maybe I'll just not pay it and see what happens.

Let's face it. A lot of Americans make their health insurance decisions on what the affordability is, just like they make their car insurance decisions. They don't all get a comprehensive policy. They get what they can afford. It's the same thing with other decisions in their lives, whatever that is.

I yield to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I think it's an important point you make about how people make decisions based on price, because every weekend, when I go back home to southeast Louisiana and when I talk to my families and small businesses that are trying to figure out how ObamaCare is going to affect them, there is a recurring theme that comes through, and it's something we hear every single day.

First of all, small businesses have no idea how they're going to be able to comply with this law when they look at the mountains of regulations. We had recently stacked up all of the pages of regulations and rules that have come out, and it's well over 7-feet high. A small business that doesn't have, maybe, five, six, seven employees—they don't have an H.R. shop, they don't have teams of attorneys and accountants, they can't figure all of this out, and they're asking these questions. But we're also hearing this from large companies that provide really good health care for families all throughout southeast Louisiana. I hear this from colleagues from other States, too. When they look at this law, they say, The President promised, if you like what you have, you can keep it. Yet that promise is broken for millions of Americans who are facing these costs that have been discussed.

Look at the drastic increases of 73 percent that will hit families. If you have a good insurance policy that you like, if you have good health care, it's a 73 percent increase for you. If you're trying to get new health care, it's 96 percent more you'll have to pay because of ObamaCare.

I think what's the most frightening to families is when they see the new bureaucracy. This is the new bureaucracy created by ObamaCare. If you look, I think the most sacred relationship in health care is the doctor and the patient. There should be nobody in between the doctor and the patient when it comes to making health care decisions. Yet, under ObamaCare, look at all of this mountain of red tape and agencies that come between families and their doctors in ObamaCare. At the very top of this—again, it's most riveting and has been brought up before—is the Internal Revenue Service.

First of all, does anybody at the IRS have any kind of medical degree or even EMS training?

Now the IRS is the enforcement agency of ObamaCare. Of course, that was riveting before the scandal that came out last week, but in light of the new scandal in which the IRS is literally targeting people, President Obama's administration is allowing this. Not one person has been fired by the way. The Obama administration made a decision to target Americans based on their beliefs, based on their values, and that's the agency that will be tasked with enforcing ObamaCare. They had little credibility before all of this scandal emerged, but now, in light of this, I think the lead Senate architect, MAX BAUCUS, one of the authors of the bill, just a few weeks ago—they rammed it through, and Speaker PELOSI 3 years ago said that you've got to pass the bill to find out what's in it—said it's a train wreck coming down. In fact, he's not even running for reelection next year.

This kind of bureaucracy should not be put in place for any type of government agency, let alone coming between patients and their doctors. This is the massive bureaucracy that ObamaCare is. This is why we have this vote tomorrow to repeal ObamaCare, and it's a bill I'm proud to cosponsor.

Again, I thank the gentleman from Pennsylvania for his leadership in the hearings that we've had on the Oversight Subcommittee of Energy and Commerce to expose some of this, and also to even get testimony from Obama administration officials who say they're not even ready to comply with the legal deadlines in the law that are coming up in the next few months. This should not be dumped upon our families, whether it's in southeast Louisiana or anywhere else in the country. We need to repeal this bill and actually get back to work on fixing the problems in health care, like cost and access, that are now made even worse with ObamaCare.

Mr. MURPHY of Pennsylvania. I thank the gentleman.

I would also like to call upon the gentleman from Ohio (Mr. JOHNSON), who is also a member of the Energy and Commerce Committee and is also deeply concerned about his constituents in Ohio and what they're going to be facing.

Mr. JOHNSON of Ohio. Thank you, Mr. Chairman.

I am, indeed, honored to join you and the rest of our colleagues here in sharing some thoughts on what the American people now should expect in the coming months and years from the administration's so-called historic achievement in health care reform. It's historic all right. This massive bill gives the government control over one-sixth of our economy and the authority to manipulate markets and to make individual health care decisions.

So how did President Obama convince the American people to buy into this scheme? He looked the American people right in the TV camera lens, and he promised two things. He pledged that this law would cut costs for American families, and he promised that it would make health care more affordable.

Now, I could stand up here and talk about all of the other economic dangers posed by the so-called Affordable Care Act, like the ever-mounting costs of implementation, the instability it causes in programs that seniors rely on, the fact that this bill contributes substantially to the insurmountable debt we are leaving to our children and our grandchildren, but that's not foremost in the minds of those individuals whom I represent along the Ohio River in eastern and southeastern Ohio.

As the American people continue to search for good-paying jobs, families in my district are trying to figure out how to stretch their paychecks to cover another trip to the grocery store or to buy clothes for their kids or to purchase another tank of gas for the car. Now we're seeing reports that indicate most families will have to factor health care premium increases into their budgets as well—all because of the Affordable Care Act's policies, mandates, taxes, and fees.

Now, does that sound affordable to anyone? It doesn't to me, and it doesn't to the people that I represent along the Ohio River.

I am proud to serve on the Energy and Commerce Committee, and I was recently given the opportunity to question Gary Cohen, the director of the office within HHS in charge of the implementation of the health care law. I asked him directly if premiums were going to go up or down for the American people. Remember, the President promised us lower costs. Mr. Cohen briefly toed the party line, saying, Absolutely, we'll see lower costs. But he went on largely throughout the questioning to repeatedly say, We'll simply have to wait and see.

They don't know. That sounds oddly familiar to me. It reminds me of when the minority leader, the gentlewoman from California, tried to convince the American people that Congress needed to pass the Affordable Care Act in order to find out what was in it. We are now finding out what's in it, and it is a train wreck, as some have stated. Now, wouldn't the responsible thing have been to do the job correctly the first time?

Let me clarify a few things. Let me cite some numbers brought to light by our investigation.

Individual consumers in 90 percent of States will likely face premium increases. In my State of Ohio, men purchasing an individual policy would face increases ranging from 32 to 52 percent. Ohio employers purchasing small group market policies could see a projected premium increase of 28 percent. Nationwide, new businesses could see increases of 96 percent, while existing businesses would be burdened with 73 percent. And age and plan mandates forced on insurers could push premiums up as high as 413 percent in some cases.

□ 1900

Now, do these numbers support the pledge made by the President that Americans would see lower costs, or do

they highlight the dishonesty as a means of pushing a terrible law through Congress? Based on these facts, Mr. Speaker, it is hard to argue that the Affordable Health Care Act will ever become more affordable as long as that law is on the books.

Hard evidence to support the looming premium rate shock should scare the administration as much as it scares the American people, American families, businesses, and health care providers throughout the Nation, particularly along the river where people are still struggling to make ends meet from day to day.

I appreciate the time.

Mr. GRIFFITH of Virginia. Will the gentleman yield for a question?

Mr. JOHNSON of Ohio. Absolutely.

Mr. GRIFFITH of Virginia. I would say to the gentleman that it was very interesting when you talked about the cost of the insurance, and while he said overall that he thought the rates were going to go down, my recollection was—and correct me if I'm wrong—that when you were asking him those questions, part of his position was, Well, we don't know for sure, but we think they'll be lower than what they would have been if we hadn't passed the law, but they're going to be higher than what they were when we passed the law. Wasn't that pretty much his reasoning?

Mr. JOHNSON of Ohio. Yeah, that was pretty much the case. I started to challenge him to a Monopoly game because that's funny money. That's a way of manipulating the numbers, and that's more of the dishonesty that's being perpetrated on the American people with this law.

Mr. GRIFFITH of Virginia. I would also have to point out that, with everything that we've gotten to so far, it appears that their numbers have not been right. They told us that they could produce a long-term care insurance plan, and they backed out of that because they couldn't make the numbers work as they had originally thought they would work on long-term care insurance.

Then we had the whole situation with the catastrophic illness fund that, from the time the bill was passed, was supposed to get folks who had catastrophic illnesses, it was going to cover all of them until ObamaCare came into effect in 2014, but they ran out of money March 1. Do you recall that?

Mr. JOHNSON of Ohio. Absolutely, I do.

Mr. GRIFFITH of Virginia. So those numbers weren't right, and they apparently thought they had enough money built into the budget and gave the Secretary large latitude to take money out of various funds to make things happen, but now she seems to be going around the country asking the very companies that she's overseeing as part of her job for money because they didn't calculate how much money they were going to need to sign everybody up to get into ObamaCare.

So every time we turn around on the committee, it looks like we're finding something new where their numbers were always funny money numbers, Monopoly money, however you want to look at it. And it seems to me that your point is exactly right, that it's not only going to cost the people of southern Ohio, but it's also going to cost the people of southwest Virginia and every part of these United States more money than was ever projected, and it's going to come right out of the pockets of the working poor and hurt them the most.

Mr. JOHNSON of Ohio. Absolutely.

Every time we asked Mr. Cohen who are premiums going to go down for, he avoided the question. He couldn't tell us that premiums were going to go down for anyone.

We asked him, Are they going to go down for the young? Are they going to go down for the old? Are they going to go down for women? Are they going to go down for men? He had no answers. We'll have to wait and see. That's a far cry from the promise that the President made of lowering costs and making health care more affordable.

Mr. MURPHY of Pennsylvania. Certainly that was part of the promise that was given to so many Americans on why they supported this image.

Look, we as Republicans, we know there are a number of things we want to see happen. We want to make sure that we're preventing illnesses, and we want to make sure that we're caring for those who are chronically ill. Sadly, regarding the high-risk pool, the door was closed on that. Many people who are chronically ill will not be getting additional care.

We want to make sure that doctors can be paid for coordinating care of those chronically ill. Right now, getting people to make sure they take their medication, there's follow-up to get to their appointment, doctors can consult back and forth, a patient can call with other questions, nobody gets paid for that. They do get paid if they have more tests. So there's a fee-for-service plan. Quite frankly, it's tough for doctors to try to reduce costs under that plan. We would like to see those costs go down even more, and we support that.

We want to maintain coverage for the sick. We don't want to see people cut because they're ill. And we believe that if people have a preexisting condition, they ought to have an opportunity to maintain insurance. We agree with those.

What we don't agree with is this massive bureaucracy that Mr. SCALISE showed us before that's going to require a lot of tax money to pay for it, increased taxes, 10 years worth of taxes to cover 6 years worth of plans; and already we see Health and Human Services running out of money and so they have to call up insurance companies and other groups and say, Can you give us more money to help convince people that this is a good idea? It's tough going with that.

Mr. JOHNSON of Ohio. It is very tough going.

Mr. MURPHY of Pennsylvania. So we do know that these costs are going to continue to climb for many people, even though people in the administration have told us they're not quite sure yet what is going to go on. We know these costs are going to continue.

Let me point out again something very important, Mr. Speaker. I worry about how the American families are going to afford this. Their electricity rates have gone up and will continue to go up. This administration has pushed to have coal-fired power plants to close down, has spent billions of dollars for energy subsidies for companies that have gone belly up. Gasoline prices have gone up thousands of dollars for families, unemployment has been above 7 percent for years, hundreds of thousands have been put out of work because of the aspects of this health care bill.

It's tough for families to say, How am I going to pay for this? How are they going to pay, as they say, 96 percent more for those who get a new plan, 73 percent more for those keeping their insurance, and up to 413 percent because of some of the age issues and other things going on with that?

These are tough concerns for American families and ones that they're asking us to then say, Please, repeal this bill and let us get to something that really works to take care of those issues, to help the uninsured, to help those who are ill, to help put doctors back in charge of people's health care plans. We're deeply concerned about those issues as they go on; and, quite frankly, these costs are going to be ones that people are not going to be able to afford.

I now want to recognize one of my colleagues, the gentleman from New Jersey (Mr. LANCE), who also wants to speak on this bill. He is another member of our committee who is deeply dedicated to making sure that he is dealing with the affordability of the health care bill.

Mr. LANCE. Thank you, Mr. Chairman. I'm very pleased to be able to speak this evening on this important issue.

In my judgment, the Affordable Care Act was a poor piece of legislation and it was not well thought out. In 2009 and 2010, when the leaders of the then-House Democratic majority were rallying support for the President's health care legislation, the American people were told that health insurance premiums for individuals and small businesses would decrease under ObamaCare. That was stated repeatedly. Three years later, we have come to learn that this is just not the case.

Internal documents from the Nation's largest health insurance companies reveal the health care law's policies, mandates, taxes, and fees will cause major premium increases for consumers, the individual, the small group and large group markets; and I

think it might be particularly onerous on young people who are just starting out at a time when the economy is not as strong as any of us would like.

Many small businesses are already feeling the impact of higher monthly premiums. Just this week, I heard from a small business owner in the district I serve, Susan Schwartz of System Builders, in Westfield, Union County, New Jersey. She is seeing her company rates jump by nearly 40 percent in 1 year, Mr. Speaker.

We must work together to provide much-needed relief to the small and large businesses being crushed under this burdensome law.

I thank you, Chairman MURPHY, and certainly I commend you for your efforts and the efforts of the Energy and Commerce Committee, of which I am a proud member under your leadership in that committee as one of the subcommittee chairs, the committee as a whole, under Mr. UPTON's leadership, and really all of us in Congress who believe that this law was poorly designed and will lead to massive increases in premium payments for many of the American people.

Mr. MURPHY of Pennsylvania. I thank the gentleman.

Mr. Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore (Mr. MESSER). The gentleman has 4 minutes remaining.

Mr. MURPHY of Pennsylvania. With that, then, Mr. Speaker, I'll wrap up here with a couple of comments.

First of all, I really want to thank the Energy and Commerce Committee staff for bringing out this important study. We only wish this was the kind of information we had a couple of years ago when Members were called upon to blindly support this bill and so many other organizations were called upon to support this bill.

□ 1910

These are going to be high costs, and people are going to have to make decisions now about what kind of health care they are going to have, can they afford it. Well, they'll also see the impact on top of their gasoline prices and utility prices and worries about their jobs. They're going to be making decisions about do I not have health care now and run the risk of having the IRS come after me and charge me $95. People will be making those kinds of decisions. That's not what we should be doing.

Out of care and concern for every mother and father and grandparent and child in America, to make sure that we work on an affordable health care plan, that makes sure that people who are ill, people who have preexisting conditions are not cut, and to make sure that the high-risk pool has money in it to help those who have high risks for health care, not use money for other purposes, and to make sure that we're working on prevention and caring for the ill. That is what we should be doing to help make health care affordable, not offering a 96 percent increase for those getting a new plan, up to 73 percent for those keeping their insurance, and up to 413 percent for others.

Look, we understand some people are going to see their health insurance rates go down. Many will see their rates go up. That is part of the frightening thing for America's family.

GENERAL LEAVE

Mr. MURPHY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the topic of my Special Order.

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

There was no objection.

Mr. MURPHY of Pennsylvania. With that, Mr. Speaker, I thank my colleagues for speaking tonight. I thank the Energy and Commerce staff for also being part of this tonight. And I thank the American people for continuing to communicate with us and understand that we want to make health care affordable, but we think the Affordable Care Act is neither.

Mr. Speaker, I yield back the balance of my time.

## INTERNET SALES TAX

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Kentucky (Mr. MASSIE) for 30 minutes.

GENERAL LEAVE

Mr. MASSIE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the topic of my Special Order.

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

There was no objection.

Mr. MASSIE. Mr. Speaker, I rise today to speak in opposition to H.R. 684 and S. 743, the Marketplace Fairness Act, otherwise known as the Internet sales tax. Or as I call it, the interstate commerce sales tax.

I'm concerned that this new tax on American consumers passed the Senate too quickly without enough debate and has the quiet support of several Members here in the House. Unfortunately, many of my colleagues opposed to the bill here in the House have taken a quiet wait-and-see attitude. They don't want to rock the boat, so to speak. Well, it's time to quit being quiet on this issue. The American public deserves a full and open debate on this bill before any legislative action is taken in this body.

This evening, my colleagues and I will begin that debate. I'm confident that when Members and their constituents grasp the full ramifications of this onerous piece of legislation, they will oppose it as well.

Many States in this country are in dire financial straits. They've lavished overly generous pension plans on their State employees and offered tax credits and financial incentives to their favorite businesses. They've promised more than they can deliver, while sometimes letting essential services go neglected. State governments bear the responsibility for their financial situations; yet they're looking to the Federal Government for a bailout. Make no mistake, this Internet tax is the bailout they're seeking. Without raising taxes, State governments can expect billions of dollars of Americans' hard-earned money to flow to their treasuries if this bill passes. And how would this happen? By passing a bill that proclaims to impose fairness.

Who else is for this bill? Large retailers. They've got lots of representatives up here talking to us. They're on the Internet and they're off the Internet, but they're for this bill. They're weary of competing with small and nimble businesses. And that's natural to want to have economic barriers to entry because it's an economic fact that in the absence of innovation in a market with no barriers to entry, profits go to zero in the long run.

But how do we create barriers to entry in the United States? How do we compete? Through innovation.

America is the country of innovation. You can invent something. You can make a new piece of music. You can be nicer to your employees than the other company is. Or you can come up with a new, more efficient way of manufacturing your products. But I suggest to you, Mr. Speaker, that sending representatives to Washington, D.C. to impose financial hardships on your competitors is not the American way.

Some have said that this bill is about States' rights, and I'm a strong proponent of States' rights; but this bill does nothing to protect States' rights. In fact, this bill changes the very fabric, the constitutional fabric of the United States of America by subjecting people and businesses in one State to the taxes and regulations of another State. This is unprecedented. For the first time in history, this bill would grant States jurisdictions beyond their physical borders. If this bill passes, we'll have a virtual United States of America where borders no longer mean anything.

Justice Marshall ruled that the power to tax is the power to destroy, and we were reminded last week by the IRS's admission that the power to tax is the power to harass.

I urge other Members of Congress to consider the dangerous implications of granting individual States authority over individuals in other States.

Before my colleagues get into the details of this new tax, I'd like to point out that no one, not a single person, has argued that this bill will help our

economy. Even proponents of this bill must concede that it increases taxes on American consumers and adds burdensome regulations to small businesses. That's where this debate will begin and end. This bill is bad for our economy.

I now yield to the gentleman from Florida.

Mr. DESANTIS. I thank the gentleman from Kentucky, and thank you for your leadership on getting out ahead of this and really leading the charge. You're right, this will not be good for the economy. People will say it's not really a tax increase because some of these taxes are essentially use taxes that are already due. The fact of the matter is this will hurt consumers because they are going to have to pay more, and that is not the recipe for success in a high-unemployment, low-growth economy, which is what we have now and is what we've had for a number of years.

In terms of making consumers pay more in taxes, I for one am sick of politicians in Washington and in State capitals throughout the country putting the interest of government ahead of the interests of the people. Our job is not to extract as much money as possible from our fellow citizens, but it's instead to provide a framework that protects their freedom and liberty and allows them to pursue their dreams. This bill obviously doesn't help do that. In fact, it hinders it. It hinders it by making it more difficult on consumers, but also will make it more difficult on up-and-coming new businesses that do business online. This bill represents taxation without representation, and the reason it does that is because the bill would require online businesses to determine, collect, and remit taxes to States with which they have no physical connection.

So if you have a business in Florida that does online sales and you sell to somebody in California, you're going to be responsible for determining California's sales tax, collecting it, and then sending it to California. The problem is if you have no physical connection to that State, you have no way to hold tax-happy politicians in States like California accountable for the decisions they make in terms of taxing, spending, and regulation.

I would say also, people say that there are local stores who have to pay sales tax. If you sell online to somebody out of State, you're not having to sell the tax. We don't require any stores on a local sale to figure out where the consumer came from and then send the tax over to that State. They simply collect the tax that's due in their State, so the compliance requirements are completely different. Indeed, there are over 9,600 taxing jurisdictions in the United States.

This bill specifically permits audits from the other States that have sales tax and from Indian reservations, and we have several hundred federally recognized Indian tribes, so this creates a huge compliance burden for our small businesses.

I just don't think it is good policy to saddle small businesses in Florida with red tape and additional compliance costs. I mean, why on Earth would any Floridian want an up-and-coming business to face a tax audit from a State like California or Illinois?

□ 1920

And I would say, as the gentleman from Kentucky pointed out, especially in light of what we're seeing with the malfeasance committed by the IRS out of Washington, D.C., you know, the IRS is at least somewhat accountable to the people, at least in theory, because we can always vote out the administration that oversees the IRS.

If you have an out-of-State tax audit, you don't have any political representation, so why would they care about your rights? They're not going to care about your rights. They're going to care about getting your revenue.

I just want to say a thing about fairness. People say, well, you know, you have brick-and-mortar, local stores versus these Internet businesses; but I would suggest that that distinction is illusory, and the reason why is many companies that do business online are brick-and-mortar companies.

I have a business in my district in Ormond Beach, Florida. It's called Coastal Moto, and this is a gentleman that put his entire life savings into this business. They now have grown to have five employees. They make custom wheels for Harley Davidson motorcycles, and they ship them worldwide. But they have employees showing up every day to work there, so they are both brick-and-mortar and online. So it's essentially brick-and-click.

And I would also just endorse what the gentleman from Kentucky said, that the tax would give large companies a competitive advantage, because anytime you saddle businesses with more compliance cost, that will create barriers to entry for smaller companies, and the big businesses are always able to comply more easily.

And look, I want companies of all sizes to do well. You know, big businesses, if they're doing well, God bless them. I just don't want to tilt the playing field in favor of them and make it more difficult for new businesses to start and grow.

The Internet is one of the most pro-growth, pro-opportunity inventions in all of human history. It literally gives anybody the chance to move a product. If you have an idea, you can go online, you can put that out, and you can be successful. It's much easier, with the Internet, to have a successful business than it was 100 years ago. You're able to get into the market more cheaply and more affordably. That's not something that we should try to undermine. That's something that we should want to continue to promote.

And finally, I would just say, is it fair to burden Florida businesses in order to fund excessive spending in States that suffer from severe fiscal mismanagement? I mean, for example, in California, you have county administrators retiring with a $400,000 pension for life. And so we're going to put burdens on our companies to be able to send money over there so that they can fund that extravagance? And I would also note that a lot of that money goes to funding union dues that end up helping fund political companies. So why would we want to do that?

So the bottom line is that the bill is bad for consumers; it represents taxation without representation; it will stymie small business growth; and it will create perverse economic incentives. Our political system right now is suffering from an accountability crisis. The last thing we need to do is expand government and add to this problem.

Mr. MASSIE. Thank you to the gentleman from Florida. He makes an excellent point on the sales tax audit burden on small businesses.

I'd like to give you two examples of companies in my district. These are, literally, mom-and-pop shops. One of them, the wife is the CFO and the husband runs the company; and in the other one, the father owns the company and the son works there every day. They were both subjected to sales tax audits in one State.

Let me tell you how the sales tax audit begins and how it ends. So the way it began was with a phone call. And that, for many small businesses, is the worst phone call of their life, of their business life, because they know what they're going to have to endure.

So let me give you the example of this farm store that underwent a sales tax audit. He was required to prove that every sales tax-exempt sale that he made in the previous years was, in fact, exempt from sales tax under Kentucky State law.

The sales tax auditors will pursue you to the end of the Earth if they think there's another dime to be found, so they pursued him with much vigor. He spent weeks looking for records trying to prove that these were, in fact, sales tax-exempt, because if they were not, he owed the sales tax on all of those sales.

How does this kind of audit end?

It ends with a white flag. There's no way to prove, there's no way to find every shred of paper for every transaction that you've ever had in the past years, so you finally settle with the sales tax auditors.

Can you imagine that? You'd be open to sales tax audits, which I've just described, in 45 different States. Now, maybe it only happens once every 10 years in your State; maybe that's the average. But, on average, you'll get 4½ sales tax audits a year, which brings me to the next small business in my district, where the wife is the CFO.

This business was subjected to a sales tax audit and an IRS audit in the same year, in fact, this year. This business owner came to me and said, Can you pass a bill that would keep me from having to go through two audits in the

same year? I mean, it's just not fair. I've got a State tax audit and a Federal audit in the same year. This is killing my business. My wife can't work on anything but these audits.

Can you imagine if that business is now subjected to 45 audits in 45 different States? I just can't let this individual down. And what we're talking about, sales tax audits, it's up to the States to decide what's sales tax exempt and what's not, and every State has a different rule.

And the only way to enforce these rules and to know if you've complied—is it for a farm? is it for education? is it for resale?—is for the retailer to submit all of those sales records, information, if you will, on the individual that purchased them to the State where the individual lives.

This is ripe for corruption, just as we saw with the IRS recently. Now they know what music you've downloaded, what movies you've downloaded. Maybe you bought some gun magazines. They're going to know about all of this, and it's just ripe for corruption and for exploitation.

I'd like to yield to my good friend and colleague from the State of Montana (Mr. DAINES).

Mr. DAINES. Thanks much to my good friend from Kentucky, Mr. THOMAS MASSIE, for coordinating this Special Order here tonight. I appreciate it greatly.

We're here tonight to share our strong opposition to the so-called Marketplace Fairness Act. This is a bill that mandates small businesses to collect sales tax on behalf of other cities and States when selling products over the Internet.

The problem is this bill would fundamentally change how online purchases are taxed and would impose yet another burden on small businesses across the country, but especially like my home State of Montana. You see, in Montana we don't have a statewide sales tax. In fact, we often say you know you're a native Montanan if you voted against a sales tax twice.

But I will have to say that in my home State we have a balanced budget requirement. And not only did our State balance its budget this year, we're running a surplus, and we've done that without a sales tax. And Washington should do the same. They should learn how to balance their budget, and they don't have to impose a sales tax that's imposed on businesses across this country.

But even though we don't have a sales tax, under this legislation, Montana small businesses would be forced to collect sales taxes for up to 9,600 cities and States, none of which would go back to the people of Montana.

Let me be clear. This isn't just a bill that hurts no sales tax States like Montana. It hurts small businesses in every State, burdening businesses that depend on Internet sales with added costs and more paperwork and more regulations.

Proponents of this bill say, well, it's about fairness. They say that this bill will help prevent the supposedly widespread practice of ''showrooming,'' where customers visit a physical store but then buy the goods online where customers can get a better price or avoid paying sales tax. According to proponents of this bill, this showrooming is destroying our brick-and-mortar businesses.

Well, ladies and gentlemen, this is not only misleading; it's wrong. As the National Journal reported, a recent PricewaterhouseCoopers survey of 10,000 shoppers found this so-called widespread problem occurred less than 2 percent of the time. In fact, the survey found that 10 times as many consumers researched products online so they could go buy them at the local brick-and-mortar shop.

Think about that. And we've all had that happen to us. You may go online and shop, but you may not want to pay the shipping costs. You may not want to have the time it takes to receive the goods. You may want to be buying that bike for your child, so you go downtown and buy at the brick-and-mortar store.

Furthermore, the study states, and I quote, ''We also can't emphasize enough that the physical store remains the centerpiece of the purchase journey for many categories. In 9 out of 11 categories, in fact, the majority of consumers use physical stores for both researching and purchasing the products they want to buy.''

I know that many times I'd rather head downtown to my home of Bozeman, Montana, to talk to folks face-to-face and purchase a product I've researched online so I can avoid shipping fees and avoid the wait time.

□ 1930

I know a lot of Montanans feel the same way. But then I also have to ask, what is fair about forcing a small business that relies on Internet sales to learn the ins and outs of 9,600 different tax jurisdictions or be subjected to tax audits, as the gentleman from Kentucky just mentioned, not just from one State but from all 46 States that collect sales tax?

Imposing these unreasonable standards on online retail sales but not also on brick-and-mortar retail stores is not only unfair, it's unworkable. I've heard from Montana's small businessowners who are deeply concerned about what this bill means for them and how it will affect their ability to remain profitable. I'm concerned too.

I've spent nearly three decades in the private sector. In fact, prior to having served in Congress, the last elective office I held was student body president in high school. So I've come from the business world. I've been a job creator and somebody that's had to fight the regulations and pay taxes. I know that if you're a small business owner and you're forced to comply with more than 9,000 different tax codes, which, by the way, most small businessowners readily admit it's next to impossible for any small business to do that. You are not going to be investing in your own business. You're not going to be hiring new employees, you're not going to be growing your product base or promoting innovation. You're now going to be spending more time and more capital dealing with regulations and mandates and more time with lawyers and accountants.

We also can't forget the threat that this holds for principles that are the foundation of our Nation's tax policy, and that is that States must not be allowed to extend their taxation and regulatory authorities beyond their borders. The Internet tax would do away with the physical presence standard which dictates that a State can only require a business to collect a sales tax if it's physically present within its boundaries.

Furthermore, the people don't want an online sales tax. A recent survey found that 84 percent of consumers were opposed to this bill and 75 percent of small online retailers are opposed. Those numbers send a clear message that the American people are strongly opposed to this proposal.

So I would ask my colleagues this—remember this is the people's House. We're here to represent our districts and our States and do what is best for them. The problem back in this town, in Washington, D.C., is that the big businesses, the big corporations, have lobbyists here to be the voice here on the Hill. We need to be the voice tonight for the small business people who don't have lobbyists here in Washington, D.C., because they can't afford them. Imposing a new tax burden in these precarious economic times is clearly not what our small businesses and consumers need.

I know one of the fastest ways to slow down growth and innovation is to tax it and to regulate it. This bill is a $23 billion tax increase coming right out of the pockets of hardworking American families. So let me be clear. The so-called Marketplace Fairness Act is a job-killing tax hike that hurts America's small businesses, and it hurts America's consumers. I promise I will continue to fight this bad piece of legislation.

Mr. MASSIE. Mr. Speaker, I would like to remind my colleagues that Mr. DAINES represents the great State of Montana, which operates with a lean government and has, so far, got by without a sales tax. That's the great thing about these United States of America. We have 50 States competing with different models for how to run their governments. This tax, as I call it, the interstate commerce tax, is more about harmonizing tax laws across the United States and taking away the competition between States.

Now, my fair State of Kentucky has a sales tax of 6 percent. But I don't think it's fair that we impose a sales tax on the State of Montana when

they've worked very hard not to have one. Their businesses aren't subjected ever to a sales tax audit if they don't have to collect a sales tax. So I think he's too modest in not reminding us that he's coming from the State of Montana that has no sales tax.

This Marketplace Fairness Act could be called the ''Offshore Online Retailers Act,'' because, while as Congressmen and Senators we can force the States to collect these taxes, we can't go into other countries and force them to collect taxes. So what will happen is a lot of our online retailers will move across the border where they enjoy the advantage of collecting those sales taxes, and there's no way to reach them and impose that tax upon them.

Now, some say this is not a new tax, don't call it a new tax, while others say that it's not a tax increase, don't call this a tax increase. Well, I say if it quacks like a duck and it walks like a duck, it's a duck. I'm new to Congress, but if at the end of a transaction, I have less money in my wallet and the government has the money in their coffers, I call it a tax.

Now, some will say, look, consumers already owe this tax. At the end of the year on April 15, they are supposed to pay the sales tax that wasn't collected in other States. But do you know what? That's just not true. They don't owe a sales tax because States long ago conceded that they don't have any authority to tax an event which occurs outside of their physical borders. They just can't do it without a physical presence. But States resented that they couldn't tax in other States, so they created something called a use tax. I say the use tax is actually a contrived tax. They know they can't tax an event outside of their borders, so they try to tax an event inside of their borders, which is the use of a product. But it's contrived in the sense that it's only owed if you didn't pay a tax on it somewhere else already.

So what kind of a tax is that? I'll tell you what it is: it's an uncollectible tax. And the States haven't exerted much effort in collecting that tax. We are not here to become tax collectors for the States. I just want to remind the States that.

Also, I want to talk a little bit more about my district. A large portion of my district is rural. We don't have stores to buy everything that we would like to be able to purchase. A lot of folks go online. A lot of folks are disabled and can't get to the store to go online. This is a regressive tax. This will punish those individuals who have the least mobility because they're online shopping. It also diminishes opportunities for businesses in rural areas by taxing those businesses that weren't taxed before that don't have a ready marketplace immediately in their vicinity.

Look, we've heard from Big Business, we've heard from lobbyists, and we've heard from State governments. But there's somebody absent from this debate so far, and it's our constituents. I think we need to hear from them. And with that, and to address that issue, I yield to the gentleman from Florida.

Mr. DESANTIS. I thank the gentleman from Kentucky, and I would just add to your comments. You started by talking about federalism, the ability to kind of choose different tax laws, whatever laws, and this would actually facilitate higher taxes. It's a thumb on the scale in favor of higher taxes because it gives States the wherewithal to tax beyond their borders. So we should at least be trying to go in the other direction. I want Florida to be more like Montana, not more like some of the other high-tax States. And so that bears repeating.

Here are some of the folks who have written in via Twitter with their thoughts. Chris writes in:

> Please tell the House that #InternetTax translates into higher costs for families and consumers. A weak economy cannot afford this.

Andrew writes in:

> This will just be the 21st-century version of Smoot-Hawley. Will the lunacy from D.C. never cease?

Jay writes in and says:

> The Internet tax is an inappropriate extension of the State's powers. It does not make commerce more fair.

Another fellow writes in and says:

> It's a revenue grab, plain and simple. No taxation without representation. Is that vague?

Tiffany Lyle says:

> If you tax the Internet, it's like taxing air. We work hard enough to earn what little we have.

And then Glenn writes in:

> Remind them of how the Stamp Act went.

I have some more, but I will yield back to the gentleman from Kentucky because I know you probably have some more comments, as well.

Mr. MASSIE. Well, those comments bring up a very good point, and so do your comments. If this is a finger on the scale for higher taxes, States get to arbitrate and decide what gets taxed in their State. So right now we have exemptions for farm products and whatnot, but some States tax professional services in the transaction. And, of course, this bill opens up financial service transactions in one State to consumers in another State. But where does this end?

Senator BAUCUS stated in the other Chamber that not just the financial world would be open to taxes on their services, but also possibly attorneys, architects, engineers and accountants. One can only imagine, by not asking the States to do anything to simplify their system in return for the benefit of having out-of-state businesses collect taxes for them, we're giving carte blanche to the States to impose even more taxes on business.

Again, I think I'd like to hear a few more comments from our constituents.

Mr. DESANTIS. We do have some more.

Cory writes in:

> I feel it may hinder an online business I've just started. It's already making business pay.

Mark says:

> #InternetTax won't help local stores, but will protect online incumbents from new competition.

Taylor Neuhaus writes in and says:

> I like the #InternetTax about as much as I like getting teeth pulled.

We have another fellow writes in and says:

> It hurts small businesses, and it's basically Walmart vs. Amazon with consumers in the middle.

Finally, I think this is a great comment from Ian Stumpf:

> An Internet tax will hurt one of the few remaining healthy sectors of the economy #disastrous.

□ 1940

Mr. MASSIE. I thank the gentleman from Florida for sharing that with us. I think all too often we don't listen as much to our constituents as we should; and on this issue, it's very important because those are in fact the people who are going to bear the burden of this new tax. And I will call it a new tax. It's unprecedented in our Constitution and in the history of this country.

I want to end this discussion tonight the way it began and the way I said it would end. No single individual who's a proponent of this tax has told me that it's going to help the economy. In fact, when I point out that it will increase taxes on consumers, when it will increase the burden on small businesses, and when it will apply pressure to offshore or online retailers, they all ultimately concede those points. This is not good for our country.

The resistance to this bill comes from our constituents, and it's also bipartisan as well. So hopefully by bringing light to this today, we will begin the conversation, begin the debate that all too often doesn't happen out in the open and shed some light on this issue.

I yield back the balance of my time, Mr. Speaker.

## THE IRS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Pennsylvania (Mr. PERRY) for 30 minutes.

Mr. PERRY. Mr. Speaker, do we live in a banana republic? Are we living under a tin horn dictatorship? I mean, just this evening the IRS Acting Chief Steve Miller resigned. I suppose that's damage control, that's how we're going to fix this—you know, heads are going to roll.

Just recently, Mr. MILLER wrote to Members of Congress at least twice to explain the process of reviewing applications for tax exempt status without disclosing that Tea Party groups had been targeted. So it's nothing new. As a matter of fact, in July of last year he

testified before the House Ways and Means Oversight Subcommittee and didn't mention it, he didn't mention the additional scrutiny. I'm sure it must have slipped his mind. Oh, that's right, it couldn't have slipped his mind because he was asked about it specifically.

Now we're supposed to trust these answers that are forthcoming at this time and are continuing to be revised. But initially—and falsely—they claimed that the practice of flagging conservative groups for additional scrutiny was contained to low-level staffers at a Cincinnati office. First we heard it was a couple hundred, or 75, and then 200, and now it's like 500. I mean, how much do we trust someone that continues to change their story? And if it was low-level folks at the agency, how come the guy at the top just resigned? I mean, I understand that the buck stops there, but does the buck stop there—or should it stop there?

According to the report by the Inspector General, they knew about the problem by June 2011. I mean, they knew about it. They're testifying in front of Members of Congress and misleading Members of Congress. Forget Members of Congress, what about the American people? What about the people in these organizations, God-fearing, tax-paying Americans that were targeted, what about them?

According to the IG report, the IRS was not only targeting Tea Party organizations; it was going after groups focused on government spending, government debt, taxes, and education on ways to make America a better place to live. Really? I mean, maybe I'm being targeted because I'm looking through that list and I think those are things I stand for. I think those are things that most of my constituents stand for.

It also started targeting groups criticizing the government or educating Americans about the Constitution and the Bill of Rights. Since when is it a problem to criticize your government? I mean, isn't that one of the fundamental things that this Nation was founded on? And now we're going to have the IRS come after us. And is it bad that we educate Americans about the Constitution and the Bill of Rights? Is that a bad thing? Apparently—according to the IRS—it is.

The use of the IRS to target political opponents of an administration is one of the greatest dangers of the tremendous power of this Federal agency. I mean, I asked, are we living in a banana republic? Is this a tin horn dictatorship, because certainly this can't happen in America. These are things that happen in these other small rogue nations where there are political dissidents that come to America to escape persecution.

So what's next for us in America? If it starts here, does it end with then us going to jail as political dissenters against some ideals that the administration currently in power has?

I'm going to read an excerpt of the Federal law, 26 U.S. Code 7217. It prohibits any employee of the Executive Office of the President and Vice President, as well as Cabinet Secretaries, from requesting, directly or indirectly, that the IRS investigate any particular taxpayer with respect to the tax liability of such taxpayer.

It is important for the rule of law and the interest of justice that the Congress aggressively pursue its oversight function to get to the bottom of the scandal. We don't want to just get to the bottom of the scandal so we can make sure it never happens again. I mean, that's what we so often hear. We need to find out who instigated it and who authorized it, because it is very hard for us to believe that these were just some low-level employees that, you know, took it upon themselves.

And I must ask everybody, what is their impetus? What is their motivation to do that? What low-level employee would take it upon him or herself to say, well, we're going to start investigating Tea Party groups and groups with the name ''patriot'' in their organization. What's in it for them? And I suspect you're having a hard time coming up with the answer, just as I am.

How long has this been going on? Well, apparently it started in February of 2010, and it lasted for about 27 months. The last appeal that was approved was in Champaign, Illinois, in February of 2010. So if you think back to February, what was happening in February of 2010? Well, first of all, if you own an iPad right now, you couldn't get one in February of 2010 because there were none available; it wasn't on the market. If you remember back then, there was a volcano over Iceland that was stopping air travel to Europe. There was the Freshwater Horizon that blew up in the gulf, killing many workers and destroying the environment or contaminating the environment in the gulf. That's how long ago this has happened. That's how long this has been going on. And that's how long people in this administration knew about it and said nothing.

You know, I don't know what this means for Tea Party organizations and patriot groups and the like. I mean, if I quote Julian Bond, the former head of the NAACP, he calls the Tea Party the Taliban of American politics. I would suggest to you that they're exactly opposite that, and the actions of the administration are more keeping with Taliban-like tactics. I mean, these folks are continually ridiculed for being, oh, opposed to government intrusion in their lives, and worrying about conspiracies, and what kind of personal things about them the government is looking into and what they're doing with it. And it's all very conspiratorial, and they're seen as kind of kookie whack jobs. Apparently they're right. Who knew?

During this same period of time, interestingly, a director in the IRS fast-tracked an application for the President's half-brother. That took 1 month. It took 1 month. Meanwhile, 27 months went by where organizations with the name ''Tea Party'' or ''patriot'' couldn't receive the same consideration.

Did front-line employees do this? Again, I've got to question that. It just doesn't add up. Again, day by day we hear more and more. I mean, the first thing that came out recently was that rogue employees did this—and at one point only one employee. Really? One employee out of 106,000 that work at the IRS, that's what we're supposed to believe?

Are we supposed to change our trust level and our belief level every day as new reports come out with new information that countervails the information of the day before? I mean, we've got to ask—the government asks its citizens all kinds of information, whether you're a farmer and the Agriculture Department forces you to do a survey, complete a survey under penalty of law.

And folks call up their Congressman. They call me up in the district office and they say: Why must I fill this out? Why do they need all this information? What is this relevant information? That's the Ag Department census. And maybe it's fair; maybe it's not. I take issue with it. But in this case, I really take issue with it because in this application and in their findings, the IRS findings, they looked at what books Members were reading. Are we going to have a book burning next?

□ 1950

They looked at Facebook posts, resumes of officers, minutes of meetings since the organizations' inceptions. And I ask you, what does any of that have to do with your tax status? Or does it have to do with something else? Does it have to do with your political status and who you may disagree with?

Thirty-one organizations' information was released to organizations like ProPublica—31 organizations. Maybe that's the beginning of that, and maybe we don't know the extent of how many other organizations were leaked this information. What did they do with it? Did they maybe use it to target candidates in political elections to make sure that they lost because they disagreed with their ideology?

We understand that we oftentimes disagree on ideology on policy, but we expect a fair and level playing field, and we certainly expect the government to provide that. That's the government's role. That's one of the government's core missions. In this case, obviously, the government was working for one team and decidedly against the other team. What does that mean to all Americans?

Some applications were under review at the IRS for 3 years, yet you could sue the IRS after 270 days for inaction. For 3 years these things went dormant. So who's responsible?

We have had a host of scandals in this town from time immemorial. This administration is really at some point no different than the next, but on one point I think it has been so far: nobody is ever responsible. People take responsibility, but there's no accountability, and no heads really roll. Nothing happens to anyone.

Finally, there is a firing here and we're not sure this guy had anything to do with it. But I would ask you this:

The President says that he finds out this information that you find out in the public on the same day you find it out. Mr. Speaker, that seems odd to me. He's the President. He's the leader of the country. We know that he can't know every little thing in every agency. He can't know that, and we don't expect him to know that. That is why he hires top people, smart people to run those organizations for him. But he is the leader of the country, and when this is going on for a couple of years and they know about it, shouldn't we be concerned that he doesn't know anything about it? I mean, is that a failure of leadership? I think that's a great question. And I think that it is bad that our President says that he doesn't know, and that he truly doesn't know. I don't see that as a good thing.

Mr. Speaker, the American public increasingly has a trust issue with this administration, which is now in damage control, and we understand that they have to be. But, Mr. Speaker, while they are in damage control, is the people's business, the legitimate people's business being conducted right now? Where is their focus? Where was their focus on these issues when they could have been stopped or averted, and where is it now and what is the cost of that?

And I would also say to you this: as a person who has lead organizations myself, at the top is where the culture starts. The person at the top, he or she determines the culture of that whole organization. The people within that organization survive or do not survive by going along and learning to fit in with that culture. If everything below that starts eroding, you can only, at some point, look towards the top.

I would submit to you under the current scenario of the last week's events that we might really be seeing the advent of the evidence of a culture of corruption that has been going on for more than just a few days. Let's just go through a couple of them. I know you know it is coming.

It started with Fast and Furious, and I can tell you that I don't feel like I've gotten the answers. I don't think the American people have gotten the answers that they have been looking for. I certainly don't think that justice has been served for those folks and, in particular, the one agent on the border who lost his life over that.

And, of course, there's Benghazi, which information continues to come out even as we speak, including emails today that show that the State Department and the White House changed the intelligence talking points. Changed them why? Why change them? Why not tell the American people what happened, especially when apparently you know what happened? Is it because it shouldn't have happened and it didn't have to happen, but there was inaction when something could have changed? We heard that, well, we couldn't get folks there in time. We can do a lot of things in this town, but one thing I haven't seen anybody be able to do is to predict the future.

I don't know who in the White House or who in the Department of State predicted that the attack would only last so long. Years ago, when I was a little kid, I watched hostages in Iran being taken, and that lasted for well over a year, 470-some days or something like that.

How did we know, how did the Department of State, how did the White House know that this wasn't going to be the same scenario and these folks weren't going to be held captive for years and years and the United States held hostage? They just assumed whatever they assumed, I guess.

It is just interesting. We don't know the President's whereabouts during that period of time. I don't know if we will ever know. But it is interesting that there is no culpability, there is no accountability. Folks at the State Department, we were told, well, there were some low-level folks that were responsible for the security misfortune and missteps at the consulate and they have been reassigned. Four people are dead. Families don't know why their children died—their brothers, their sisters, their husbands, their fathers—they don't know to what end, and they still don't know. If we left it up to this administration, who keeps on stonewalling and just metering out the information only as fast as we can pull it out of them, they may never know.

Is it embarrassing? Americans are forgiving. If a mistake was made in good faith, a mistake was made. We are all human. But was a mistake made in good faith or was a mistake made—scratch that. Was it a precalculated decision for political purposes? And, if it was, that is, indeed, reprehensible. I'm sure that is, indeed, embarrassing and there will be a cost to that. So maybe that is the motivation we don't know.

And then there is the Justice Department wiretaps at the AP. The Attorney General recused himself. He recused himself. He recused himself of what? I'm not sure the timeline there. Does that mean he knew that the Justice Department was going to tap the AP, one of the largest wire services in the world? Did he know and say, well, there is an investigation going on so I'm going to stay out of it and he left it to his deputy?

We don't know what to trust, but I can tell you this. According to the Department of Justice, their media subpoena requirement is:

The approval of the Attorney General is required before a government attorney can issue a subpoena to a member of the news media.

That is not my words. That comes right from 28 CFR 50.10.

Fifty-two major media organizations have spoken out against this. This is not a liberal/conservative thing. This is a freedom of the press. This is an issue that crosses all lines.

The press Shield Act has been introduced in the Senate. It was introduced a couple of years ago when Democrats held the House, the Senate, and the Presidency. Now it is being reintroduced and retouted. Oh, really? If it was so important—if it is so important now, why didn't you pass it then? Why did you wait until now to reintroduce it and make a big deal of it?

I would suggest to you that that is more damage control. It is more political gamesmanship and trying to just smooth over a bad situation.

The Justice Department wiretaps at the AP led right to this House gallery. And I wonder about jurisdictional issues. Doesn't the Executive Office have a separation of powers duty? Can the Executive Office wiretap the House of Representatives?

And what about the Senate? Isn't it curious that the House of Representatives is controlled by the majority party, which is Republicans, so the wiretaps come here, but they don't go to the Senate, where arguably most of the reporters hang out because that is where things are really happening most of the day, but no wiretaps there? I guess it is just a coincidence, Mr. Speaker.

Let's move on. Health and Human Services Secretary Sebelius out soliciting funds to pay for ObamaCare. Is that appropriate or is that not a little scandalous? Is she shaking them down? Are we just now waiting for the next shoe to drop on that and to get some information about that?

There's another one waiting in the wings as we speak, the EPA. Fees for FOIA requests. Freedom of Information Act requests are normally waived for philanthropic and public policy-oriented organizations. And, of course, they were waived for 92 percent of green groups friendly with the EPA. Interestingly, during the same period of time, the fees were universally applied to conservative groups.

□ 2000

Mr. Speaker, we have a trust issue. We've had a trust issue in the House of Representatives with the administration for some time, and the American people are starting to realize that they, too, have a trust issue. It is unfortunate. It is unfortunate because, at a time when Congress is, generally speaking, still pretty close to an all-time low in approval rating, what we need is uplifting things from the most transparent organization in history to make sure that the American people know that they can trust their government even though they don't always agree. Sometimes they disagree with

policy, but if it's out front—if you give somebody your rationale, if you tell him this is why I think we should do what we should do—a citizen says, I don't agree, but you're our leader, so go ahead.

We don't lie to the American people. We don't hide things from the American people. We don't watch Americans die and do nothing about it and then lie about it after the fact. We don't mislead Congress.

Mr. Speaker, it's the most critical time during these times for the administration to fully come clean on everything. Be up front on everything. Don't parse the information, because all that will serve to do is to erode the trust of the American people further day by day, not only in the administration, but in the halls of all of government institutions from the top to the bottom.

We as Americans are right to be cynical of our government. We are right to, and we have a right to be cynical. It's not a bad thing. We have the right to question, and we should question—that's how answers come—but we shouldn't have to question the trust. Questioning motives, questioning policies, those are apt things, but not wondering why the government is collecting information to give to the IRS.

Why would you give it to the IRS? Why did the IRS need that information? Was it to get more taxes? Why do they need to know what books you're reading? The IRS can put people in jail, folks. Are we looking towards a time when we put people in jail for reading the wrong books? for thinking the wrong things? for opposing the ruling powers? That is something for another world. That is something from another world, another country.

This is America. These things do not happen here. These things should not happen here. Yet these things, apparently and sadly, have happened here.

It is time for the administration to lay everything on the table so that we know where we stand, so that we can get past this and get back to the business of governance. We have slow economic growth. People are struggling. People have lost their jobs. People will continue to lose their jobs. Bills are going up, and paychecks are going down. That's what we need to be focusing on.

We are held hostage by foreign governments who own our debt. We are held hostage by foreign governments who hold energy supplies while we're standing right on top of them in America. Those are the policies we need to be discussing, not whether our government misled us about Benghazi; whether they misled us about wiretaps; whether they misled us about Fast and Furious; whether they misled us about Health and Human Services and what they're doing with shaking down companies for money for ObamaCare; whether they're going to mislead us about the EPA and fees charged to certain organizations only; and certainly, the IRS' targeting of certain individuals for what they think and what they say.

There is no place for that in America. We need to get back to the people's business, and we need to do it right fast.

Mr. Speaker, I yield back the balance of my time.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of illness.

## ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 360. An act to award posthumously a Congressional Gold Medal to Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley to commemorate the lives they lost 50 years ago in the bombing of the Sixteenth Street Baptist Church, where there 4 little Black girls' ultimate sacrifice served as a catalyst for the Civil Rights Movement.

## BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on May 15, 2013, she presented to the President of the United States, for his approval, the following bill:

H.R. 360. To award posthumously a Congressional Gold Medal to Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley to commemorate the lives they lost 50 years ago in the bombing of the Sixteenth Street Baptist Church, where these 4 little Black girls' ultimate sacrifice served as a catalyst for the Civil Rights Movement.

## ADJOURNMENT

Mr. PERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 16, 2013, at 10 a.m. for morning-hour debate.

## OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 113th Congress, pursuant to the provisions of 2 U.S.C. 25:

MARK SANFORD, First District of South Carolina.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1487. A letter from the Under Secretary, Department of Defense, transmitting the Department's report on National Guard Counterdrug Schools Activities, pursuant to Public Law 109-469, section 901(f); to the Committee on Armed Services.

1488. A letter from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule — Program Integrity Issues [Docket ID: ED-2010-OPE-0004] (RIN: 1840-AD02) received April 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1489. A letter from the Deputy Assistant Secretary for Higher Education Programs, Department of Education, transmitting the Department's final rule — Final Priorities; Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) College Savings Account Research Demonstration Project [CFDA Number: 84.334D.] received April 29, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1490. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablock Act; to the Committee on Foreign Affairs.

1491. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 113—25); to the Committee on the Judiciary and ordered to be printed.

1492. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 113—26); to the Committee on the Judiciary and ordered to be printed.

1493. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 113—27); to the Committee on the Judiciary and ordered to be printed.

1494. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendment to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court, pursuant to 28

U.S.C. 2075; (H. Doc. No. 113—28); to the Committee on the Judiciary and ordered to be printed.

1495. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 113—29); to the Committee on the Judiciary and ordered to be printed.

1496. A letter from the Deputy Assistant Administrator, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Placement of Lorcaserin Into Schedule IV [Docket No.: DEA-369] received May 8, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1497. A letter from the Chair and CEO, Farm Credit Administration, transmitting the Administration's final rule—Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation (RIN: 3052-AC87) received May 6, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1498. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Hebda Cup Rowing Regatta, Trenton Channel; Detroit River, Wyandotte, MI [Docket Number: USCG-2013-0211] (RIN: 1625-AA08) received May 1, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1499. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30896; Amdt. No. 3531] received May 6, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1500. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30897; Amdt. No. 3532] received May 6, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1501. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — amendment of Restricted Areas R-670A, B, C, D; and Establishment of Restricted Areas R-6703E, F, G, H, I, and J; WA [Docket No.: FAA-2012-0371; Airspace Docket No. 12-ANM-14] (RIN: 2120-AA66) received May 6, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1502. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of VOR Federal Airway V-595, OR [Docket No.: FAA-2012-1004; Airspace Docket No. 12-ANM-21] (RIN: 2120-AA66) received May 6, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1503. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Payment for Home Health Services and Hospice Care to Non-VA Providers (RIN: 2900-AN98) received May 6, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1504. A letter from the Acting United States Trade Representative, United States Trade Representative, transmitting the intention to include Japan in the ongoing negotiations of the Trans-Pacific Partnership; to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HENSARLING: Committee on Financial Services. H.R. 701. A bill to amend a provision of the Securities Act of 1933 directing the Securities and Exchange Commission to add a particular class of securities to those exempted under such Act to provide a deadline for such action (Rept. 113–58). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURGESS: Committee on Rules. House Resolution 215. Resolution providing for consideration of the bill (H.R. 45) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010 (Rept. 113–59). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 216. Resolution providing for consideration of the bill (H.R. 1062) to improve the consideration by the Securities and Exchange Commission of the costs and benefits of its regulations and orders (Rept. 113–60). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself, Mrs. NAPOLITANO, Mr. HOLT, Mr. GRIJALVA, Ms. JACKSON LEE, Ms. CASTOR of Florida, Mr. YARMUTH, Mr. POLIS, Ms. KAPTUR, Ms. TSONGAS, Ms. LEE of California, Mr. LEWIS, Mr. SCOTT of Virginia, Mrs. MCCARTHY of New York, and Ms. WILSON of Florida):

H.R. 1981. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. REICHERT (for himself and Mr. THOMPSON of California):

H.R. 1982. A bill to amend section 1862 of the Social Security Act with respect to the application of Medicare secondary payer rules to workers' compensation settlement agreements and Medicare set-asides under such agreements; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself and Ms. BASS):

H.R. 1983. A bill to amend the Food for Peace Act to reform the food assistance programs under that Act, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Agriculture, Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANCE (for himself and Mrs. CHRISTENSEN):

H.R. 1984. A bill to amend the Public Health Service Act to raise awareness of, and to educate breast cancer patients anticipating surgery, especially patients who are members of racial and ethnic minority groups, regarding the availability and coverage of breast reconstruction, prostheses, and other options; to the Committee on Energy and Commerce.

By Mr. LANCE (for himself, Mr. DENT, Mr. DUNCAN of South Carolina, Mr. FRELINGHUYSEN, Mr. GRIMM, Mr. HANNA, Mr. HARRIS, Mr. JONES, Mr. RUNYAN, Mr. SMITH of New Jersey, Mr. WELCH, Mr. WILSON of South Carolina, and Mr. KING of New York):

H.R. 1985. A bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LIPINSKI (for himself, Mr. FORTENBERRY, Mrs. HARTZLER, and Ms. SPEIER):

H.R. 1986. A bill to provide for the assignment of Sexual Assault Nurse Examiners-Adult/Adolescent to brigades and equivalent units of the Armed Forces; to the Committee on Armed Services.

By Ms. SINEMA:

H.R. 1987. A bill to amend title 38, United States Code, to increase the amount of benefits payable for the burial and funeral expenses of certain veterans; to the Committee on Veterans' Affairs.

By Mr. ALEXANDER (for himself and Mr. CONNOLLY):

H.R. 1988. A bill to amend title 38, United States Code, to provide authority for certain members of the Armed Forces to transfer entitlement to Post-9/11 Educational Assistance to their dependents; to the Committee on Veterans' Affairs.

By Mr. ALEXANDER:

H.R. 1989. A bill to require the Forest Service to accommodate, to the extent consistent with the management objectives and limitations applicable to the National Forest System lands at issue, individuals with mobility disabilities who need to use a power-driven mobility device for reasonable access to such lands; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia:

H.R. 1990. A bill to prohibit the Secretary of the Treasury from enforcing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1991. A bill to require the Secretary of Education to verify that individuals have made a commitment to serve in the Armed Forces or in public service, or otherwise are a borrower on an eligible loan which has been submitted to a guaranty agency for default aversion or is already in default, before such individuals obtain a consolidation loan for purposes specified under section 455(o) of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. COLLINS of Georgia (for himself, Mr. SCHNEIDER, Mr. ROYCE, and Ms. GABBARD):

H.R. 1992. A bill to amend the requirements relating to assessment of Israel's qualitative military edge over military threats, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FORBES:

H.R. 1993. A bill to prohibit the Internal Revenue Service from hiring new employees

to enforce the Federal Government's invasion into the health care lives of American citizens; to the Committee on Ways and Means.

By Mr. HARPER:

H.R. 1994. A bill to terminate the Election Assistance Commission; to the Committee on House Administration.

By Mr. KIND (for himself, Mr. PETRI, Mr. BLUMENAUER, Ms. DELAURO, Mr. WAXMAN, Mr. SENSENBRENNER, Mr. MCGOVERN, and Mr. COOPER):

H.R. 1995. A bill to reform the Federal Crop Insurance Act and reduce Federal spending on crop insurance; to the Committee on Agriculture.

By Mr. KING of New York (for himself, Mrs. CAROLYN B. MALONEY of New York, Mr. RUNYAN, Mr. PETRI, Mr. YOUNG of Florida, and Mr. DEFAZIO):

H.R. 1996. A bill to provide for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq or Afghanistan; to the Committee on Armed Services.

By Mr. MCKEON (for himself and Mr. PETERS of California):

H.R. 1997. A bill to allow investor participation in the loan rehabilitation program authorized under section 203(k) of the National Housing Act; to the Committee on Financial Services.

By Mr. MCKEON (for himself and Ms. LORETTA SANCHEZ of California):

H.R. 1998. A bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes; to the Committee on Natural Resources.

By Mr. MURPHY of Florida (for himself, Mr. JOYCE, Mr. PETERS of California, Mr. RICE of South Carolina, and Ms. SINEMA):

H.R. 1999. A bill to reduce waste and implement cost savings and revenue enhancement for the Federal Government; to the Committee on Oversight and Government Reform, and in addition to the Committees on Appropriations, Agriculture, Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PIERLUISI (for himself, Mr. HOYER, Mr. YOUNG of Alaska, Mr. SERRANO, Mr. KING of New York, Mr. GEORGE MILLER of California, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Mr. RANGEL, Mr. WAXMAN, Ms. KAPTUR, Mr. ENGEL, Mr. FALEOMAVAEGA, Ms. NORTON, Ms. BROWN of Florida, Mr. MICA, Mr. HASTINGS of Florida, Mr. FATTAH, Mr. KIND, Mr. CROWLEY, Mr. DIAZ-BALART, Mr. GRIJALVA, Ms. BORDALLO, Mr. ELLISON, Ms. CASTOR of Florida, Ms. FUDGE, Mr. SCHOCK, Mr. SABLAN, Mr. DEUTCH, Mr. POLIS, Mr. GRAYSON, Ms. WILSON of Florida, Mr. GARCIA, and Ms. SHEA-PORTER):

H.R. 2000. A bill to set forth the process for Puerto Rico to be admitted as a State of the Union; to the Committee on Natural Resources.

By Mr. RANGEL (for himself, Mr. THOMPSON of Pennsylvania, Mr. MCGOVERN, Ms. LEE of California, Mr. RAHALL, Mrs. NAPOLITANO, Mr. MCCAUL, Mr. WESTMORELAND, Mr. PERRY, Mr. JONES, Mrs. CAPPS, Ms. CHU, Ms. NORTON, Mr. MEEKS, Mr. WALZ, Mr. COOPER, Mr. NUNNELEE, Mr. BROUN of Georgia, Mr. CLEAVER, Mr. GARY G. MILLER of California, Mr. KELLY of Pennsylvania, Mr. POCAN, and Mr. ROE of Tennessee):

H.R. 2001. A bill to amend title 38, United States Code, to improve the ability of health care professionals to treat veterans via telemedicine; to the Committee on Veterans' Affairs.

By Mr. RYAN of Ohio (for himself, Ms. GRANGER, Ms. MCCOLLUM, Ms. KUSTER, Mrs. LOWEY, Ms. KAPTUR, Mr. COLE, and Mr. CRENSHAW):

H.R. 2002. A bill to amend title 10, United States Code, to enhance assistance for victims of sexual assault committed by members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. RYAN of Ohio (for himself and Mrs. LOWEY):

H.R. 2003. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the label of drugs intended for human use to contain a parenthetical statement identifying the source of any ingredient constituting or derived from a grain or starch-containing ingredient; to the Committee on Energy and Commerce.

By Mr. SIMPSON (for himself and Mr. DEFAZIO):

H.R. 2004. A bill to expand geothermal production, and for other purposes; to the Committee on Natural Resources.

By Mr. TIERNEY (for himself, Mr. CAPUANO, Mr. CUMMINGS, Mr. FARR, Ms. HAHN, Mr. KEATING, Ms. LOFGREN, Mrs. CAROLYN B. MALONEY of New York, Mr. MARKEY, Mr. MCGOVERN, Mr. MORAN, Mrs. NAPOLITANO, Ms. SPEIER, and Ms. TSONGAS):

H.R. 2005. A bill to provide for the development and use of technology for personalized handguns, to require that, within 3 years, all handguns manufactured or sold in, or imported into, the United States incorporate such technology, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG (for himself and Mr. KILDEE):

H.R. 2006. A bill to amend the Internal Revenue Code of 1986 to expand access to Coverdell education savings accounts; to the Committee on Ways and Means.

By Mr. WELCH:

H.R. 2007. A bill to eliminate the limitation on the period for which borrowers are eligible for guaranteed assistance under the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. WELCH:

H.R. 2008. A bill to prohibit United States assistance for Afghanistan unless the United States and Afghanistan enter into a bilateral agreement which provides that work performed in Afghanistan by United States contractors is exempt from taxation by the Government of Afghanistan; to the Committee on Foreign Affairs.

By Mr. WEBER of Texas (for himself, Mr. SMITH of Texas, Mr. HALL, Mr. NEUGEBAUER, Mr. SENSENBRENNER, Mr. STOCKMAN, Mr. CRAMER, Mr. SCHWEIKERT, and Mr. STEWART):

H. Res. 214. A resolution expressing the sense of the House of Representatives that extensive scientific and technical studies and analyses by the Department of State and other Federal agencies have affirmed that the proposed Keystone XL pipeline is an environmentally sound project; to the Committee on Science, Space, and Technology.

By Mr. BENTIVOLIO:

H. Res. 217. A resolution expressing the sense of the House of Representatives that the Federal, State, and local police officers who have fallen while fulfilling their duty both in Michigan and the United States should be honored for their sacrifice and commitment to preserving law and order; to the Committee on the Judiciary.

## MEMORIALS

Under clause 3 of rule XII,

25. The SPEAKER presented a memorial of the Senate of the State of Georgia, relative to Senate Resolution No. 423 urging the Congress and the President to resolve the national debt crisis; to the Committee on Ways and Means.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GEORGE MILLER of California:

H.R. 1981.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, 3 and 18 of the United States Constitution.

By Mr. REICHERT:

H.R. 1982.

Congress has the power to enact this legislation pursuant to the following:

''The constitutional authority of Congress to enact this legislation is provided by Article 1, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).''

By Mr. ROYCE:

H.R. 1983.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. LANCE:

H.R. 1984.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. LANCE:

H.R. 1985.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Congress has the power ''to regulate commerce with foreign nations, and among the several states.''

By Mr. LIPINSKI:

H.R. 1986.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Ms. SINEMA:

H.R. 1987.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to lay and collect duties, imposts and excises, to pay the debts and provide for the general welfare of the United States; as enumerated in Article I, Section 8.

By Mr. ALEXANDER:

H.R. 1988.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution granting that ''[t]he Congress shall have power to . . . provide for the common defence and general welfare of the United States;'' as well as clause 18 of section 8 of article I of the Constitution provides that ''[t]he Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. ALEXANDER:

H.R. 1989.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18, which states Congress may ''. . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers . . .''

By Mr. PRICE of Georgia:

H.R. 1990.

Congress has the power to enact this legislation pursuant to the following:

Consistent with the original understanding of the commerce clause, the authority to enact this legislation is found in Clause 3 of Section 8, Article I of the Constitution. The bill stops the IRS implementation of the Patient Protection and Affordable Care Act, which exceeds the authority vested in Congress by the Constitution. Finally, the bill removes government intrusion into the doctor-patient relationship, which is protected by the Ninth and Tenth Amendments to the Constitution.

By Mr. ANDREWS:

H.R. 1991.

Congress has the power to enact this legislation pursuant to the following:

Congress' Spending Power as contained in Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. COLLINS of Georgia:

H.R. 1992.

Congress has the power to enact this legislation pursuant to the following:

Congress has authority under Article I, Section 8, cl. 3, the Interstate Commerce Clause, to regulate interstate and foreign commerce.

Congress has authority under Article I, Section 8, cl. 18, the Necessary and Proper Clause, to effectuate its powers enumerated elsewhere.

By Mr. FORBES:

H.R. 1993.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 18

By Mr. HARPER:

H.R. 1994.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the U.S. Constitution granting Congress the authority to make laws governing the time, place, and manner of holding Federal elections.

By Mr. KIND:

H.R. 1995.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. KING of New York:

H.R. 1996.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 6

The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. MCKEON:

H.R. 1997.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution—the Commerce Clause—and Article I, Section 8, Clause 18 of the Constitution—the Necessary and Proper Clause.

By Mr. MCKEON:

H.R. 1998.

Congress has the power to enact this legislation pursuant to the following:

(Article I, Section 8, Clause 3). The commerce clause states that the United States Congress shall have power ''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.'' Courts and commentators

By Mr. MURPHY of Florida:

H.R. 1999.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 18 of the United States Constitution:

The Congress shall have Power—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. PIERLUISI:

H.R. 2000.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of the Congress to admit new States into the Union and to make all needful rules and regulations respecting the territories of the United States, as enumerated in Section 3 of Article IV of the Constitution.

By Mr. RANGEL:

H.R. 2001.

Congress has the power to enact this legislation pursuant to the following:

Congress is given the power under the Constitution ''To raise and support Armies,'' ''To provide and maintain a Navy,'' and ''To make Rules for the Government and Regulation of the land and naval Forces.'' Art. I, §8, cls. 12–14. See also: ROSTKER V. GOLDBERG, 453 U.S. 57 (1981)

By Mr. RYAN of Ohio:

H.R. 2002.

Congress has the power to enact this legislation pursuant to the following:

Section 8, Clauses 14 and 18:

To make Rules for the Government and Regulation of the land and naval Forces; and

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof

By Mr. RYAN of Ohio:

H.R. 2003.

Congress has the power to enact this legislation pursuant to the following:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. SIMPSON:

H.R. 2004.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of section 3 of article IV of the Constitution (''The Congress shall have the Power of Congress to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States . . .'').

By Mr. TIERNEY:

H.R. 2005.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. WALBERG: 1

H.R. 2006.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in Any Department of Officer thereof.

By Mr. WELCH:

H.R. 2007.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. WELCH:

H.R. 2008.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. ROTHFUS, Mr. DENHAM, and Mr. KINGSTON.

H.R. 7: Mr. WEBSTER of Florida, Mr. MCCAUL, Mr. MULLIN, Mr. NUNNELEE, Mr. TIBERI, Mr. BISHOP of Utah, Mr. GRIFFIN of Arkansas, Mr. WEBER of Texas, Mr. PALAZZO, Mr. LATTA, and Mr. KING of New York.

H.R. 22: Mr. OLSON.

H.R. 23: Mr. KINGSTON.

H.R. 45: Mr. STUZMAN, Mr. LUCAS, and Mr. AUSTIN SCOTT of Georgia.

H.R. 104: Mr. NUGENT.

H.R. 164: Mr. WAXMAN, Mr. MCGOVERN, Mr. HOLDING, Ms. PINGREE of Maine, Mr. JORDAN, and Mr. PETERS of California.

H.R. 184: Mr. GRAVES of Missouri, Mr. LOBIONDO, Mr. TURNER, and Mr. BROUN of Georgia.

H.R. 207: Mrs. NOEM.

H.R. 241: Mr. COLE.

H.R. 262: Mr. MCDERMOTT.

H.R. 303: Mr. MCCAUL.

H.R. 335: Mr. LARSON of Connecticut.

H.R. 346: Mr. HARRIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. GRIFFIN of Arkansas, Mr. ROKITA, and Mr. MESSER.

H.R. 357: Mr. MESSÉR.

H.R. 367: Mr. DAINES.

H.R. 384: Mr. CARSON of Indiana and Mr. GRIJALVA.

H.R. 386: Mr. CARSON of Indiana.

H.R. 398: Mr. MAFFEI.

H.R. 451: Mr. WEBSTER of Florida, Mr. NUGENT, Mr. GRAYSON, Mr. MICA, and Mr. HASTINGS of Florida.

H.R. 521: Mr. HUFFMAN.
H.R. 556: Mr. KLINE and Mr. ROTHFUS.
H.R. 578: Mr. PEARCE.
H.R. 627: Mr. SHERMAN.
H.R. 637: Mr. STOCKMAN and Mr. PEARCE.
H.R. 664: Ms. SPEIER, Mrs. KIRKPATRICK, and Mr. RICHMOND.
H.R. 688: Mr. ISRAEL, Mrs. BEATTY, Mr. CULBERSON, Ms. BROWNLEY of California, and Mrs. BUSTOS.
H.R. 690: Ms. DELBENE.
H.R. 721: Mr. COLE, MCINTYRE, Mr. TERRY, Mr. BRADY of Pennsylvania, and Mr. SMITH of New Jersey.
H.R. 736: Mr. PALLONE.
H.R. 752: Mr. LARSEN of Washington.
H.R. 755: Ms. LEE of California.
H.R. 761: Mr. RADEL.
H.R. 763: Mr. KING of New York, Mr. KELLY of Pennsylvania, Mr. WEBSTER of Florida, Mr. LABRADOR, Mr. SHUSTER, Mr. RICE of South Carolina, and Mr. ROGERS of Kentucky.
H.R. 769: Mr. SARBANES.
H.R. 781: Mr. GERLACH.
H.R. 792: Mr. CARTER and Mr. MULLIN.
H.R. 793: Ms. CLARKE.
H.R. 794: Ms. SCHWARTZ.
H.R. 828: Mr. STUTZMAN, Mr. HUIZENGA of Michigan, Mr. BROWN of Georgia, and Mr. STOCKMAN.
H.R. 850: Mr. LANKFORD.
H.R. 874: Mr. LOWENTHAL and Mr. HASTINGS of Florida.
H.R. 901: Mr. ROSKAM, Mr. SCHRADER, Mr. KIND, AND Mr. RUSH.
H.R. 903: Mr. AMODEI and Mr. CARTER.
H.R. 911: Mr. MICHAUD, Mr. JONES, and Mr. DOGGETT.
H.R. 929: Mr. GARAMENDI.
H.R. 940: Mr. THOMPSON of Pennsylvania and Mr. LATHAM.
H.R. 957: Mr. VALADAO.
H.R. 961: Mr. COURTNEY and Ms. ESHOO.
H.R. 963: Mr. MCGOVERN, Mr. SIRES, and Mr. SMITH of New Jersey.
H.R. 1005: Mr. PITTENGER, Mr. BAR, Mr. FLEMING, Mr. CULBERSON, Mr. BRIDENSTINE, Mr. BARTON, Mr. MULVANEY, Mr. MASSIE, Mr. HUIZENGA of Michigan, Mrs. BACHMANN, Mr. HARRIS, Mr. STOCKMAN, and Mr. YODER.
H.R. 1008: Mrs. CHRISTENSEN, Mr. COURTNEY, Mr. GENE GREEN of Texas, Mr. ENGEL, Mr. GRIJALVA, Mr. SCHIFF, Mr. CLAY, Mr. BISHOP of Georgia, and Mr. POLIS.
H.R. 1009: Mr. TONKO and Mr. KIND.
H.R. 1020: Mr. ROSKAM and Ms. HERRERA BEUTLER.
H.R. 1038: Mrs. ELLMERS and Ms. CHU.
H.R. 1076: Mr. OLSON.
H.R. 1130: Mr. LEVIN.
H.R. 1149: Mr. ALEXANDER.
H.R. 1151: Mr. YODER and Mr. GINGREY of Georgia.
H.R. 1154: Mr. PETERS of California.
H.R. 1155: Mr. COURTNEY.
H.R. 1179: Mr. PETERSON and Mr. MICHAUD.
H.R. 1182: Mr. KLINE.
H.R. 1186: Mr. VARGAS and Mr. KENNEDY.
H.R. 1243: Mr. CROWLEY.
H.R. 1250: Mr. WELCH, Ms. BROWNLEY of California and Mr. LABRADOR.
H.R. 1276: Mr. ADERHOLT, Mr. SCHRADER, Mr. ROGERS of Kentucky, Mr. SCOTT PAYNE, Mr. SIRES, Mr. PASCRELL, Ms. ROYBAL-ALLARD, Mr. MEADOWS, Mr. BARLETTA, Ms. ESTY, Mr. FORBES, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. RAHALL, and Mr. PRICE of North Carolina.
H.R. 1304: Mr. CAMP.
H.R. 1318: Mr. SCHIFF.
H.R. 1321: Ms. BROWNLEY of California.
H.R. 1340: Mr. DOGGETT.
H.R. 1355: Mr. LABRADOR.
H.R. 1362: Mr. PASCRELL.
H.R. 1385: Mr. LEWIS and Ms. DEGETTE.
H.R. 1402: Mr. LANGEVIN.
H.R. 1403: Ms. LEE of California, Ms. NORTON, Mr. BUTTERFIELD, Ms. FUDGE, Ms. BROWN of Florida, Ms. WILSON of Florida, and Mr. RANGEL.
H.R. 1412: Mr. TAKANO.
H.R. 1431: Mr. MORAN, Mr. PIERLUISI, Mr. CICILLINE, Ms. LEE of California, and Ms. WILSON of Florida.
H.R. 1438: Mr. BISHOP of New York.
H.R. 1464: Mr. PETERS of California.
H.R. 1498: Mr. MEEKS.
H.R. 1502: Mr. ROTHFUS.
H.R. 1518: Mr. PRICE of North Carolina, Mr. CONNOLLY, Ms. KUSTER, Mr. PETERS of Michigan, Mr. GRIJALVA, Mr. TIPTON, Mr. GEORGE MILLER of California, Mr. WALBERG, and Mrs. DAVIS of California.
H.R. 1527: Mr. MCNERNEY, Mr. SWALWELL of California, and Mr. HINOJOSA.
H.R. 1566: Mr. RADEL and Mr. RENACCI.
H.R. 1595: Mr. HUFFMAN.
H.R. 1613: Mr. MULLIN.
H.R. 1620: Mr. BISHOP of New York and Mr. LATHAM.
H.R. 1623: Ms. LEE of California, and Mr. JOYCE.
H.R. 1628: Mr. BUCSHON and Mr. LABRADOR.
H.R. 1629: Mr. POLIS.
H.R. 1630: Mrs. NAPOLITANO, Mr. LIPINSKI, Mr. THOMPSON of California, Mr. KENNEDY, Ms. BROWN of Florida, Ms. SCHAKOWSKY, Ms. LOFGREN, Mrs. LOWEY, Mr. DANNY K. DAVIS of Illinois, Mr. RYAN of Ohio, Ms. LEE of California, and Mr. MCDERMOTT.
H.R. 1661: Ms. LEE of California.
H.R. 1692: Mr. VISCLOSKY.
H.R. 1696: Ms. MCCOLLUM.
H.R. 1697: Mr. YODER.
H.R. 1701: Mr. BONNER and Mr. LANKFORD.
H.R. 1716: Mr. KIND and Mr. VARGAS.
H.R. 1717: Mr. MAFFEI, Mr. BOUSTANY, Mr. RAHALL, Mr. TIPTON, Mr. HANNA, Mr. ROGERS of Alabama, Mr. MEADOWS, Mr. BILIRAKIS, Mr. LANGEVIN, Mr. COLLINS of New York, Mr. TURNER, Mr. STIVERS, Mr. KLINE, Mr. ROTHFUS, Mr. COLE, Mr. FLEISCHMANN, Mr. SENSENBRENNER, Mr. ENYART, Mr. KELLY of Pennsylvania, Mr. BENTIVOLIO, and Mrs. MCCARTHY of New York.
H.R. 1726: Mr. GRAYSON, Mr. PRICE of Georgia, Mr. HARRIS, Mr. SOUTHERLAND, Mr. STOCKMAN, Mrs. BLACKBURN, Mr. GARRETT, and Mr. PEARCE.
H.R. 1733: Mr. LABRADOR.
H.R. 1740: Mr. SMITH of New Jersey, Mr. CRAMER, Mr. LONG, Mr. HUIZENGA of Michigan, Mr. BRIDENSTINE, Mr. LANKFORD, and Mr. MILLER of Florida.
H.R. 1748: Mr. GRAYSON.
H.R. 1750: Mr. JONES, Mr. GRAVES of Georgia, Mr. BUCSHON, Mr. GRAVES of Missouri, and Mr. TIBERI.
H.R. 1764: Mr. GRAVES of Missouri, Mr. BROUN of Georgia, and Mr. MCKEON.
H.R. 1771: Mr. SCHNEIDER.
H.R. 1795: Mr. TAKANO, Mr. LANGEVIN, Mr. WHITFIELD, Mr. MEEHAN, Mr. KEATING, Mr. HUNTER, Ms. ESHOO, Mr. FARR, Mr. GRIJALVA, Mr. LARSON of Connecticut, Mr. LONG, Mr. HONDA, Mr. PRICE of North Carolina, Mr. LIPINSKI, Ms. SCHAKOWSKY, Ms. DELAURO, and Mr. ROYCE.
H.R. 1796: Mrs. NOEM, Mr. HECK of Washington, Mr. PETERS of Michigan, Mr. KILMER, Mr. LANGEVIN, Mr. NUGENT, Mr. CÁRDENAS, Mr. DEFAZIO, Mr. COFFMAN, Mr. VELA, Ms. BORDALLO, Mr. POCAN, Mr. POSEY, Ms. SEWELL of Alabama, Mr. TIERNEY, Ms. HERRERA BEUTLER, and Mr. SWALWELL of California.
H.R. 1797: Mr. LABRADOR.
H.R. 1798: Mr. SOUTHERLAND, Mr. BRALEY of Iowa, Mr. RUPPERSBERGER, and Mr. CONNOLLY.
H.R. 1801: Mr. POLLS, Mr. ENGEL, Mr. RYAN of Ohio, Mr. PASTOR of Arizona, and Ms. SCHWARTZ.
H.R. 1809: Ms. FRANKEL of Florida, Ms. LEE of California, and Mr. PEARCE.
H.R. 1811: Mr. MORAN.
H.R. 1812: Mr. DEUTCH.
H.R. 1814: Mr. MCKEON, Mr. CARTWRIGHT, Mr. LABRADOR, Mr. WESTMORELAND, and Ms. ESHOO.
H.R. 1824: Ms. LEE of California and Mr. CARSON of Indiana.
H.R. 1825: Mr. WALBERG.
H.R. 1826: Mr. DUNCAN of South Carolina.
H.R. 1845: Mr. BEN RAY LUJÁN of New Mexico and Ms. WILSON of Florida.
H.R. 1851: Mrs. CAROLYN B. MALONEY of New York, Mrs. LOWEY, Mr. ENGEL, Mr. NEAL, and Ms. MATSUI.
H.R. 1857: Ms. BORDALLO, Mr. CARSON of Indiana, and Ms. WILSON of Florida.
H.R. 1861: Mr. ROKITA, Mr. RIBBLE, Mr. WALBERG, and Mr. RODNEY DAVIS of Illinois.
H.R. 1864: Mr. KLINE, Mrs. MCMORRIS RODGERS, Mr. STUTZMAN, Mr. BRADY of Pennsylvania, Mr. TURNER, Mrs. BACHMANN, Mr. LATTA, Ms. TSONGAS, and Mr. CARSON of Indiana.
H.R. 1871: Mrs. BLACK.
H.R. 1873: Mrs. BLACK.
H.R. 1874: Mr. KLINE, Mr. TIBERI, Mr. PEARCE, and Mr. KINGSTON.
H.R. 1882: Mr. BENTIVOLIO and Mr. BROUN of Georgia.
H.R. 1896: Mrs. BLACK and Mr. TIBERI.
H.R. 1907: Mr. KEATING, Mr. MCGOVERN, and Ms. SPEIER.
H.R. 1915: Mr. HASTINGS of Florida and Mr. ROE of Tennessee.
H.R. 1918: Mr. KLINE and Mr. COFFMAN.
H.R. 1943: Mr. VAN HOLLEN.
H.R. 1950: Mrs. NOEM, Mr. YOUNG of Alaska, Mr. HECK of Nevada, Mr. SCHOCK, Mr. WENSTRUP, Mr. REICHERT, Mr. LUETKEMEYER, Mr. CARTER, Mr. LONG, Mr. GINGREY of Georgia, Mr. ROKITA, Mr. NUNNELEE, Mr. SESSIONS, Mr. BENTIVOLIO, Mr. MESSER, Mr. NUGENT, Mr. DESANTIS, Mr. PITTS, Mrs. BACHMANN, Mr. HUIZENGA of Michigan, Mr. PRICE of Georgia, Mr. POSEY, Mr. HARRIS, Mrs. BLACKBURN, Mr. STOCKMAN, Mr. GARDNER, Mr. GRAVES of Georgia, Mr. SOUTHERLAND, Mr. STUTZMAN, Mr. PEARCE, Mr. CULBERSON, Mr. HUELSKAMP, Mr. PAULSEN, Mr. KLINE, Mrs. MILLER of Michigan, Mr. SIMPSON, Mr. OLSON, Mr. DENT, and Mr. DIAZ-BALART.
H.R. 1952: Mr. MULVANEY and Mr. PERLMUTTER.
H.R. 1962: Mr. RADEL and Mr. CONYERS.
H.R. 1971: Mr. WALZ and Mrs. BACHMANN.
H.R. 1975: Mr. LOWENTHAL, Ms. ROYBAL-ALLARD, Mr. PETERS of California, Ms. VELÁZQUEZ, and Mr. GALLEGO.
H. Con. Res. 34: Mr. SARBANES, Ms. BASS, Mr. RAHALL, and Mr. RANGEL.
H. Res. 36: Mr. KINZINGER of Illinois, Mr. PITTS, Mr. KING of New York, Mr. TIPTON, Mr. REICHERT, and Mr. MCCAUL.
H. Res. 89: Mr. PAYNE, Mr. HASTINGS of Florida, Mr. COLLINS of Georgia, Mr. LANCE, Mr. ENYART, Ms. LORETTA SANCHEZ of California, Mr. GUTHRIE, Mr. DANNY K. DAVIS of Illinois, Mr. LONG, Mrs. DAVIS of California, Ms. BROWN of Florida, Mr. POMPEO, Mr. MCINTYRE, Mr. CRAMER, Ms. JENKINS, Mr. SCHNEIDER, Mr. SMITH of New Jersey and Mrs. BLACKBURN.
H. Res. 109: Mr. MICHAUD, Mr. LANKFORD, Mr. CONNOLLY, and Mr. MARKEY.
H. Res. 123: Ms. BASS, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLYBURN, Ms. FUDGE, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. LEE of California, Ms. MOORE, Mr. WATT, Mr. RICHMOND, Ms. SEWELL of Alabama, Mr. THOMPSON of Mississippi, Mr. VEASEY, Mr. HASTINGS of Florida, Ms. MENG, Mr. CARTWRIGHT, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Mr. STIVERS, Mr. POCAN, Mr. POSEY, and Mr. TIBERI.
H. Res. 131: Mr. WEBER of Texas.
H. Res. 160: Mrs. LUMMIS.
H. Res. 167: Mr. MEEHAN.

H. Res. 174: Ms. TITUS.
H. Res. 190: Mr. GRIJALVA.
H. Res. 195: Mr. THOMPSON of Mississippi.
H. Res. 197: Ms. WILSON of Florida.
H. Res. 200: Mr. BENTIVOLIO and Mr. KLINE.
H. Res. 212: Mr. LONG, Ms. JENKINS, and Mr. BENISHEK.
H. Res. 213: Mr. NOLAN, Ms. PINGREE of Maine, Mr. SMITH of Washington, Ms. MATSUI, Ms. KUSTER, and Ms. ROYBAL-ALLARD.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.R. 45 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. ROGERS OF KENTUCKY

The provisions that warranted a referral to the Committee on Appropriations in H.R. 45 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. UPTON

The provision that warranted a referral to the Committee on Energy and Commerce in H.R. 45 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. KLINE

The provision that warranted a referral to the Committee on Education and the Workforce in H.R. 45 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 45, to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation act of 2010, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the U.S. House of Representatives.

OFFERED BY MR. GOODLATTE

The provisions that warranted a referral to the Committee on the Judiciary in H.R. 45 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. HASTINGS OF WASHINGTON

The provisions that warranted a referral to the Committee on Natural Resources in H.R. 45 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. SESSIONS

The provisions that warranted a referral to the Committee on Rules in H.R. 45 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MRS. MILLER OF MICHIGAN

The provisions that warranted a referral to the Committee on House Administration in H.R. 45 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## PETITIONS, ETC.

Under clause 3 of rule XII,

16. The SPEAKER presented a petition of the City of Pittsburgh, Pennsylvania, relative to Resolution No. 225 urging the Congress to enact comprehensive immigration reform; which was referred to the Committee on the Judiciary.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159 WASHINGTON, WEDNESDAY, MAY 15, 2013 No. 68

# Senate

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

PRAYER

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

Let us pray.

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

We pray in Your merciful Name. Amen.

## PLEDGE OF ALLEGIANCE

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

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

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

*To the Senate:*

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

PATRICK J. LEAHY,
*President pro tempore.*

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

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

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

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

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

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

## MEASURE PLACED ON THE CALENDAR—S. 953

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

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

The assistant legislative clerk read as follows:

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

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

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

## HEALTH CARE

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

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

It's pretty clear that the president was re-elected. Obamacare is the law of the land.

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

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



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

This is what the Speaker said last week:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## RECOGNITION OF THE REPUBLICAN LEADER

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

## THE IRS

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

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

How did we find out? ProPublica revealed it.

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

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

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

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

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

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

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

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

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

Of course it turns out it was.

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

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

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

Which officials knew about this scandal?

When did they know about it?

What did they do about it when they found out?

Did they deliberately mislead Congress and the American people?

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

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

My constituent was absolutely right.

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

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

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

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

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

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

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

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

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

Sincerely,

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

## NATIONAL POLICE WEEK 2013

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

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

The Republican whip.

## OBAMA SCANDALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

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

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

## THE BUDGET

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

## WRDA AMENDMENTS

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

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

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

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

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

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

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

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

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

The ACTING PRESIDENT pro tempore. The Senator from California.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We also have opposition from the Road Builders.

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

NATIONAL CONSTRUCTION ALLIANCE II,
*May 15, 2013.*

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

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

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

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

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

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

Thank you for your consideration.

Sincerely,

RAYMOND J. POUPORE,
*Executive Vice President.*

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

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

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

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

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

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

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

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

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

WATER RESOURCES DEVELOPMENT ACT OF 2013

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

The legislative clerk read as follows:

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

Pending:

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

AMENDMENT NO. 815

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

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

The amendment is as follows:

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

Strike section 2030.

AMENDMENT NO. 816

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

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

Mrs. BOXER. Yes.

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

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

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

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

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

I yield back.

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

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

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

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

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

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

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

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

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

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

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

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

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

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

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

[Rollcall Vote No. 121 Leg.]

YEAS—43

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

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

NAYS—53

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

NOT VOTING—4

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|---|---|
| Lautenberg | Murray |
| Murkowski | Nelson |

The amendment (No. 815) was rejected.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

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

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant bill clerk called the roll.

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

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

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

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

[Rollcall Vote No. 122 Leg.]

YEAS—35

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

NAYS—61

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

NOT VOTING—4

| | |
|---|---|
| Lautenberg | Murray |
| Murkowski | Risch |

The amendment (No. 816) was rejected.

AMENDMENT NO. 822

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

The PRESIDING OFFICER. The Senator from California.

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

The PRESIDING OFFICER. The Senator from Arkansas.

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

Madam President, I call up the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

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

The amendment is as follows:

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

At the end of the bill, add the following:

**TITLE XII—MISCELLANEOUS**

**SEC. 12001. AMERICA THE BEAUTIFUL NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS PROGRAM.**

The Secretary may participate in the America the Beautiful National Parks and Federal Recreational Lands Pass program in the same manner as the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, the Forest Service, and the Bureau of Reclamation, including the provision of free annual passes to active duty military personnel and dependents.

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

The PRESIDING OFFICER. Who yields time in opposition?

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

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

The amendment (No. 822) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 866

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

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

The PRESIDING OFFICER. The Senator from Oregon.

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

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

The amendment is as follows:

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

At the end of title X, add the following:

**SEC. 100___. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.**

(a) IN GENERAL.—Except as provided in subsection (b), none of the amounts made available under this Act may be used for the construction, alteration, maintenance, or repair of a project eligible for assistance under this title unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) EXCEPTION.—Subsection (a) shall not apply in any case or category of cases in which the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) PUBLIC NOTICE.—If the Secretary determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the Secretary shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

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

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

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

The PRESIDING OFFICER. The Senator from Louisiana.

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

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

Who yields time in opposition?

The Senator from Utah.

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

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

I thank the Chair.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

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

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

[Rollcall Vote No. 123 Leg.]

YEAS—60

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

NAYS—36

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

NOT VOTING—4

| | |
|---|---|
| Lautenberg | Murray |
| Murkowski | Warren |

The amendment (No. 866) was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from California.

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

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

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

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

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

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

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

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

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

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

I yield the floor.

AMENDMENT NO. 909, AS MODIFIED

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

The Senator from North Dakota.

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

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

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

The PRESIDING OFFICER. The Senate will be in order.

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

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

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

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

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

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

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

(Purpose: To restrict charges for certain surplus water)

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

**SEC. 2060. RESTRICTION ON CHARGES FOR CERTAIN SURPLUS WATER.**

(a) IN GENERAL. No fee for surplus water shall be charged under a contract for surplus water if the contract is for surplus water stored on the Missouri River.

(b) OFFSET.—Of the amounts previously made available for Corps of Engineers—Civil, Department of the Army, Operations and Maintenance'' that remain unobligated as of the effective date of this Act, $5,000,000 is hereby rescinded.''

(c) None of the funds under subsection (b) may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

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

The PRESIDING OFFICER. The Senator from California.

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

I will be supporting this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Louisiana.

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

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

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

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

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

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

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

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

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

WATER SUPPLY

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

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

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

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

HARBOR MAINTENANCE TAXES

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

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

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

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

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

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

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

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

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

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

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

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

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

GREAT LAKES NAVIGATION FUNDING

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

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

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

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

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

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

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

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

HARBOR MAINTENANCE TAX AND HARBOR MAINTENANCE TRUST FUND

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

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

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

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

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

I find this report extremely troubling.

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

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

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

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

This provision is a step in the right direction.

But we can do more, and we must.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Very truly yours,
BARBARA BOXER,
*Chairman.*
DAVID VITTER,
*Ranking Member.*

HARBOR MAINTENANCE TAX

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from California.

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

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

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

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

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

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

I yield to my friend.

The PRESIDING OFFICER. The Senator from Louisiana.

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

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

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

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

I urge a ''yes'' vote.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

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

[Rollcall Vote No. 124 Leg.]

YEAS—83

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

NAYS—14

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

NOT VOTING—3

| | | |
|---|---|---|
| Lautenberg | Murkowski | Murray |

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

S. 601

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2013''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:


Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCE PROJECTS

Sec. 1001. Purposes.
Sec. 1002. Project authorizations.
Sec. 1003. Project review.
Sec. 1004. Future project authorizations.

TITLE II—WATER RESOURCES POLICY REFORMS

Sec. 2001. Purposes.
Sec. 2002. Safety assurance review.
Sec. 2003. Continuing authority programs.
Sec. 2004. Continuing authority program prioritization.
Sec. 2005. Fish and wildlife mitigation.
Sec. 2006. Mitigation status report.
Sec. 2007. Independent peer review.
Sec. 2008. Operation and maintenance of navigation and hydroelectric facilities.
Sec. 2009. Hydropower at Corps of Engineers facilities.
Sec. 2010. Clarification of work-in-kind credit authority.
Sec. 2011. Transfer of excess work-in-kind credit.
Sec. 2012. Credit for in-kind contributions.
Sec. 2013. Credit in lieu of reimbursement.
Sec. 2014. Dam optimization.
Sec. 2015. Water supply.
Sec. 2016. Report on water storage pricing formulas.
Sec. 2017. Clarification of previously authorized work.
Sec. 2018. Consideration of Federal land in feasibility studies.
Sec. 2019. Planning assistance to States.
Sec. 2020. Vegetation management policy.
Sec. 2021. Levee certifications.
Sec. 2022. Restoration of flood and hurricane storm damage reduction projects.
Sec. 2023. Operation and maintenance of certain projects.
Sec. 2024. Dredging study.
Sec. 2025. Non-Federal project implementation pilot program.
Sec. 2026. Non-Federal implementation of feasibility studies.
Sec. 2027. Tribal partnership program.
Sec. 2028. Cooperative agreements with Columbia River Basin Indian tribes.
Sec. 2029. Military munitions response actions at civil works shoreline protection projects.
Sec. 2030. Beach nourishment.
Sec. 2031. Regional sediment management.
Sec. 2032. Study acceleration.
Sec. 2033. Project acceleration.
Sec. 2034. Feasibility studies.
Sec. 2035. Accounting and administrative expenses.
Sec. 2036. Determination of project completion.
Sec. 2037. Project partnership agreements.
Sec. 2038. Interagency and international support authority.
Sec. 2039. Acceptance of contributed funds to increase lock operations.
Sec. 2040. Emergency response to natural disasters.
Sec. 2041. Systemwide improvement frameworks.
Sec. 2042. Funding to process permits.
Sec. 2043. National riverbank stabilization and erosion prevention study and pilot program.
Sec. 2044. Hurricane and storm damage risk reduction prioritization.
Sec. 2045. Prioritization of ecosystem restoration efforts.
Sec. 2046. Special use permits.
Sec. 2047. Operations and maintenance on fuel taxed inland waterways.
Sec. 2048. Corrosion prevention.
Sec. 2049. Project deauthorizations.
Sec. 2050. Reports to Congress.
Sec. 2051. Indian Self-Determination and Education Assistance Act conforming amendment.
Sec. 2052. Invasive species review.
Sec. 2053. Wetlands conservation study.
Sec. 2054. Dam modification study.
Sec. 2055. Non-Federal plans to provide additional flood risk reduction.
Sec. 2056. Mississippi River forecasting improvements.
Sec. 2057. Flexibility in maintaining navigation.
Sec. 2058. Restricted areas at Corps of Engineers dams.
Sec. 2059. Maximum cost of projects.
Sec. 2060. Donald G. Waldon Lock and Dam.
Sec. 2061. Improving planning and administration of water supply storage.
Sec. 2062. Crediting authority for Federally authorized navigation projects.
Sec. 2063. River basin commissions.
Sec. 2064. Restriction on charges for certain surplus water.

TITLE III—PROJECT MODIFICATIONS

Sec. 3001. Purpose.
Sec. 3002. Chatfield Reservoir, Colorado.
Sec. 3003. Missouri River Recovery Implementation Committee expenses reimbursement.
Sec. 3004. Hurricane and storm damage reduction study.
Sec. 3005. Lower Yellowstone Project, Montana.
Sec. 3006. Project deauthorizations.
Sec. 3007. Raritan River Basin, Green Brook Sub-basin, New Jersey.
Sec. 3008. Red River Basin, Oklahoma, Texas, Arkansas, Louisiana.
Sec. 3009. Point Judith Harbor of Refuge, Rhode Island.
Sec. 3010. Land conveyance of Hammond Boat Basin, Warrenton, Oregon.
Sec. 3011. Metro East Flood Risk Management Program, Illinois.
Sec. 3012. Florida Keys water quality improvements.
Sec. 3013. Des Moines Recreational River and Greenbelt, Iowa.
Sec. 3014. Land conveyance, Craney Island Dredged Material Management Area, Portsmouth, Virginia.
Sec. 3015. Los Angeles County Drainage Area, California.
Sec. 3016. Oakland Inner Harbor Tidal Canal, California.
Sec. 3017. Redesignation of Lower Mississippi River Museum and Riverfront Interpretive Site.
Sec. 3018. Louisiana Coastal Area.
Sec. 3019. Four Mile Run, City of Alexandria and Arlington County, Virginia.
Sec. 3020. East Fork of Trinity River, Texas.
Sec. 3021. Seward Waterfront, Seward, Alaska.

TITLE IV—WATER RESOURCE STUDIES

Sec. 4001. Purpose.
Sec. 4002. Initiation of new water resources studies.
Sec. 4003. Applicability.

TITLE V—REGIONAL AND NONPROJECT PROVISIONS

Sec. 5001. Purpose.
Sec. 5002. Northeast Coastal Region ecosystem restoration.
Sec. 5003. Chesapeake Bay Environmental Restoration and Protection Program.
Sec. 5004. Rio Grande environmental management program, Colorado, New Mexico, Texas.

Sec. 5005. Lower Columbia River and Tillamook Bay ecosystem restoration, Oregon and Washington.
Sec. 5006. Arkansas River, Arkansas and Oklahoma.
Sec. 5007. Aquatic invasive species prevention and management; Columbia River Basin.
Sec. 5008. Upper Missouri Basin flood and drought monitoring.
Sec. 5009. Upper Missouri Basin shoreline erosion prevention.
Sec. 5010. Northern Rockies headwaters extreme weather mitigation.
Sec. 5011. Aquatic nuisance species prevention, Great Lakes and Mississippi River Basin.
Sec. 5012. Middle Mississippi River pilot program.
Sec. 5013. Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.
Sec. 5014. Chesapeake Bay oyster restoration in Virginia and Maryland.
Sec. 5015. Missouri River between Fort Peck Dam, Montana and Gavins Point Dam, South Dakota and Nebraska.
Sec. 5016. Operations and maintenance of inland Mississippi River ports.
Sec. 5017. Remote and subsistence harbors.
Sec. 5018. Multiagency effort to slow the spread of Asian carp in the Upper Mississippi River and Ohio River basins and tributaries.
Sec. 5019. Release of use restrictions.
Sec. 5020. Rights and responsibilities of Cherokee Nation of Oklahoma regarding W.D. Mayo Lock and Dam, Oklahoma.
Sec. 5021. Upper Mississippi River protection.
Sec. 5022. Arctic Deep draft port development partnerships.
Sec. 5023. Greater Mississippi River Basin severe flooding and drought management study.
Sec. 5024. Cape Arundel Disposal Site, Maine.

TITLE VI—LEVEE SAFETY

Sec. 6001. Short title.
Sec. 6002. Findings; purposes.
Sec. 6003. Definitions.
Sec. 6004. National levee safety program.
Sec. 6005. National levee safety advisory board.
Sec. 6006. Inventory and inspection of levees.
Sec. 6007. Reports.
Sec. 6008. Effect of title.
Sec. 6009. Authorization of appropriations.

TITLE VII—INLAND WATERWAYS

Sec. 7001. Purposes.
Sec. 7002. Definitions.
Sec. 7003. Project delivery process reforms.
Sec. 7004. Major rehabilitation standards.
Sec. 7005. Inland waterways system revenues.
Sec. 7006. Efficiency of revenue collection.
Sec. 7007. GAO study, Olmsted Locks and Dam, Lower Ohio River, Illinois and Kentucky.
Sec. 7008. Olmsted Locks and Dam, Lower Ohio River, Illinois and Kentucky.

TITLE VIII—HARBOR MAINTENANCE

Sec. 8001. Short title.
Sec. 8002. Purposes.
Sec. 8003. Funding for harbor maintenance programs.
Sec. 8004. Harbor Maintenance Trust Fund prioritization.
Sec. 8005. Harbor maintenance trust fund study.

TITLE IX—DAM SAFETY

Sec. 9001. Short title.
Sec. 9002. Purpose.
Sec. 9003. Administrator.
Sec. 9004. Inspection of dams.
Sec. 9005. National Dam Safety Program.
Sec. 9006. Public awareness and outreach for dam safety.
Sec. 9007. Authorization of appropriations.

TITLE X—INNOVATIVE FINANCING PILOT PROJECTS

Sec. 10001. Short title.
Sec. 10002. Purposes.
Sec. 10003. Definitions.
Sec. 10004. Authority to provide assistance.
Sec. 10005. Applications.
Sec. 10006. Eligible entities.
Sec. 10007. Projects eligible for assistance.
Sec. 10008. Activities eligible for assistance.
Sec. 10009. Determination of eligibility and project selection.
Sec. 10010. Secured loans.
Sec. 10011. Program administration.
Sec. 10012. State, tribal, and local permits.
Sec. 10013. Regulations.
Sec. 10014. Funding.
Sec. 10015. Report to Congress.
Sec. 10016. Use of American iron, steel, and manufactured goods.

TITLE XI—EXTREME WEATHER

Sec. 11001. Definition of resilient construction technique.
Sec. 11002. Study on risk reduction.
Sec. 11003. GAO study on management of flood, drought, and storm damage.
Sec. 11004. Post-disaster watershed assessments.
Sec. 11005. Authority to accept and expend non-Federal amounts.

TITLE XII—NATIONAL ENDOWMENT FOR THE OCEANS

Sec. 12001. Short title.
Sec. 12002. Purposes.
Sec. 12003. Definitions.
Sec. 12004. National Endowment for the Oceans.
Sec. 12005. Eligible uses.
Sec. 12006. Grants.
Sec. 12007. Annual report.
Sec. 12008. Tulsa Port of Catoosa, Rogers County, Oklahoma land exchange.

TITLE XIII—MISCELLANEOUS

Sec. 13001. Applicability of Spill Prevention, Control, and Countermeasure rule.
Sec. 13002. America the Beautiful National Parks and Federal Recreational Lands Pass program.

**SEC. 2. DEFINITION OF SECRETARY.**

In this Act, the term ''Secretary'' means the Secretary of the Army.

## TITLE I—WATER RESOURCE PROJECTS

**SEC. 1001. PURPOSES.**

The purposes of this title are—

(1) to authorize projects that—

(A) are the subject of a completed report of the Chief of Engineers containing a determination that the relevant project—

(i) is in the Federal interest;

(ii) results in benefits that exceed the costs of the project;

(iii) is environmentally acceptable; and

(iv) is technically feasible; and

(B) have been recommended to Congress for authorization by the Assistant Secretary of the Army for Civil Works; and

(2) to authorize the Secretary—

(A) to review projects that require increased authorization; and

(B) to request an increase of those authorizations after—

(i) certifying that the increases are necessary; and

(ii) submitting to Congress reports on the proposed increases.

**SEC. 1002. PROJECT AUTHORIZATIONS.**

The Secretary is authorized to carry out projects for water resources development, conservation, and other purposes, subject to the conditions that—

(1) each project is carried out—

(A) substantially in accordance with the plan for the project; and

(B) subject to any conditions described in the report for the project; and

(2)(A) a Report of the Chief of Engineers has been completed; and

(B) after November 8, 2007, but prior to the date of enactment of this Act, the Assistant Secretary of the Army for Civil Works has submitted to Congress a recommendation to authorize construction of the project.

**SEC. 1003. PROJECT REVIEW.**

(a) IN GENERAL.—For a project that is authorized by Federal law as of the date of enactment of this Act, the Secretary may modify the authorized project cost set under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280)—

(1) by submitting the required certification and additional information to Congress in accordance with subsection (b); and

(2) after receiving an appropriation of funds in accordance with subsection (b)(3)(B).

(b) REQUIREMENTS FOR SUBMISSION.—

(1) CERTIFICATION.—The certification to Congress under subsection (a) shall include a certification by the Secretary that—

(A) expenditures above the authorized cost of the project are necessary to protect life and safety or property, maintain critical navigation routes, or restore ecosystems;

(B) the project continues to provide benefits identified in the report of the Chief of Engineers for the project; and

(C) for projects under construction—

(i) a temporary stop or delay resulting from a failure to increase the authorized cost of the project will increase costs to the Federal Government; and

(ii) the amount requested for the project in the budget of the President or included in a work plan for the expenditure of funds for the fiscal year during which the certification is submitted will exceed the authorized cost of the project.

(2) ADDITIONAL INFORMATION.—The information provided to Congress about the project under subsection (a) shall include, at a minimum—

(A) a comprehensive review of the project costs and reasons for exceeding the authorized limits set under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280);

(B) an expedited analysis of the updated benefits and costs of the project; and

(C) the revised cost estimate level for completing the project.

(3) APPROVAL OF CONGRESS.—The Secretary may not change the authorized project costs under subsection (a) unless—

(A) a certification and required information is submitted to Congress under subsection (b); and

(B) after such submission, amounts are appropriated to initiate or continue construction of the project in an appropriations or other Act.

(c) DE MINIMIS AMOUNTS.—If the cost to complete construction of an authorized water resources project would exceed the limitations on the maximum cost of the project under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), the Secretary may complete construction of the project, notwithstanding the limitations imposed by that section if—

(1) construction of the project is at least 70 percent complete at the time the cost of the project is projected to exceed the limitations; and

(2) the Federal cost to complete construction is less than $5,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary under this section terminates on the date that is 3 years after the date of enactment of this Act.

**SEC. 1004. FUTURE PROJECT AUTHORIZATIONS.**

(a) POLICY.—The benefits of water resource projects designed and carried out in an economically justifiable, environmentally acceptable, and technically sound manner are important to the economy and environment of the United States and recommendations to Congress regarding those projects should be expedited for approval in a timely manner.

(b) APPLICABILITY.—The procedures under this section apply to projects for water resources development, conservation, and other purposes, subject to the conditions that—

(1) each project is carried out—

(A) substantially in accordance with the plan identified in the report of the Chief of Engineers for the project; and

(B) subject to any conditions described in the report for the project; and

(2)(A) a report of the Chief of Engineers has been completed; and

(B) after the date of enactment of this Act, the Assistant Secretary of the Army for Civil Works has submitted to Congress a recommendation to authorize construction of the project.

(c) EXPEDITED CONSIDERATION.—

(1) IN GENERAL.—A bill shall be eligible for expedited consideration in accordance with this subsection if the bill—

(A) authorizes a project that meets the requirements described in subsection (b); and

(B) is referred to the Committee on Environment and Public Works of the Senate.

(2) COMMITTEE CONSIDERATION.—

(A) IN GENERAL.—Not later than January 31st of the second session of each Congress, the Committee on Environment and Public Works of the Senate shall—

(i) report all bills that meet the requirements of paragraph (1); or

(ii) introduce and report a measure to authorize any project that meets the requirements described in subsection (b).

(B) FAILURE TO ACT.—Subject to subparagraph (C), if the Committee fails to act on a bill that meets the requirements of paragraph (1) by the date specified in subparagraph (A), the bill shall be discharged from the Committee and placed on the calendar of the Senate.

(C) EXCEPTIONS.—Subparagraph (B) shall not apply if—

(i) in the 180-day period immediately preceding the date specified in subparagraph (A), the full Committee holds a legislative hearing on a bill to authorize all projects that meet the requirements described in subsection (b);

(ii)(I) the Committee favorably reports a bill to authorize all projects that meet the requirements described in subsection (b); and

(II) the bill described in subclause (I) is placed on the calendar of the Senate; or

(iii) a bill that meets the requirements of paragraph (1) is referred to the Committee not earlier than 30 days before the date specified in subparagraph (A).

(d) TERMINATION.—The procedures for expedited consideration under this section terminate on December 31, 2018.

## TITLE II—WATER RESOURCES POLICY REFORMS

**SEC. 2001. PURPOSES.**

The purposes of this title are—

(1) to reform the implementation of water resources projects by the Corps of Engineers;

(2) to make other technical changes to the water resources policy of the Corps of Engineers; and

(3) to implement reforms, including—

(A) enhancing the ability of local sponsors to partner with the Corps of Engineers by ensuring the eligibility of the local sponsors to receive and apply credit for work carried out by the sponsors and increasing the role of sponsors in carrying out Corps of Engineers projects;

(B) ensuring continuing authority programs can continue to meet important needs;

(C) encouraging the continuation of efforts to modernize feasibility studies and establish targets for expedited completion of feasibility studies;

(D) seeking efficiencies in the management of dams and related infrastructure to reduce environmental impacts while maximizing other benefits and project purposes, such as flood control, navigation, water supply, and hydropower;

(E) clarifying mitigation requirements for Corps of Engineers projects and ensuring transparency in the independent external review of those projects; and

(F) establishing an efficient and transparent process for deauthorizing projects that have failed to receive a minimum level of investment to ensure active projects can move forward while reducing the backlog of authorized projects.

**SEC. 2002. SAFETY ASSURANCE REVIEW.**

Section 2035 of the Water Resources Development Act of 2007 (33 U.S.C. 2344) is amended by adding at the end the following:

''(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a safety assurance review conducted under this section.''.

**SEC. 2003. CONTINUING AUTHORITY PROGRAMS.**

(a) SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.—Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) in subsection (a), by striking ''$35,000,000'' and inserting ''$50,000,000''; and

(2) in subsection (b), by striking ''$7,000,000'' and inserting ''$10,000,000''.

(b) SHORE DAMAGE PREVENTION OR MITIGATION.—Section 111(c) of the River and Harbor Act of 1968 (33 U.S.C. 426i(c)) is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(c) REGIONAL SEDIMENT MANAGEMENT.—

(1) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—

(A) in subsection (c)(1)(C), by striking ''$5,000,000'' and inserting ''$10,000,000''; and

(B) in subsection (g), by striking ''$30,000,000'' and inserting ''$50,000,000''.

(2) APPLICABILITY.—Section 2037 of the Water Resources Development Act of 2007 (121 Stat. 1094) is amended by added at the end the following:

''(c) APPLICABILITY.—The amendment made by subsection (a) shall not apply to any project authorized under this Act if a report of the Chief of Engineers for the project was completed prior to the date of enactment of this Act.''.

(d) SMALL FLOOD CONTROL PROJECTS.—Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended in the third sentence by striking ''$7,000,000'' and inserting ''$10,000,000''.

(e) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(d)) is amended—

(1) in the second sentence, by striking ''Not more than 80 percent of the non-Federal may be'' and inserting ''The non-Federal share may be provided''; and

(2) in the third sentence, by striking ''$5,000,000'' and inserting ''$10,000,000''.

(f) AQUATIC ECOSYSTEM RESTORATION.—Section 206(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(d)) is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(g) FLOODPLAIN MANAGEMENT SERVICES.—Section 206(d) of the Flood Control Act of 1960 (33 U.S.C. 709a) is amended by striking ''$15,000,000'' and inserting ''$50,000,000''.

**SEC. 2004. CONTINUING AUTHORITY PROGRAM PRIORITIZATION.**

(a) DEFINITION OF CONTINUING AUTHORITY PROGRAM PROJECT.—In this section, the term ''continuing authority program'' means 1 of the following authorities:

(1) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(2) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(3) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(4) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(5) Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(6) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

(b) PRIORITIZATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish in the Federal Register and on a publicly available website, the criteria the Secretary uses for prioritizing annual funding for continuing authority program projects.

(c) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall publish in the Federal Register and on a publicly available website, a report on the status of each continuing authority program, which, at a minimum, shall include—

(1) the name and a short description of each active continuing authority program project;

(2) the cost estimate to complete each active project; and

(3) the funding available in that fiscal year for each continuing authority program.

(d) CONGRESSIONAL NOTIFICATION.—On publication in the Federal Register under subsections (b) and (c), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of all information published under those subsections.

**SEC. 2005. FISH AND WILDLIFE MITIGATION.**

(a) IN GENERAL.—Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by inserting ''for damages to ecological resources, including terrestrial and aquatic resources, and'' after ''mitigate'';

(II) by inserting ''ecological resources and'' after ''impact on''; and

(III) by inserting ''without the implementation of mitigation measures'' before the period; and

(ii) by inserting before the last sentence the following: ''If the Secretary determines that mitigation to in-kind conditions is not possible, the Secretary shall identify in the report the basis for that determination and the mitigation measures that will be implemented to meet the requirements of this section and the goals of section 307(a)(1) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(a)(1)).'';

(B) in paragraph (2)—

(i) in the heading, by striking ''DESIGN'' and inserting ''SELECTION AND DESIGN'';

(ii) by inserting ''select and'' after ''shall''; and

(iii) by inserting ''using a watershed approach'' after ''projects''; and

(C) in paragraph (3)—

(i) in subparagraph (A), by inserting '', at a minimum,'' after ''complies with''; and

(ii) in subparagraph (B)—

(I) by striking clause (iii);

(II) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(III) by inserting after clause (ii) the following:

''(iii) for projects where mitigation will be carried out by the Secretary—

''(I) a description of the land and interest in land to be acquired for the mitigation plan;

''(II) the basis for a determination that the land and interests are available for acquisition; and

''(III) a determination that the proposed interest sought does not exceed the minimum interest in land necessary to meet the mitigation requirements for the project;

''(iv) for projects where mitigation will be carried out through a third party mitigation arrangement in accordance with subsection (i)—

''(I) a description of the third party mitigation instrument to be used; and

''(II) the basis for a determination that the mitigation instrument can meet the mitigation requirements for the project;''; and

(2) by adding at the end the following:

''(h) PROGRAMMATIC MITIGATION PLANS.—

''(1) IN GENERAL.—The Secretary may develop 1 or more programmatic mitigation plans to address the potential impacts to ecological resources, fish, and wildlife associated with existing or future water resources development projects.

''(2) USE OF MITIGATION PLANS.—The Secretary shall, to the maximum extent practicable, use programmatic mitigation plans developed in accordance with this subsection to guide the development of a mitigation plan under subsection (d).

''(3) NON-FEDERAL PLANS.—The Secretary shall, to the maximum extent practicable and subject to all conditions of this subsection, use programmatic environmental plans developed by a State, a body politic of the State, which derives its powers from a State constitution, a government entity created by State legislation, or a local government, that meet the requirements of this subsection to address the potential environmental impacts of existing or future water resources development projects.

''(4) SCOPE.—A programmatic mitigation plan developed by the Secretary or an entity described in paragraph (3) to address potential impacts of existing or future water resources development projects shall, to the maximum extent practicable—

''(A) be developed on a regional, ecosystem, watershed, or statewide scale;

''(B) include specific goals for aquatic resource and fish and wildlife habitat restoration, establishment, enhancement, or preservation;

''(C) identify priority areas for aquatic resource and fish and wildlife habitat protection or restoration;

''(D) encompass multiple environmental resources within a defined geographical area or focus on a specific resource, such as aquatic resources or wildlife habitat; and

''(E) address impacts from all projects in a defined geographical area or focus on a specific type of project.

''(5) CONSULTATION.—The scope of the plan shall be determined by the Secretary or an entity described in paragraph (3), as appropriate, in consultation with the agency with jurisdiction over the resources being addressed in the environmental mitigation plan.

''(6) CONTENTS.—A programmatic environmental mitigation plan may include—

''(A) an assessment of the condition of environmental resources in the geographical area covered by the plan, including an assessment of recent trends and any potential threats to those resources;

''(B) an assessment of potential opportunities to improve the overall quality of environmental resources in the geographical area covered by the plan through strategic mitigation for impacts of water resources development projects;

''(C) standard measures for mitigating certain types of impacts;

''(D) parameters for determining appropriate mitigation for certain types of impacts, such as mitigation ratios or criteria for determining appropriate mitigation sites;

''(E) adaptive management procedures, such as protocols that involve monitoring predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring;

''(F) acknowledgment of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources; and

''(G) any offsetting benefits of self-mitigating projects, such as ecosystem or resource restoration and protection.

''(7) PROCESS.—Before adopting a programmatic environmental mitigation plan for use under this subsection, the Secretary shall—

''(A) for a plan developed by the Secretary—

''(i) make a draft of the plan available for review and comment by applicable environmental resource agencies and the public; and

''(ii) consider any comments received from those agencies and the public on the draft plan; and

''(B) for a plan developed under paragraph (3), determine, not later than 180 days after receiving the plan, whether the plan meets the requirements of paragraphs (4) through (6) and was made available for public comment.

''(8) INTEGRATION WITH OTHER PLANS.—A programmatic environmental mitigation plan may be integrated with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, and land use plans.

''(9) CONSIDERATION IN PROJECT DEVELOPMENT AND PERMITTING.—If a programmatic environmental mitigation plan has been developed under this subsection, any Federal agency responsible for environmental reviews, permits, or approvals for a water resources development project may use the recommendations in that programmatic environmental mitigation plan when carrying out the responsibilities of the agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(10) PRESERVATION OF EXISTING AUTHORITIES.—Nothing in this subsection limits the use of programmatic approaches to reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(i) THIRD-PARTY MITIGATION ARRANGEMENTS.—

''(1) ELIGIBLE ACTIVITIES.—In accordance with all applicable Federal laws (including regulations), mitigation efforts carried out under this section may include—

''(A) participation in mitigation banking or other third-party mitigation arrangements, such as—

''(i) the purchase of credits from commercial or State, regional, or local agency-sponsored mitigation banks; and

''(ii) the purchase of credits from in-lieu fee mitigation programs; and

''(B) contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands if the Secretary determines that the contributions will ensure that the mitigation requirements of this section and the goals of section 307(a)(1) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(a)(1)) will be met.

''(2) INCLUSION OF OTHER ACTIVITIES.—The banks, programs, and efforts described in paragraph (1) include any banks, programs, and efforts developed in accordance with applicable law (including regulations).

''(3) TERMS AND CONDITIONS.—In carrying out natural habitat and wetlands mitigation efforts under this section, contributions to the mitigation effort may—

''(A) take place concurrent with, or in advance of, the commitment of funding to a project; and

''(B) occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and water resources development planning processes.

''(4) PREFERENCE.—At the request of the non-Federal project sponsor, preference may be given, to the maximum extent practicable, to mitigating an environmental impact through the use of a mitigation bank, in-lieu fee, or other third-party mitigation arrangement, if the use of credits from the mitigation bank or in-lieu fee, or the other third-party mitigation arrangement for the project has been approved by the applicable Federal agency.

''(j) USE OF FUNDS.—The Secretary may use funds made available for preconstruction engineering and design prior to authorization of project construction to satisfy mitigation requirements through third party mechanisms or to acquire interests in land necessary for meeting the mitigation requirements of this section.''.

(b) APPLICATION.—The amendments made by subsection (a) shall not apply to a project for which a mitigation plan has been completed as of the date of enactment of this Act.

(c) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide technical assistance to States and local governments to establish third-party mitigation instruments, including mitigation banks and in-lieu fee programs, that will help to target mitigation payments to high-priority ecosystem restoration actions.

(2) REQUIREMENTS.—In providing technical assistance under this subsection, the Secretary shall give priority to States and local governments that have developed State, regional, or watershed-based plans identifying priority restoration actions.

(3) MITIGATION INSTRUMENTS.—The Secretary shall seek to ensure any technical assistance provided under this subsection will support the establishment of mitigation instruments that will result in restoration of high-priority areas identified in the plans under paragraph (2).

**SEC. 2006. MITIGATION STATUS REPORT.**

Section 2036(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2283a) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) INFORMATION INCLUDED.—In reporting the status of all projects included in the report, the Secretary shall—

''(A) use a uniform methodology for determining the status of all projects included in the report;

''(B) use a methodology that describes both a qualitative and quantitative status for all projects in the report; and

''(C) provide specific dates for and participants in the consultations required under section 906(d)(4)(B) of the Water Resources

Development Act of 1986 (33 U.S.C. 2283(d)(4)(B)).''.

**SEC. 2007. INDEPENDENT PEER REVIEW.**

(a) TIMING OF PEER REVIEW.—Section 2034(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) REASONS FOR TIMING.—If the Chief of Engineers does not initiate a peer review for a project study at a time described in paragraph (2), the Chief shall—

''(A) not later than 7 days after the date on which the Chief of Engineers determines not to initiate a peer review—

''(i) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of that decision; and

''(ii) make publicly available, including on the Internet the reasons for not conducting the review; and

''(B) include the reasons for not conducting the review in the decision document for the project study.''.

(b) ESTABLISHMENT OF PANELS.—Section 2034(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(c)) is amended by striking paragraph (4) and inserting the following:

''(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Following the identification of a project study for peer review under this section, but prior to initiation of the review by the panel of experts, the Chief of Engineers shall, not later than 7 days after the date on which the Chief of Engineers determines to conduct a review—

''(A) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the review; and

''(B) make publicly available, including on the Internet, information on—

''(i) the dates scheduled for beginning and ending the review;

''(ii) the entity that has the contract for the review; and

''(iii) the names and qualifications of the panel of experts.''.

(c) RECOMMENDATIONS OF PANEL.—Section 2034(f) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(f)) is amended by striking paragraph (2) and inserting the following:

''(2) PUBLIC AVAILABILITY AND SUBMISSION TO CONGRESS.—After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall make available to the public, including on the Internet, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

''(A) a copy of the report not later than 7 days after the date on which the report is delivered to the Chief of Engineers; and

''(B) a copy of any written response of the Chief of Engineers on recommendations contained in the report not later than 3 days after the date on which the response is delivered to the Chief of Engineers.

''(3) INCLUSION IN PROJECT STUDY.—A report on a project study from a panel of experts under this section and the written response of the Chief of Engineers shall be included in the final decision document for the project study.''.

(d) APPLICABILITY.—Section 2034(h)(2) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(h)(2)) is amended by striking ''7 years'' and inserting ''12 years''.

**SEC. 2008. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.**

(a) IN GENERAL.—Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended—

(1) by striking the heading and inserting the following:

**''SEC. 314. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.'';**

(2) in the first sentence, by striking ''Activities currently performed'' and inserting the following:

''(a) IN GENERAL.—Activities currently performed'';

(3) in the second sentence, by striking ''This section'' and inserting the following:

''(b) MAJOR MAINTENANCE CONTRACTS ALLOWED.—This section'';

(4) in subsection (a) (as designated by paragraph (2)), by inserting ''navigation or'' before ''hydroelectric''; and

(5) by adding at the end the following:

''(c) EXCLUSION.—This section shall not—

''(1) apply to those navigation facilities that have been or are currently under contract with a non-Federal interest to perform operations and maintenance as of the date of enactment of the Water Resources Development Act of 2013; and

''(2) prohibit the Secretary from contracting out future commercial activities at those navigation facilities.''.

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1990 (104 Stat. 4604) is amended by striking the item relating to section 314 and inserting the following:

''Sec. 314. Operation and maintenance of navigation and hydroelectric facilities.''.

**SEC. 2009. HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.**

(a) FINDINGS.—Congress finds that—

(1) in April 2012, the Oak Ridge National Laboratory of the Department of Energy (referred to in this section as the ''Oak Ridge Lab'') released a report finding that adding hydroelectric power to the non-powered dams of the United States has the potential to add more than 12 gigawatts of new generating capacity;

(2) the top 10 non-powered dams identified by the Oak Ridge Lab as having the highest hydroelectric power potential could alone supply 3 gigawatts of generating capacity;

(3) of the 50 non-powered dams identified by the Oak Ridge Lab as having the highest hydroelectric power potential, 48 are Corps of Engineers civil works projects;

(4) promoting non-Federal hydroelectric power at Corps of Engineers civil works projects increases the taxpayer benefit of those projects;

(5) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects—

(A) can be accomplished in a manner that is consistent with authorized project purposes and the responsibilities of the Corps of Engineers to protect the environment; and

(B) in many instances, may have additional environmental benefits; and

(6) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects could be promoted through—

(A) clear and consistent lines of responsibility and authority within and across Corps of Engineers districts and divisions on hydroelectric power development activities;

(B) consistent and corresponding processes for reviewing and approving hydroelectric power development; and

(C) developing a means by which non-Federal hydroelectric power developers and stakeholders can resolve disputes with the Corps of Engineers concerning hydroelectric power development activities at Corps of Engineers civil works projects.

(b) POLICY.—Congress declares that it is the policy of the United States that—

(1) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects, including locks and dams, shall be given priority;

(2) Corps of Engineers approval of non-Federal hydroelectric power at Corps of Engineers civil works projects, including permitting required under section 14 of the Act of March 3, 1899 (33 U.S.C. 408), shall be completed by the Corps of Engineers in a timely and consistent manner; and

(3) approval of hydropower at Corps of Engineers civil works projects shall in no way diminish the other priorities and missions of the Corps of Engineers, including authorized project purposes and habitat and environmental protection.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that, at a minimum, shall include—

(1) a description of initiatives carried out by the Secretary to encourage the development of hydroelectric power by non-Federal entities at Corps of Engineers civil works projects;

(2) a list of all new hydroelectric power activities by non-Federal entities approved at Corps of Engineers civil works projects in that fiscal year, including the length of time the Secretary needed to approve those activities;

(3) a description of the status of each pending application from non-Federal entities for approval to develop hydroelectric power at Corps of Engineers civil works projects;

(4) a description of any benefits or impacts to the environment, recreation, or other uses associated with Corps of Engineers civil works projects at which non-Federal entities have developed hydroelectric power in the previous fiscal year; and

(5) the total annual amount of payments or other services provided to the Corps of Engineers, the Treasury, and any other Federal agency as a result of approved non-Federal hydropower projects at Corps of Engineers civil works projects.

**SEC. 2010. CLARIFICATION OF WORK-IN-KIND CREDIT AUTHORITY.**

(a) NON-FEDERAL COST SHARE.—Section 7007 of the Water Resources Development Act of 2007 (121 Stat. 1277) is amended—

(1) in subsection (a)—

(A) by inserting '', on, or after'' after ''before''; and

(B) by inserting '', program,'' after ''study'' each place it appears;

(2) in subsections (b) and (e)(1), by inserting '', program,'' after ''study'' each place it appears; and

(3) by striking subsection (d) and inserting the following:

''(d) TREATMENT OF CREDIT BETWEEN PROJECTS.—The value of any land, easements, rights-of-way, relocations, and dredged material disposal areas and the costs of planning, design, and construction work provided by the non-Federal interest that exceed the non-Federal cost share for a study, program, or project under this title may be applied toward the non-Federal cost share for any other study, program, or project carried out under this title.''.

(b) IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with any relevant agencies of the State of Louisiana, shall establish a process by which to carry

out the amendments made by subsection (a)(3).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on November 8, 2007.

**SEC. 2011. TRANSFER OF EXCESS WORK-IN-KIND CREDIT.**

(a) IN GENERAL.—Subject to subsection (b), the Secretary may apply credit for in-kind contributions provided by a non-Federal interest that is in excess of the required non-Federal cost-share for a water resources study or project toward the required non-Federal cost-share for a different water resources study or project.

(b) RESTRICTIONS.—

(1) IN GENERAL.—Except for subsection (a)(4)(D)(i) of that section, the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) (as amended by section 2012 of this Act) shall apply to any credit under this section.

(2) CONDITIONS.—Credit in excess of the non-Federal cost-share for a study or project may be approved under this section only if—

(A) the non-Federal interest submits a comprehensive plan to the Secretary that identifies—

(i) the studies and projects for which the non-Federal interest intends to provide in-kind contributions for credit that is in excess of the non-Federal cost share for the study or project; and

(ii) the studies and projects to which that excess credit would be applied;

(B) the Secretary approves the comprehensive plan; and

(C) the total amount of credit does not exceed the total non-Federal cost-share for the studies and projects in the approved comprehensive plan.

(c) ADDITIONAL CRITERIA.—In evaluating a request to apply credit in excess of the non-Federal cost-share for a study or project toward a different study or project, the Secretary shall consider whether applying that credit will—

(1) help to expedite the completion of a project or group of projects;

(2) reduce costs to the Federal Government; and

(3) aid the completion of a project that provides significant flood risk reduction or environmental benefits.

(d) TERMINATION OF AUTHORITY.—The authority provided in this section shall terminate 10 years after the date of enactment of this Act.

(e) REPORT.—

(1) DEADLINES.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and once every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an interim report on the use of the authority under this section.

(B) FINAL REPORT.—Not later than 10 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the use of the authority under this section.

(2) INCLUSIONS.—The reports described in paragraph (1) shall include—

(A) a description of the use of the authority under this section during the reporting period;

(B) an assessment of the impact of the authority under this section on the time required to complete projects; and

(C) an assessment of the impact of the authority under this section on other water resources projects.

**SEC. 2012. CREDIT FOR IN-KIND CONTRIBUTIONS.**

(a) IN GENERAL.—Section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i) by inserting ''or a project under an environmental infrastructure assistance program'' after ''law'';

(2) in subparagraph (C), by striking ''In any case'' and all that follows through the period at the end and inserting the following:

''(i) CONSTRUCTION.—

''(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of construction carried out by the non-Federal interest before execution of a partnership agreement and that construction has not been carried out as of the date of enactment of this subparagraph, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work prior to the non-Federal interest initiating construction or issuing a written notice to proceed for the construction.

''(II) ELIGIBILITY.—Construction that is carried out after the execution of an agreement to carry out work described in subclause (I) and any design activities that are required for that construction, even if the design activity is carried out prior to the execution of the agreement to carry out work, shall be eligible for credit.

''(ii) PLANNING.—

''(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of planning carried out by the non-Federal interest before execution of a feasibility cost sharing agreement, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work prior to the non-Federal interest initiating that planning.

''(II) ELIGIBILITY.—Planning that is carried out by the non-Federal interest after the execution of an agreement to carry out work described in subclause (I) shall be eligible for credit.'';

(3) in subparagraph (D)(iii), by striking ''sections 101 and 103'' and inserting ''sections 101(a)(2) and 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2); 33 U.S.C. 2213(a)(1)(A))'';

(4) by redesignating subparagraph (E) as subparagraph (H);

(5) by inserting after subparagraph (D) the following:

''(E) ANALYSIS OF COSTS AND BENEFITS.—In the evaluation of the costs and benefits of a project, the Secretary shall not consider construction carried out by a non-Federal interest under this subsection as part of the future without project condition.

''(F) TRANSFER OF CREDIT BETWEEN SEPARABLE ELEMENTS OF A PROJECT.—Credit for in-kind contributions provided by a non-Federal interest that are in excess of the non-Federal cost share for an authorized separable element of a project may be applied toward the non-Federal cost share for a different authorized separable element of the same project.

''(G) APPLICATION OF CREDIT.—To the extent that credit for in-kind contributions, as limited by subparagraph (D), and credit for required land, easements, rights-of-way, dredged material disposal areas, and relocations provided by the non-Federal interest exceed the non-Federal share of the cost of construction of a project other than a navigation project, the Secretary shall reimburse the difference to the non-Federal interest, subject to the availability of funds.''; and

(6) in subparagraph (H) (as redesignated by paragraph (4))—

(A) in clause (i), by inserting '', and to water resources projects authorized prior to the date of enactment of the Water Resources Development Act of 1986 (Public Law 99–662), if correction of design deficiencies is necessary'' before the period at the end; and

(B) by striking clause (ii) and inserting the following:

''(ii) AUTHORIZATION IN ADDITION TO SPECIFIC CREDIT PROVISION.—In any case in which a specific provision of law authorizes credit for in-kind contributions provided by a non-Federal interest before the date of execution of a partnership agreement, the Secretary may apply the authority provided in this paragraph to allow credit for in-kind contributions provided by the non-Federal interest on or after the date of execution of the partnership agreement.''.

(b) APPLICABILITY.—Section 2003(e) of the Water Resources Development Act of 2007 (42 U.S.C. 1962d–5b) is amended—

(1) by inserting '', or construction of design deficiency corrections on the project,'' after ''construction on the project''; and

(2) by inserting '', or under which construction of the project has not been completed and the work to be performed by the non-Federal interests has not been carried out and is creditable only toward any remaining non-Federal cost share,'' after ''has not been initiated''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on November 8, 2007.

(d) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall update any guidance or regulations for carrying out section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) (as amended by subsection (a)) that are in existence on the date of enactment of this Act or issue new guidelines, as determined to be appropriate by the Secretary.

(2) INCLUSIONS.—Any guidance, regulations, or guidelines updated or issued under paragraph (1) shall include, at a minimum—

(A) the milestone for executing an in-kind memorandum of understanding for construction by a non-Federal interest;

(B) criteria and procedures for evaluating a request to execute an in-kind memorandum of understanding for construction by a non-Federal interest that is earlier than the milestone under subparagraph (A) for that execution; and

(C) criteria and procedures for determining whether work carried out by a non-Federal interest is integral to a project.

(3) PUBLIC AND STAKEHOLDER PARTICIPATION.—Before issuing any new or revised guidance, regulations, or guidelines or any subsequent updates to those documents, the Secretary shall—

(A) consult with affected non-Federal interests;

(B) publish the proposed guidelines developed under this subsection in the Federal Register; and

(C) provide the public with an opportunity to comment on the proposed guidelines.

(e) OTHER CREDIT.—Nothing in section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) (as amended by subsection (a)) affects any eligibility for credit under section 104 of the Water Resources Development of 1986 (33 U.S.C. 2214) that was approved by the Secretary prior to the date of enactment of this Act.

**SEC. 2013. CREDIT IN LIEU OF REIMBURSEMENT.**

Section 211(e)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(2)) is amended by adding at the end the following:

''(C) STUDIES OR OTHER PROJECTS.—On the request of a non-Federal interest, in lieu of

reimbursing a non-Federal interest the amount equal to the estimated Federal share of the cost of an authorized flood damage reduction project or a separable element of an authorized flood damage reduction project under this subsection that has been constructed by the non-Federal interest under this section as of the date of enactment of this Act, the Secretary may provide the non-Federal interest with a credit in that amount, which the non-Federal interest may apply to the share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies.''.

**SEC. 2014. DAM OPTIMIZATION.**

(a) DEFINITION OF OTHER RELATED PROJECT BENEFITS.—In this section, the term ''other related project benefits'' includes—

(1) environmental protection and restoration, including restoration of water quality and water flows, improving movement of fish and other aquatic species, and restoration of floodplains, wetlands, and estuaries;

(2) increased water supply storage (except for any project in the Apalachicola-Chattahoochee-Flint River system and the Alabama-Coosa-Tallapoosa River system);

(3) increased hydropower generation;

(4) reduced flood risk;

(5) additional navigation; and

(6) improved recreation.

(b) PROGRAM.—

(1) IN GENERAL.—The Secretary may carry out activities—

(A) to improve the efficiency of the operations and maintenance of dams and related infrastructure operated by the Corps of Engineers; and

(B) to maximize, to the extent practicable—

(i) authorized project purposes; and

(ii) other related project benefits.

(2) ELIGIBLE ACTIVITIES.—An eligible activity under this section is any activity that the Secretary would otherwise be authorized to carry out that is designed to provide other related project benefits in a manner that does not adversely impact the authorized purposes of the project.

(3) IMPACT ON AUTHORIZED PURPOSES.—An activity carried out under this section shall not adversely impact any of the authorized purposes of the project.

(4) EFFECT.—

(A) EXISTING AGREEMENTS.—Nothing in this section—

(i) supersedes or modifies any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act; or

(ii) supersedes or authorizes any amendment to a multistate water-control plan, including the Missouri River Master Water Control Manual (as in effect on the date of enactment of this Act).

(B) WATER RIGHTS.—Nothing in this section—

(i) affects any water right in existence on the date of enactment of this Act;

(ii) preempts or affects any State water law or interstate compact governing water; or

(iii) affects any authority of a State, as in effect on the date of enactment of this Act, to manage water resources within that State.

(5) OTHER LAWS.—

(A) IN GENERAL.—An activity carried out under this section shall comply with all other applicable laws (including regulations).

(B) WATER SUPPLY.—Any activity carried out under this section that results in any modification to water supply storage allocations at a reservoir operated by the Secretary shall comply with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

(c) POLICIES, REGULATIONS, AND GUIDANCE.—The Secretary shall carry out a review of, and as necessary modify, the policies, regulations, and guidance of the Secretary to carry out the activities described in subsection (b).

(d) COORDINATION.—

(1) IN GENERAL.—The Secretary shall—

(A) coordinate all planning and activities carried out under this section with appropriate Federal, State, and local agencies and those public and private entities that the Secretary determines may be affected by those plans or activities; and

(B) give priority to planning and activities under this section if the Secretary determines that—

(i) the greatest opportunities exist for achieving the objectives of the program, as specified in subsection (b)(1), and

(ii) the coordination activities under this subsection indicate that there is support for carrying out those planning and activities.

(2) NON-FEDERAL INTERESTS.—Prior to carrying out an activity under this section, the Secretary shall consult with any applicable non-Federal interest of the affected dam or related infrastructure.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to Congress a report describing the actions carried out under this section.

(2) INCLUSIONS.—Each report under paragraph (1) shall include—

(A) a schedule for reviewing the operations of individual projects; and

(B) any recommendations of the Secretary on changes that the Secretary determines to be necessary—

(i) to carry out existing project authorizations, including the deauthorization of any water resource project that the Secretary determines could more effectively be achieved through other means;

(ii) to improve the efficiency of water resource project operations; and

(iii) to maximize authorized project purposes and other related project benefits.

(3) UPDATED REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall update the report entitled ''Authorized and Operating Purposes of Corps of Engineers Reservoirs'' and dated July 1992, which was produced pursuant to section 311 of the Water Resources Development Act of 1990 (104 Stat. 4639).

(B) INCLUSIONS.—The updated report described in subparagraph (A) shall include—

(i) the date on which the most recent review of project operations was conducted and any recommendations of the Secretary relating to that review the Secretary determines to be significant; and

(ii) the dates on which the recommendations described in clause (i) were carried out.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary may use to carry out this section amounts made available to the Secretary from—

(A) the general purposes and expenses account;

(B) the operations and maintenance account; and

(C) any other amounts that are appropriated to carry out this section.

(2) FUNDING FROM OTHER SOURCES.—The Secretary may accept and expend amounts from non-Federal entities and other Federal agencies to carry out this section.

(g) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with other Federal agencies and non-Federal entities to carry out this section.

**SEC. 2015. WATER SUPPLY.**

Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) is amended by adding at the end the following:

''(e) The Committees of jurisdiction are very concerned about the operation of projects in the Apalachicola-Chattahoochee-Flint River System and the Alabama-Coosa-Tallapoosa River System, and further, the Committees of jurisdiction recognize that this ongoing water resources dispute raises serious concerns related to the authority of the Secretary of the Army to allocate substantial storage at projects to provide local water supply pursuant to the Water Supply Act of 1958 absent congressional approval. Interstate water disputes of this nature are more properly addressed through interstate water agreements that take into consideration the concerns of all affected States including impacts to other authorized uses of the projects, water supply for communities and major cities in the region, water quality, freshwater flows to communities, rivers, lakes, estuaries, and bays located downstream of projects, agricultural uses, economic development, and other appropriate concerns. To that end, the Committees of jurisdiction strongly urge the Governors of the affected States to reach agreement on an interstate water compact as soon as possible, and we pledge our commitment to work with the affected States to ensure prompt consideration and approval of any such agreement. Absent such action, the Committees of jurisdiction should consider appropriate legislation to address these matters including any necessary clarifications to the Water Supply Act of 1958 or other law. This subsection does not alter existing rights or obligations under law.''.

**SEC. 2016. REPORT ON WATER STORAGE PRICING FORMULAS.**

(a) FINDINGS.—Congress finds that—

(1) due to the ongoing drought in many parts of the United States, communities are looking for ways to enhance their water storage on Corps of Engineer reservoirs so as to maintain a reliable supply of water into the foreseeable future;

(2) water storage pricing formulas should be equitable and not create disparities between users; and

(3) water pricing formulas should not be cost-prohibitive for communities.

(b) ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate an assessment of the water storage pricing formulas of the Corps of Engineers, which shall include an assessment of—

(A) existing water storage pricing formulas of the Corps of Engineers, in particular whether those formulas produce water storage costs for some beneficiaries that are greatly disparate from the costs of other beneficiaries; and

(B) whether equitable water storage pricing formulas could lessen the disparate impact and produce more affordable water storage for potential beneficiaries.

(2) REPORT.—The Comptroller General of the United States shall submit to Congress a report on the assessment carried out under paragraph (1).

**SEC. 2017. CLARIFICATION OF PREVIOUSLY AUTHORIZED WORK.**

(a) IN GENERAL.—The Secretary may carry out measures to improve fish species habitat within the footprint and downstream of a water resources project constructed by the Secretary that includes a fish hatchery if the Secretary—

(1) has been explicitly authorized to compensate for fish losses associated with the project; and

(2) determines that the measures are—

(A) feasible;

(B) consistent with authorized project purposes and the fish hatchery; and

(C) in the public interest.

(b) COST SHARING.—

(1) IN GENERAL.—Subject to paragraph (2), the non-Federal interest shall contribute 35 percent of the total cost of carrying out activities under this section, including the costs relating to the provision or acquisition of required land, easements, rights-of-way, dredged material disposal areas, and relocations.

(2) OPERATION AND MAINTENANCE.—The non-Federal interest shall contribute 100 percent of the costs of operation, maintenance, replacement, repair, and rehabilitation of a project constructed under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year, there is authorized to be appropriated to carry out this section $30,000,000.

**SEC. 2018. CONSIDERATION OF FEDERAL LAND IN FEASIBILITY STUDIES.**

At the request of the non-Federal interest, the Secretary shall include as part of a regional or watershed study any Federal land that is located within the geographic scope of that study.

**SEC. 2019. PLANNING ASSISTANCE TO STATES.**

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''or other stakeholder working with a State'' after ''cooperate with any State''; and

(ii) by inserting '', including plans to comprehensively address water resources challenges,'' after ''of such State''; and

(B) in paragraph (2)(A), by striking '', at Federal expense,'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''subsection (a)(1)'' each place it appears and inserting ''subsection (a)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal public body for assistance under this section.'' ; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''$10,000,000'' and inserting ''$30,000,000''; and

(ii) by striking ''$2,000,000'' and inserting ''$5,000,000 in Federal funds''; and

(B) in paragraph (2), by striking ''$5,000,000'' and inserting ''$15,000,000''.

**SEC. 2020. VEGETATION MANAGEMENT POLICY.**

(a) DEFINITION OF NATIONAL GUIDELINES.—In this section, the term ''national guidelines'' means the Corps of Engineers policy guidelines for management of vegetation on levees, including—

(1) Engineering Technical Letter 1110–2–571 entitled ''Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures'' and adopted April 10, 2009; and

(2) the draft policy guidance letter entitled ''Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls'' (77 Fed. Reg. 9637 (Feb. 17, 2012)).

(b) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary shall carry out a comprehensive review of the national guidelines in order to determine whether current Federal policy relating to levee vegetation is appropriate for all regions of the United States.

(c) FACTORS.—

(1) IN GENERAL.—In carrying out the review, the Secretary shall consider—

(A) the varied interests and responsibilities in managing flood risks, including the need—

(i) to provide for levee safety with limited resources; and

(ii) to ensure that levee safety investments minimize environmental impacts and provide corresponding public safety benefits;

(B) the levee safety benefits that can be provided by woody vegetation;

(C) the preservation, protection, and enhancement of natural resources, including—

(i) the benefit of vegetation on levees in providing habitat for endangered, threatened, and candidate species; and

(ii) the impact of removing levee vegetation on compliance with other regulatory requirements;

(D) protecting the rights of Indian tribes pursuant to treaties and statutes;

(E) the available science and the historical record regarding the link between vegetation on levees and flood risk;

(F) the avoidance of actions requiring significant economic costs and environmental impacts; and

(G) other factors relating to the factors described in subparagraphs (A) through (F) identified in public comments that the Secretary determines to be appropriate.

(2) VARIANCE CONSIDERATIONS.—

(A) IN GENERAL.—In carrying out the review, the Secretary shall specifically consider whether the national guidelines can be amended to promote and allow for consideration of variances from national guidelines on a Statewide, tribal, regional, or watershed basis, including variances based on—

(i) soil conditions;

(ii) hydrologic factors;

(iii) vegetation patterns and characteristics;

(iv) environmental resources, including endangered, threatened, or candidate species and related regulatory requirements;

(v) levee performance history, including historical information on original construction and subsequent operation and maintenance activities;

(vi) any effects on water supply;

(vii) any scientific evidence on the link between levee vegetation and levee safety;

(viii) institutional considerations, including implementation challenges;

(ix) the availability of limited funds for levee construction and rehabilitation;

(x) the economic and environmental costs of removing woody vegetation on levees; and

(xi) other relevant factors identified in public comments that the Secretary determines to be appropriate.

(B) SCOPE.—The scope of a variance approved by the Secretary may include a complete exemption to national guidelines, as the Secretary determines to be necessary.

(d) COOPERATION AND CONSULTATION; RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the review under this section in consultation with other applicable Federal agencies, representatives of State, regional, local, and tribal governments, appropriate nongovernmental organizations, and the public.

(2) RECOMMENDATIONS.—The Chief of Engineers and any State, tribal, regional, or local entity may submit to the Secretary any recommendations for vegetation management policies for levees that conform with Federal and State laws, including recommendations relating to the review of national guidelines under subsection (b) and the consideration of variances under subsection (c)(2).

(e) PEER REVIEW.—

(1) IN GENERAL.—As part of the review, the Secretary shall solicit and consider the views of the National Academy of Engineering and the National Academy of Sciences on the engineering, environmental, and institutional considerations underlying the national guidelines, including the factors described in subsection (c) and any information obtained by the Secretary under subsection (d).

(2) AVAILABILITY OF VIEWS.—The views of the National Academy of Engineering and the National Academy of Sciences obtained under paragraph (1) shall be—

(A) made available to the public; and

(B) included in supporting materials issued in connection with the revised national guidelines required under subsection (f).

(f) REVISION OF NATIONAL GUIDELINES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) revise the national guidelines based on the results of the review, including—

(i) recommendations received as part of the consultation described in subsection (d)(1); and

(ii) the results of the peer review conducted under subsection (e); and

(B) submit to Congress a report that contains a summary of the activities of the Secretary and a description of the findings of the Secretary under this section.

(2) CONTENT; INCORPORATION INTO MANUAL.—The revised national guidelines shall—

(A) provide a practical, flexible process for approving Statewide, tribal, regional, or watershed variances from the national guidelines that—

(i) reflect due consideration of the factors described in subsection (c); and

(ii) incorporate State, tribal, and regional vegetation management guidelines for specific areas that have been adopted through a formal public process; and

(B) be incorporated into the manual proposed under section 5(c) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n(c)).

(3) FAILURE TO MEET DEADLINES.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of—

(A) why the deadline was missed;

(B) solutions needed to meet the deadline; and

(C) a projected date for submission of the report.

(g) CONTINUATION OF WORK.—Concurrent with the completion of the requirements of this section, the Secretary shall proceed without interruption or delay with those ongoing or programmed projects and studies, or elements of projects or studies, that are not directly related to vegetation variance policy.

(h) INTERIM ACTIONS.—

(1) IN GENERAL.—Until the date on which revisions to the national guidelines are adopted in accordance with subsection (f), the Secretary shall not require the removal of existing vegetation as a condition or requirement for any approval or funding of a project, or any other action, unless the specific vegetation has been demonstrated to present an unacceptable safety risk.

(2) REVISIONS.—Beginning on the date on which the revisions to the national guidelines are adopted in accordance with subsection (f), the Secretary shall consider, on request of an affected entity, any previous action of the Corps of Engineers in which the

outcome was affected by the former national guidelines.

**SEC. 2021. LEVEE CERTIFICATIONS.**

(a) IMPLEMENTATION OF FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.—In carrying out section 100226 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942), the Secretary shall—

(1) ensure that at least 1 program activity carried out under the inspection of completed works program of the Corps of Engineers provides adequate information to the Secretary to reach a levee accreditation decision for each requirement under section 65.10 of title 44, Code of Federal Regulations (or successor regulation); and

(2) to the maximum extent practicable, carry out activities under the inspection of completed works program of the Corps of Engineers in alignment with the schedule established for the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(b) ACCELERATED LEVEE SYSTEM EVALUATIONS AND CERTIFICATIONS.—

(1) IN GENERAL.—On receipt of a request from a non-Federal interest, the Secretary may carry out a levee system evaluation and certification of a federally authorized levee for purposes of the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) if the evaluation and certification will be carried out earlier than such an evaluation and certification would be carried out under subsection (a).

(2) REQUIREMENTS.—A levee system evaluation and certification under paragraph (1) shall—

(A) at a minimum, comply with section 65.10 of title 44, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(B) be carried out in accordance with such procedures as the Secretary, in consultation with the Director of the Federal Emergency Management Agency, may establish.

(3) COST SHARING.—

(A) NON-FEDERAL SHARE.—Subject to subparagraph (B), the non-Federal share of the cost of carrying out a levee system evaluation and certification under this subsection shall be 35 percent.

(B) ADJUSTMENT.—The Secretary shall adjust the non-Federal share of the cost of carrying out a levee system evaluation and certification under this subsection in accordance with section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(4) APPLICATION.—Nothing in this subsection affects the requirement under section 100226(b)(2) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942).

**SEC. 2022. RESTORATION OF FLOOD AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.**

(a) IN GENERAL.—The Secretary shall carry out any measures necessary to repair or restore federally authorized flood and hurricane and storm damage reduction projects constructed by the Corps of Engineers to authorized levels (as of the date of enactment of this Act) of protection for reasons including settlement, subsidence, sea level rise, and new datum, if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified.

(b) COST SHARE.—The non-Federal share of the cost of construction of a project carried out under this section shall be determined as provided in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(c) OPERATIONS AND MAINTENANCE.—The non-Federal share of the cost of operations, maintenance, repair, replacement, and rehabilitation for a project carried out under this section shall be 100 percent.

(d) ELIGIBILITY OF PROJECTS TRANSFERRED TO NON-FEDERAL INTEREST.—The Secretary may carry out measures described in subsection (a) on a water resources project, separable element of a project, or functional component of a project that has been transferred to the non-Federal interest.

(e) REPORT TO CONGRESS.—Not later than 8 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section, including—

(1) any recommendations relating to the continued need for the authority provided in this section;

(2) a description of the measures carried out under this section;

(3) any lessons learned relating to the measures implemented under this section; and

(4) best practices for carrying out measures to restore flood and hurricane and storm damage reduction projects.

(f) TERMINATION OF AUTHORITY.—The authority to carry out a measure under this section terminates on the date that is 10 years after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $250,000,000.

**SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS.**

The Secretary may assume operation and maintenance activities for a navigation channel that is deepened by a non-Federal interest prior to December 31, 2012, if—

(1) the Secretary determines that the requirements under paragraphs (2) and (3) of section 204(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)) are met;

(2) the Secretary determines that the activities carried out by the non-Federal interest in deepening the navigation channel are economically justified and environmentally acceptable; and

(3) the deepening activities have been carried out on a Federal navigation channel that—

(A) exists as of the date of enactment of this Act; and

(B) has been authorized by Congress.

**SEC. 2024. DREDGING STUDY.**

(a) IN GENERAL.—The Secretary, in conjunction with other relevant Federal agencies and applicable non-Federal interests, shall carry out a study—

(1) to compare domestic and international dredging markets, including costs, technologies, and management approaches used in each respective market, and determine the impacts of those markets on dredging needs and practices in the United States;

(2) to analyze past and existing practices, technologies, and management approaches used in dredging in the United States; and

(3) to develop recommendations relating to the best techniques, practices, and management approaches for dredging in the United States.

(b) PURPOSES.—The purposes of the study under this section are—

(1) the identification of the best techniques, methods, and technologies for dredging, including the evaluation of the feasibility, cost, and benefits of—

(A) new dredging technologies; and

(B) improved dredging practices and techniques;

(2) the appraisal of the needs of the United States for dredging, including the need to increase the size of private and Corps of Engineers dredging fleets to meet demands for additional construction or maintenance dredging needed as of the date of enactment of this Act and in the subsequent 20 years;

(3) the identification of any impediments to dredging, including any recommendations of appropriate alternatives for responding to those impediments;

(4) the assessment, including any recommendations of appropriate alternatives, of the adequacy and effectiveness of—

(A) the economic, engineering, and environmental methods, models, and analyses used by the Chief of Engineers and private dredging operations for dredging; and

(B) the current cost structure of construction contracts entered into by the Chief of Engineers;

(5) the evaluation of the efficiency and effectiveness of past, current, and alternative dredging practices and alternatives to dredging, including agitation dredging; and

(6) the identification of innovative techniques and cost-effective methods to expand regional sediment management efforts, including the placement of dredged sediment within river diversions to accelerate the creation of wetlands.

(c) STUDY TEAM.—

(1) IN GENERAL.—The Secretary shall establish a study team to assist the Secretary in planning, carrying out, and reporting on the results of the study under this section.

(2) STUDY TEAM.—The study team established pursuant to paragraph (1) shall—

(A) be appointed by the Secretary; and

(B) represent a broad spectrum of experts in the field of dredging and representatives of relevant State agencies and relevant non-Federal interests.

(d) PUBLIC COMMENT PERIOD.—The Secretary shall—

(1) make available to the public, including on the Internet, all draft and final study findings under this section; and

(2) allow for a public comment period of not less than 30 days on any draft study findings prior to issuing final study findings.

(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and subject to available appropriations, the Secretary, in consultation with the study team established under subsection (c), shall submit a detailed report on the results of the study to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(f) FAILURE TO MEET DEADLINES.—If the Secretary does not complete the study under this section and submit a report to Congress under subsection (e) on or before the deadline described in that subsection, the Secretary shall notify Congress and describe why the study was not completed.

**SEC. 2025. NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out flood risk management, hurricane and storm damage reduction, coastal harbor and channel inland navigation, and aquatic ecosystem restoration projects.

(b) PURPOSES.—The purposes of the pilot program are—

(1) to identify project delivery and cost-saving alternatives that reduce the backlog of authorized Corps of Engineers projects;

(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out the design, execution,

management, and construction of 1 or more projects; and

(3) to evaluate alternatives for the decentralization of the project management, design, and construction for authorized Corps of Engineers water resources projects.

(c) ADMINISTRATION.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall—

(A) identify a total of not more than 15 projects for flood risk management, hurricane and storm damage reduction (including levees, floodwalls, flood control channels, and water control structures), coastal harbor and channels, inland navigation, and aquatic ecosystem restoration that have been authorized for construction prior to the date of enactment of this Act, including—

(i) not more than 12 projects that—

(I)(aa) have received Federal funds prior to the date of enactment of this Act; or

(bb) for more than 2 consecutive fiscal years, have an unobligated funding balance for that project in the Corps of Engineers construction account; and

(II) to the maximum extent practicable, are located in each of the divisions of the Corps of Engineers; and

(ii) not more than 3 projects that have not received Federal funds in the period beginning on the date on which the project was authorized and ending on the date of enactment of this Act;

(B) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the identification of each project under the pilot program;

(C) in collaboration with the non-Federal interest, develop a detailed project management plan for each identified project that outlines the scope, budget, design, and construction resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project;

(D) on the request of the non-Federal interest, enter into a project partnership agreement with the non-Federal interest for the non-Federal interest to provide full project management control for construction of the project, or a separable element of the project, in accordance with plans approved by the Secretary;

(E) following execution of the project partnership agreement, transfer to the non-Federal interest to carry out construction of the project, or a separable element of the project—

(i) if applicable, the balance of the unobligated amounts appropriated for the project, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(ii) additional amounts, as determined by the Secretary, from amounts made available under subsection (h), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of construction, including any required design; and

(F) regularly monitor and audit each project being constructed by a non-Federal interest under this section to ensure that the construction activities are carried out in compliance with the plans approved by the Secretary and that the construction costs are reasonable.

(2) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under paragraph (1)(D), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on estimated funding levels, that lists all deadlines for each milestone in the construction of the project.

(3) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest, if the non-Federal interest contracts with and compensates the Secretary for the technical assistance relating to—

(A) any study, engineering activity, and design activity for construction carried out by the non-Federal interest under this section; and

(B) expeditiously obtaining any permits necessary for the project.

(d) COST-SHARE.—Nothing in this section affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a project carried out under this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the pilot program carried out under this section, including—

(A) a description of the progress of non-Federal interests in meeting milestones in detailed project schedules developed pursuant to subsection (c)(2); and

(B) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).

(3) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(f) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the project shall apply to a non-Federal interest carrying out a project under this section.

(g) TERMINATION OF AUTHORITY.—The authority to commence a project under this section terminates on the date that is 5 years after the date of enactment of this Act.

(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this section, including the costs of administration of the Secretary, $25,000,000 for each of fiscal years 2014 through 2018.

**SEC. 2026. NON-FEDERAL IMPLEMENTATION OF FEASIBILITY STUDIES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out feasibility studies for flood risk management, hurricane and storm damage reduction, aquatic ecosystem restoration, and coastal harbor and channel and inland navigation.

(b) PURPOSES.—The purposes of the pilot program are—

(1) to identify project delivery and cost-saving alternatives to the existing feasibility study process;

(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out a feasibility study of 1 or more projects; and

(3) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.

(c) ADMINISTRATION.—

(1) IN GENERAL.—On the request of a non-Federal interest, the Secretary may enter into an agreement with the non-Federal interest for the non-Federal interest to provide full project management control of a feasibility study for a project for—

(A) flood risk management;

(B) hurricane and storm damage reduction, including levees, floodwalls, flood control channels, and water control structures;

(C) coastal harbor and channel and inland navigation; and

(D) aquatic ecosystem restoration.

(2) USE OF NON-FEDERAL-FUNDS.—

(A) IN GENERAL.—A non-Federal interest that has entered into an agreement with the Secretary pursuant to paragraph (1) may use non-Federal funds to carry out the feasibility study.

(B) CREDIT.—The Secretary shall credit towards the non-Federal share of the cost of construction of a project for which a feasibility study is carried out under this section an amount equal to the portion of the cost of developing the study that would have been the responsibility of the Secretary, if the study were carried out by the Secretary, subject to the conditions that—

(i) non-Federal funds were used to carry out the activities that would have been the responsibility of the Secretary;

(ii) the Secretary determines that the feasibility study complies with all applicable Federal laws and regulations; and

(iii) the project is authorized by any provision of Federal law enacted after the date on which an agreement is entered into under paragraph (1).

(3) TRANSFER OF FUNDS.—

(A) IN GENERAL.—After the date on which an agreement is executed pursuant to paragraph (1), the Secretary may transfer to the non-Federal interest to carry out the feasibility study—

(i) if applicable, the balance of any unobligated amounts appropriated for the study, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(ii) additional amounts, as determined by the Secretary, from amounts made available under subsection (h), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of the feasibility study.

(B) ADMINISTRATION.—The Secretary shall include such provisions as the Secretary determines to be necessary in an agreement under paragraph (1) to ensure that a non-Federal interest receiving Federal funds under this paragraph—

(i) has the necessary qualifications to administer those funds; and

(ii) will comply with all applicable Federal laws (including regulations) relating to the use of those funds.

(4) NOTIFICATION.—The Secretary shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the initiation of each feasibility study under the pilot program.

(5) AUDITING.—The Secretary shall regularly monitor and audit each feasibility study carried out by a non-Federal interest under this section to ensure that the use of any funds transferred under paragraph (3) are used in compliance with the agreement signed under paragraph (1).

(6) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest relating to any aspect of the feasibility study, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance.

(7) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under paragraph (1), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to the feasibility study.

(d) COST-SHARE.—Nothing in this section affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a feasibility study carried out under this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the pilot program carried out under this section, including—

(A) a description of the progress of the non-Federal interests in meeting milestones in detailed project schedules developed pursuant to subsection (c)(7); and

(B) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).

(3) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(f) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the feasibility study shall apply to a non-Federal interest carrying out a feasibility study under this section.

(g) TERMINATION OF AUTHORITY.—The authority to commence a feasibility study under this section terminates on the date that is 5 years after the date of enactment of this Act.

(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this section, including the costs of administration of the Secretary, $25,000,000 for each of fiscal years 2014 through 2018.

**SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.**

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (d)(1)(B)—

(A) by striking ''The ability'' and inserting the following:

''(i) IN GENERAL.—The ability''; and

(B) by adding at the end the following:

''(ii) DETERMINATION.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2013, the Secretary shall issue guidance on the procedures described in clause (i).''; and

(2) in subsection (e), by striking ''2012'' and inserting ''2023''.

**SEC. 2028. COOPERATIVE AGREEMENTS WITH COLUMBIA RIVER BASIN INDIAN TRIBES.**

The Secretary may enter into a cooperative agreement with 1 or more federally recognized Indian tribes (or a designated representative of the Indian tribes) that are located, in whole or in part, within the boundaries of the Columbia River Basin to carry out authorized activities within the Columbia River Basin to protect fish, wildlife, water quality, and cultural resources.

**SEC. 2029. MILITARY MUNITIONS RESPONSE ACTIONS AT CIVIL WORKS SHORELINE PROTECTION PROJECTS.**

(a) IN GENERAL.—The Secretary may implement any response action the Secretary determines to be necessary at a site where—

(1) the Secretary has carried out a project under civil works authority of the Secretary that includes placing sand on a beach;

(2) as a result of the project described in paragraph (1), military munitions that were originally released as a result of Department of Defense activities are deposited on the beach, posing a threat to human health or the environment.

(b) RESPONSE ACTION FUNDING.—A response action described in subsection (a) shall be funded from amounts made available to the agency within the Department of Defense responsible for the original release of the munitions.

**SEC. 2030. BEACH NOURISHMENT.**

Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) is amended to read as follows:

**''SEC. 156. BEACH NOURISHMENT.**

''(a) IN GENERAL.—Subject to subsection (b)(2)(A), the Secretary of the Army, acting through the Chief of Engineers, may provide periodic beach nourishment for each water resources development project for which that nourishment has been authorized for an additional period of time, as determined by the Secretary, subject to the condition that the additional period shall not exceed the later of—

''(1) 50 years after the date on which the construction of the project is initiated; or

''(2) the date on which the last estimated periodic nourishment for the project is to be carried out, as recommended in the applicable report of the Chief of Engineers.

''(b) EXTENSION.—

''(1) IN GENERAL.—Except as provided in paragraph (3), before the date on which the 50-year period referred to in subsection (a)(1) expires, the Secretary of the Army, acting through the Chief of Engineers—

''(A) may, at the request of the non-Federal interest and subject to the availability of appropriations, carry out a review of a nourishment project carried out under subsection (a) to evaluate the feasibility of continuing Federal participation in the project for a period not to exceed 15 years; and

''(B) shall submit to Congress any recommendations of the Secretary relating to the review.

''(2) PLAN FOR REDUCING RISK TO PEOPLE AND PROPERTY.—

''(A) IN GENERAL.—The non-Federal interest shall submit to the Secretary a plan for reducing the risk to people and property during the life of the project.

''(B) INCLUSION IN REPORT TO CONGRESS.—The Secretary shall submit to Congress the plan described in subparagraph (A) with the recommendations submitted in paragraph (1)(B).

''(3) REVIEW COMMENCED WITHIN 2 YEARS OF EXPIRATION OF 50-YEAR PERIOD.—

''(A) IN GENERAL.—If the Secretary of the Army commences a review under paragraph (1) not earlier than the period beginning on the date that is 2 years before the date on which the 50-year period referred to in subsection (a)(1) expires and ending on the date on which the 50-year period expires, the project shall remain authorized after the expiration of the 50-year period until the earlier of—

''(i) 3 years after the expiration of the 50-year period; or

''(ii) the date on which a determination is made as to whether to extend Federal participation in the project in accordance with paragraph (1).

''(B) CALCULATION OF TIME PERIOD FOR EXTENSION.—Notwithstanding clauses (i) and (ii) of subparagraph (A) and after a review under subparagraph (A) is completed, if a determination is made to extend Federal participation in the project in accordance with paragraph (1) for a period not to exceed 15 years, that period shall begin on the date on which the determination is made.''.

**SEC. 2031. REGIONAL SEDIMENT MANAGEMENT.**

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) (as amended by section 2003(c)) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''or used in'' after ''obtained through''; and

(B) in paragraph (3)(C), by inserting ''for the purposes of improving environmental conditions in marsh and littoral systems, stabilizing stream channels, enhancing shorelines, and supporting State and local risk management adaptation strategies'' before the period at the end;

(2) in subsection (c)(1)(B)—

(A) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)'';

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

''(ii) REDUCTION IN NON-FEDERAL SHARE.—The Secretary may reduce the non-Federal share of the costs of construction of a project if the Secretary determines that, through the beneficial use of sediment at another Federal project, there will be an associated reduction or avoidance of Federal costs.'';

(3) in subsection (d)—

(A) by striking the subsection designation and heading and inserting the following:

''(d) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL RESTORATION OR STORM DAMAGE AND FLOOD REDUCTION.—''; and

(B) in paragraph (1), by striking ''in relation to'' and all that follows through the period at the end and inserting ''in relation to—

''(A) the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion; or

''(B) the flood and storm damage and flood reduction benefits, including shoreline protection, protection against loss of life, and damage to improved property.''; and

(4) in subsection (e), by striking paragraph (1) and inserting the following:

''(1) cooperate with any State or group of States in the preparation of a comprehensive State or regional sediment management plan within the boundaries of the State or among States;''.

**SEC. 2032. STUDY ACCELERATION.**

(a) FINDINGS.—Congress finds that—

(1) delays in the completion of feasibility studies—

(A) increase costs for the Federal Government as well as State and local governments; and

(B) delay the implementation of water resources projects that provide critical benefits, including reducing flood risk, maintaining commercially important flood risk, and restoring vital ecosystems; and

(2) the efforts undertaken by the Corps of Engineers through the establishment of the ''3–3–3'' planning process should be continued.

(b) ACCELERATION OF STUDIES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), a feasibility study initiated after the date of enactment of this Act shall—

(A) be completed not later than 3 years after the date of initiation of the study; and

(B) have a maximum Federal cost share of $3,000,000.

(2) ABILITY TO COMPLY.—On initiating a feasibility study under paragraph (1), the Secretary shall—

(A) certify that the study will comply with the requirements of paragraph (1);

(B) for projects the Secretary determines to be too complex to comply with the requirements of paragraph (1)—

(i) not less than 30 days after making a determination, notify the non-Federal interest regarding the inability to comply; and

(ii) provide a new projected timeline and cost; and

(C) if the study conditions have changed such that scheduled timelines or study costs will not be met—

(i) not later than 30 days after the study conditions change, notify the non-Federal interest of those changed conditions; and

(ii) present the non-Federal interest with a new timeline for completion and new projected study costs.

(3) APPROPRIATIONS.—

(A) IN GENERAL.—All timeline and cost conditions under this section shall be subject to the Secretary receiving adequate appropriations for meeting study timeline and cost requirements.

(B) NOTIFICATION.—Not later than 60 days after receiving appropriations, the Secretary shall notify the non-Federal interest of any changes to timelines or costs due to inadequate appropriations.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the status of the implementation of the ''3–3–3'' planning process, including the number of participating projects;

(2) the amount of time taken to complete all studies participating in the ''3–3–3'' planning process; and

(3) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process for water resource projects.

**SEC. 2033. PROJECT ACCELERATION.**

Section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) is amended to read as follows:

**''SEC. 2045. PROJECT ACCELERATION.**

''(a) DEFINITIONS.—In this section:

''(1) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means the detailed statement of environmental impacts of water resource projects required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) ENVIRONMENTAL REVIEW PROCESS.—

''(A) IN GENERAL.—The term 'environmental review process' means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a water resource project.

''(B) INCLUSIONS.—The term 'environmental review process' includes the process for and completion of any environmental permit, approval, review, or study required for a water resource project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) FEDERAL JURISDICTIONAL AGENCY.—The term 'Federal jurisdictional agency' means a Federal agency with jurisdiction delegated by law, regulation, order, or otherwise over an approval or decision required for a water resource project under applicable Federal laws (including regulations).

''(4) LEAD AGENCY.—The term 'lead agency' means the Corps of Engineers and, if applicable, any State, local, or tribal governmental entity serving as a joint lead agency pursuant to section 1506.3 of title 40, Code of Federal Regulations (or a successor regulation).

''(5) WATER RESOURCE PROJECT.—The term 'water resource project' means a Corps of Engineers water resource project.

''(b) POLICY.—The benefits of water resource projects designed and carried out in an economically and environmentally sound manner are important to the economy and environment of the United States, and recommendations to Congress regarding those projects should be developed using coordinated and efficient review and cooperative efforts to prevent or quickly resolve disputes during the planning of those water resource projects.

''(c) APPLICABILITY.—

''(1) IN GENERAL.—The project planning procedures under this section apply to proposed projects initiated after the date of enactment of the Water Resources Development Act of 2013 and for which the Secretary determines that—

''(A) an environmental impact statement is required; or

''(B) at the discretion of the Secretary, other water resource projects for which an environmental review process document is required to be prepared.

''(2) FLEXIBILITY.—Any authorities granted in this section may be exercised, and any requirements established under this section may be satisfied, for the planning of a water resource project, a class of those projects, or a program of those projects.

''(3) LIST OF WATER RESOURCES DEVELOPMENT PROJECTS.—

''(A) IN GENERAL.—The Secretary shall annually prepare, and make publicly available, a separate list of each study that the Secretary has determined—

''(i) meets the standards described in paragraph (1); and

''(ii) does not have adequate funding to make substantial progress toward the completion of the planning activities for the water resource project.

''(B) INCLUSIONS.—The Secretary shall include for each study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the study.

''(4) IMPLEMENTATION GUIDANCE.—The Secretary shall prepare, in consultation with the Council on Environmental Quality and other Federal agencies with jurisdiction over actions or resources that may be impacted by a water resource project, guidance documents that describe the coordinated review processes that the Secretary will use to implement this section for the planning of water resource projects, in accordance with the civil works program of the Corps of Engineers and all applicable law.

''(d) WATER RESOURCE PROJECT REVIEW PROCESS.—

''(1) IN GENERAL.—The Secretary shall develop and implement a coordinated review process for the development of water resource projects.

''(2) COORDINATED REVIEW.—The coordinated review process described in paragraph (1) shall require that any analysis, opinion, permit, license, statement, and approval issued or made by a Federal, State, or local governmental agency or an Indian tribe for the planning of a water resource project described in subsection (b) be conducted, to the maximum extent practicable, concurrently with any other applicable governmental agency or Indian tribe.

''(3) TIMING.—The coordinated review process under this subsection shall be completed not later than the date on which the Secretary, in consultation and concurrence with the agencies identified under subsection (e), establishes with respect to the water resource project.

''(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to the development of each water resource project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may—

''(1) have jurisdiction over the water resource project;

''(2) be required by law to conduct or issue a review, analysis, or opinion for the water resource project; or

''(3) be required to make a determination on issuing a permit, license, or approval for the water resource project.

''(f) STATE AUTHORITY.—If the coordinated review process is being implemented under this section by the Secretary with respect to the planning of a water resource project described in subsection (c) within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

''(1) have jurisdiction over the water resource project;

''(2) are required to conduct or issue a review, analysis, or opinion for the water resource project; or

''(3) are required to make a determination on issuing a permit, license, or approval for the water resource project.

''(g) LEAD AGENCIES.—

''(1) FEDERAL LEAD AGENCY.—Subject to paragraph (2), the Corps of Engineers shall be the lead Federal agency in the environmental review process for a water resource project.

''(2) JOINT LEAD AGENCIES.—

''(A) IN GENERAL.—At the discretion of the Secretary and subject to any applicable regulations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the concurrence of the proposed joint lead agency, an agency other than the Corps of Engineers may serve as the joint lead agency.

''(B) NON-FEDERAL INTEREST AS JOINT LEAD AGENCY.—A non-Federal interest that is a State or local governmental entity—

''(i) may, with the concurrence of the Secretary, serve as a joint lead agency with the Corps of Engineers for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(ii) may prepare any environmental review process document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) required in support of any action or approval by the Secretary if—

''(I) the Secretary provides guidance in the preparation process and independently evaluates that document

''(II) the non-Federal interest complies with all requirements applicable to the Secretary under—

''(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(bb) any regulation implementing that Act; and

''(cc) any other applicable Federal law; and

''(III) the Secretary approves and adopts the document before the Secretary takes any subsequent action or makes any approval based on that document, regardless of whether the action or approval of the Secretary results in Federal funding.

''(3) DUTIES.—The Secretary shall ensure that—

''(A) the non-Federal interest complies with all design and mitigation commitments made jointly by the Secretary and the non-Federal interest in any environmental document prepared by the non-Federal interest in accordance with this subsection; and

''(B) any environmental document prepared by the non-Federal interest is appropriately supplemented under paragraph (2)(B) to address any changes to the water resource project the Secretary determines are necessary.

''(4) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency under—

''(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(B) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

''(5) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any water resource project, the lead agency shall have authority and responsibility—

''(A) to take such actions as are necessary and proper and within the authority and responsibility of the lead agency to facilitate the expeditious resolution of the environmental review process for the water resource project; and

''(B) to prepare or ensure that any required environmental impact statement or other environmental review document for a water resource project required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

''(h) PARTICIPATING AND COOPERATING AGENCIES.—

''(1) INVITATION.—

''(A) IN GENERAL.—The lead agency shall identify, as early as practicable in the environmental review process for a water resource project, any other Federal or non-Federal agencies that may have an interest in that project and invite those agencies to become participating or cooperating agencies, as applicable, in the environmental review process for the water resource project.

''(B) PROCEDURES.—Section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Water Resources Development Act of 2013) shall govern the identification and the participation of a cooperating agency under subparagraph (A).

''(C) DEADLINE.—An invitation to participate issued under subparagraph (A) shall set a deadline by which a response to the invitation shall be submitted, which may be extended by the lead agency for good cause.

''(2) FEDERAL COOPERATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a water resource project shall be designated as a cooperating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—

''(A)(i) has no jurisdiction or authority with respect to the water resource project;

''(ii) has no expertise or information relevant to the water resource project; or

''(iii) does not have adequate funds to participate in the water resource project; and

''(B) does not intend to submit comments on the water resource project.

''(3) EFFECT OF DESIGNATION.—Designation as a participating or cooperating agency under this subsection shall not imply that the participating or cooperating agency—

''(A) supports a proposed water resource project; or

''(B) has any jurisdiction over, or special expertise with respect to evaluation of, the water resource project.

''(4) CONCURRENT REVIEWS.—Each cooperating agency shall—

''(A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process, unless doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry out those obligations; and

''(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

''(i) PROGRAMMATIC COMPLIANCE.—

''(1) IN GENERAL.—The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that—

''(A) eliminates repetitive discussions of the same issues;

''(B) focuses on the actual issues ripe for analyses at each level of review;

''(C) establishes a formal process for coordinating with cooperating agencies, including the creation of a list of all data that is needed to carry out an environmental review process; and

''(D) complies with—

''(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(ii) all other applicable laws.

''(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—

''(A) as the first step in drafting guidance under that paragraph, consult with relevant Federal and State agencies, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches;

''(B) emphasize the importance of collaboration among relevant Federal agencies, State agencies, and Indian tribes in undertaking programmatic reviews, especially with respect to including reviews with a broad geographical scope;

''(C) ensure that the programmatic reviews—

''(i) promote transparency, including of the analyses and data used in the environmental review process, the treatment of any deferred issues raised by Federal, State, or tribal agencies, or the public, and the temporal and special scales to be used to analyze those issues;

''(ii) use accurate and timely information in the environmental review process, including—

''(I) criteria for determining the general duration of the usefulness of the review; and

''(II) the timeline for updating any out-of-date review;

''(iii) describe—

''(I) the relationship between programmatic analysis and future tiered analysis; and

''(II) the role of the public in the creation of future tiered analysis; and

''(iv) are available to other relevant Federal and State agencies, Indian tribes, and the public;

''(D) allow not fewer than 60 days of public notice and comment on any proposed guidance; and

''(E) address any comments received under subparagraph (D).

''(j) COORDINATED REVIEWS.—

''(1) COORDINATION PLAN.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—The lead agency shall, after consultation with and with the concurrence of each cooperating agency for the water resource project and the non-Federal interest or joint lead agency, as applicable, establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a water resource project or a category of water resource projects.

''(ii) INCORPORATION.—The plan established under clause (i) shall be incorporated into the project schedule milestones set under section 905(g)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(g)(2)).

''(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a water resource project:

''(A) DRAFT ENVIRONMENTAL IMPACT STATEMENTS.—For comments by Federal and States agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of the draft environmental impact statement, unless—

''(i) a different deadline is established by agreement of the lead agency, the non-Federal interest, as applicable, and all participating and cooperating agencies; or

''(ii) the deadline is extended by the lead agency for good cause.

''(B) OTHER ENVIRONMENTAL REVIEW PROCESSES.—For all comment periods established by the lead agency for agency or public comments in the environmental review process of an action within a program under the authority of the lead agency other than for a draft environmental impact statement, a period of not more than 30 days after the date on which the materials on which comment is requested are made available, unless—

''(i) a different deadline is established by agreement of the lead agency, the non-Federal interest, and all cooperating agencies; or

''(ii) the deadline is extended by the lead agency for good cause.

''(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (k)(6)(B)(ii), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

''(A) as soon as practicable after the 180-day period described in subsection (k)(6)(B)(ii), an initial notice of the failure of the Federal agency to make the decision; and

''(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the

Federal agency that remain outstanding as of the date of the additional notice.

''(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection reduces any time period provided for public comment in the environmental review process under applicable Federal law (including regulations).

''(k) ISSUE IDENTIFICATION AND RESOLUTION.—

''(1) COOPERATION.—The lead agency, the cooperating agencies, and any participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in the denial of any approval required for the water resource project under applicable laws.

''(2) LEAD AGENCY RESPONSIBILITIES.—

''(A) IN GENERAL.—The lead agency shall make information available to the cooperating agencies and participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the water resource project area and the general locations of the alternatives under consideration.

''(B) DATA SOURCES.—The information under subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

''(3) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, cooperating and participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the water resource project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the water resource project.

''(4) INTERIM DECISION ON ACHIEVING ACCELERATED DECISIONMAKING.—

''(A) IN GENERAL.—Not later than 45 days after the close of the public comment period on a draft environmental impact statement, the Secretary may convene a meeting with the non-Federal interest or joint lead agency, as applicable, relevant resource agencies, and relevant Federal and State agencies to establish a schedule of deadlines to complete decisions regarding the water resource project.

''(B) DEADLINES.—

''(i) IN GENERAL.—The deadlines referred to in subparagraph (A) shall be those established by the Secretary, in consultation with and with the concurrence of the non-Federal interest or joint lead agency, as applicable, and other relevant Federal and State agencies.

''(ii) FACTORS FOR CONSIDERATION.—In establishing a schedule, the Secretary shall consider factors such as—

''(I) the responsibilities of cooperating agencies under applicable laws;

''(II) the resources available to the non-Federal interest, joint lead agency, and other relevant Federal and State agencies, as applicable;

''(III) the overall size and complexity of the water resource project;

''(IV) the overall schedule for and cost of the water resource project; and

''(V) the sensitivity of the natural and historical resources that could be affected by the water resource project.

''(iii) MODIFICATIONS.—The Secretary may—

''(I) lengthen a schedule under clause (i) for good cause; and

''(II) shorten a schedule only with concurrence of the affected non-Federal interest, joint lead agency, or relevant Federal and State agencies, as applicable.

''(C) FAILURE TO MEET DEADLINE.—If the agencies described in subparagraph (A) cannot provide reasonable assurances that the deadlines described in subparagraph (B) will be met, the Secretary may initiate the issue resolution and referral process described under paragraph (5) before the completion of the record of decision.

''(5) ACCELERATED ISSUE RESOLUTION AND ELEVATION.—

''(A) AGENCY ISSUE RESOLUTION MEETING.—

''(i) IN GENERAL.—A cooperating agency or non-Federal interest may request an issue resolution meeting to be conducted by the Secretary.

''(ii) ACTION BY SECRETARY.—The Secretary shall convene an issue resolution meeting under clause (i) with the relevant cooperating agencies and the non-Federal interest, as applicable, to resolve issues that could—

''(I) delay completion of the environmental review process; or

''(II) conflict with the ability of a cooperating agency to carry out applicable Federal laws (including regulations).

''(iii) DATE.—A meeting requested under this subparagraph shall be held not later than 21 days after the date on which the Secretary receives the request for the meeting, unless the Secretary determines that there is good cause to extend that deadline.

''(iv) NOTIFICATION.—On receipt of a request for a meeting under this subparagraph, the Secretary shall notify all relevant cooperating agencies of the request, including the issue to be resolved and the date for the meeting.

''(v) DISPUTES.—If a relevant cooperating agency with jurisdiction over an action, including a permit approval, review, or other statement or opinion required for a water resource project under applicable law determines that the relevant information necessary to resolve the issue has not been obtained and could not have been obtained within a reasonable time, but the Secretary disagrees, the resolution of the dispute shall be forwarded to the heads of the relevant agencies for resolution.

''(vi) CONVENTION BY LEAD AGENCY.—The Secretary may convene an issue resolution meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under clause (i).

''(vii) EXCEPTION.—

''(I) IN GENERAL.—The issue resolution and referral process under this subparagraph shall not be initiated if the applicable agency—

''(aa) notifies, with a supporting explanation, the lead agency, cooperating agencies, and non-Federal interest, as applicable, that—

''(AA) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, tribal, State, or local law;

''(BB) significant new information, including from public comments, or circumstances, including a major modification to an aspect of the water resource project, requires additional analysis for the agency to make a decision on the water resource project application; or

''(CC) the agency lacks the financial resources to complete the review under the scheduled time frame, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why there is not enough funding available to complete the review by the deadline; and

''(bb) establishes a new deadline for completion of the review.

''(II) INSPECTOR GENERAL.—If the applicable agency makes a certification under subclause (I)(aa)(CC), the Inspector General of the applicable agency shall conduct a financial audit to review that certification and submit a report on that certification within 90 days to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(B) ELEVATION OF ISSUE RESOLUTION.—

''(i) IN GENERAL.—If issue resolution is not achieved by not later than 30 days after the date on which a relevant meeting is held under subparagraph (A), the Secretary shall notify the heads of the relevant cooperating agencies and the non-Federal interest that an issue resolution meeting will be convened.

''(ii) REQUIREMENTS.—The Secretary shall identify the issues to be addressed at the meeting and convene the meeting not later than 30 days after the date on which the notice is issued.

''(C) SUBMISSION OF ISSUE RESOLUTION.—

''(i) SUBMISSION TO COUNCIL ON ENVIRONMENTAL QUALITY.—

''(I) IN GENERAL.—If a resolution is not achieved by not later than 30 days after the date on which an issue resolution meeting is held under subparagraph (B), the Secretary shall submit the matter to the Council on Environmental Quality.

''(II) MEETING.—Not later than 30 days after the date on which the Council on Environmental Quality receives a submission from the Secretary under subclause (I), the Council on Environmental Quality shall hold an issue resolution meeting with the lead agency, the heads of relevant cooperating agencies and the non-Federal interest.

''(III) ADDITIONAL HEARINGS.—The Council on Environmental Quality may hold public meetings or hearings to obtain additional views and information that the Council on Environmental Quality determines are necessary, consistent with the time frames described in this paragraph.

''(ii) REMEDIES.—Not later than 30 days after the date on which an issue resolution meeting is convened by the Council on Environmental Quality under clause (i)(II), the Secretary shall—

''(I) publish findings that explain how the issue was resolved and recommendations (including, where appropriate, a finding that the submission does not support the position of the submitting agency); or

''(II) if the resolution of the issue was not achieved, submit to the President for action—

''(aa) the submission;

''(bb) any views or additional information developed during any additional hearings under clause (i)(III); and

''(cc) the recommendation of the Council on Environmental Quality.

''(6) FINANCIAL PENALTY PROVISIONS.—

''(A) IN GENERAL.—A Federal jurisdictional agency shall complete any required approval or decision on an expeditious basis using the shortest existing applicable process.

''(B) FAILURE TO DECIDE.—

''(i) IN GENERAL.—If a Federal jurisdictional agency fails to render a decision under any Federal law relating to a water resource project that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, statement, opinion, or other approval by the date described in clause (ii), the amount of funds made available to support the office of the head of the Federal jurisdictional agency shall be reduced by an amount of funding equal to the amounts specified in subclause (I) or (II) and those funds shall be made available to the division of the Federal jurisdictional agency charged with rendering the decision by not later than 1 day after the applicable date

under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C)—

''(I) $20,000 for any water resource project requiring the preparation of an environmental assessment or environmental impact statement; or

''(II) $10,000 for any water resource project requiring any type of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) other than an environmental assessment or environmental impact statement.

''(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is the later of—

''(I) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

''(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the water resource project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(C) LIMITATIONS.—

''(i) IN GENERAL.—No transfer of funds under subparagraph (B) relating to an individual water resource project shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.

''(ii) FAILURE TO DECIDE.—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.

''(iii) AGGREGATE.—Notwithstanding any other provision of law, for each fiscal year, the aggregate amount of financial penalties assessed against each applicable agency office under title II of the Water Resources Development Act of 2013 and any other Federal law as a result of a failure of the agency to make a decision by an applicable deadline for environmental review, including the total amount transferred under this paragraph, shall not exceed an amount equal to 9.5 percent of the funds made available for the agency office for that fiscal year.

''(D) NO FAULT OF AGENCY.—

''(i) IN GENERAL.—A transfer of funds under this paragraph shall not be made if the applicable agency described in subparagraph (A) notifies, with a supporting explanation, the lead agency, cooperating agencies, and non-Federal interest, as applicable, that—

''(I) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, State, or local law;

''(II) significant new information, including from public comments, or circumstances, including a major modification to an aspect of the water resource project, requires additional analysis for the agency to make a decision on the water resource project application; or

''(III) the agency lacks the financial resources to complete the review under the scheduled time frame, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why there is not enough funding available to complete the review by the deadline.

''(ii) LACK OF FINANCIAL RESOURCES.—If the agency provides notice under clause (i)(III), the Inspector General of the agency shall—

''(I) conduct a financial audit to review the notice; and

''(II) not later than 90 days after the date on which the review described in subclause (I) is completed, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the notice.

''(E) LIMITATION.—The Federal agency from which funds are transferred pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

''(F) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

''(l) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress made toward improving and expediting the planning and environmental review process.

''(m) MEMORANDUM OF AGREEMENTS FOR EARLY COORDINATION.—

''(1) SENSE OF CONGRESS.—It is the sense of Congress that—

''(A) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other, State agencies, and Indian tribes on environmental review and water resource project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and water resource project development decisions reflect environmental values; and

''(B) the cooperation referred to in subparagraph (A) should include the development of policies and the designation of staff that advise planning agencies and non-Federal interests of studies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.

''(2) TECHNICAL ASSISTANCE.—If requested at any time by a State or non-Federal interest, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the maximum extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or non-Federal interest in carrying out early coordination activities.

''(3) MEMORANDUM OF AGENCY AGREEMENT.—If requested at any time by a State or non-Federal interest, the lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the non-Federal interest, Indian tribe, State and local governments, and other appropriate entities to carry out the early coordination activities, including providing technical assistance in identifying potential impacts and mitigation issues in an integrated fashion.

''(n) LIMITATIONS.—Nothing in this section preempts, supersedes, amends, modifies, repeals, or interferes with—

''(1) any statutory or regulatory requirement, including for seeking, considering, or responding to public comment;

''(2) any obligation to comply with the provisions any Federal law, including—

''(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(B) the regulations issued by the Council on Environmental Quality or any other Federal agency to carry out that Act; and

''(C) any other Federal environmental law;

''(3) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;

''(4) any practice of seeking, considering, or responding to public comment; or

''(5) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resource project or any other provision of law applicable to water resource projects.

''(o) CATEGORICAL EXCLUSIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall—

''(A) survey the use by the Corps of Engineers of categorical exclusions in water resource projects since 2005;

''(B) publish a review of the survey that includes a description of—

''(i) the types of actions that were categorically excluded or could be the basis for developing a new categorical exclusion; and

''(ii) any requests previously received by the Secretary for new categorical exclusions; and

''(C) solicit requests from other Federal agencies and non-Federal interests for new categorical exclusions.

''(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of this subsection, if the Secretary has identified a category of activities that merit establishing a categorical exclusion that did not exist on the day before the date of enactment of this subsection based on the review under paragraph (1), the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (or successor regulation).

''(p) REVIEW OF WATER RESOURCE PROJECT ACCELERATION REFORMS.—

''(1) IN GENERAL.—The Comptroller General of the United States shall—

''(A) assess the reforms carried out under this section; and

''(B) not later than 5 years after the date of enactment of this subsection, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the results of the assessment.

''(2) INSPECTOR GENERAL REPORT.—The Inspector General of the Corps of Engineers shall—

''(A) assess the reforms carried out under this section; and

''(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate—

''(i) not later than 2 years after the date of enactment of this subsection, an initial report of the findings of the Inspector General; and

''(ii) not later than 4 years after the date of enactment of this subsection, a final report of the findings.

''(q) AUTHORIZATION.—The authority provided by this section expires on the date that is 10 years after the date of enactment of this Act.''.

**SEC. 2034. FEASIBILITY STUDIES.**

Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

''(g) DETAILED PROJECT SCHEDULE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall determine a set of milestones needed for the completion of a feasibility study under this subsection, including all major actions, report submissions and responses, reviews, and comment periods.

''(2) DETAILED PROJECT SCHEDULE MILESTONES.—Each District Engineer shall, to the maximum extent practicable, establish a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to feasibility studies in the District developed by the Secretary under paragraph (1).

''(3) NON-FEDERAL INTEREST NOTIFICATION.—Each District Engineer shall submit by certified mail the detailed project schedule under paragraph (2) to each relevant non-Federal interest—

''(A) for projects that have received funding from the General Investigations Account of the Corps of Engineers in the period beginning on October 1, 2009, and ending on the date of enactment of this section, not later than 180 days after the establishment of milestones under paragraph (1); and

''(B) for projects for which a feasibility cost-sharing agreement is executed after the establishment of milestones under paragraph (1), not later than 90 days after the date on which the agreement is executed.

''(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Beginning in the first full fiscal year after the date of enactment of this Act, the Secretary shall—

''(A) submit an annual report that lists all detailed project schedules under paragraph (2) and an explanation of any missed deadlines to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

''(B) make publicly available, including on the Internet, a copy of the annual report described in subparagraph (A) not later than 14 days after date on which a report is submitted to Congress.

''(5) FAILURE TO ACT.—If a District Engineer fails to meet any of the deadlines in the project schedule under paragraph (2), the District Engineer shall—

''(A) not later than 30 days after each missed deadline, submit to the non-Federal interest a report detailing—

''(i) why the District Engineer failed to meet the deadline; and

''(ii) a revised project schedule reflecting amended deadlines for the feasibility study; and

''(B) not later than 30 days after each missed deadline, make publicly available, including on the Internet, a copy of the amended project schedule described in subparagraph (A)(ii).''.

**SEC. 2035. ACCOUNTING AND ADMINISTRATIVE EXPENSES.**

(a) IN GENERAL.—On the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest a detailed accounting of the Federal expenses associated with a water resources project.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall contract with the National Academy of Public Administration to carry out a study on the efficiency of the Corps Engineers current staff salaries and administrative expense procedures as compared to using a separate administrative expense account.

(2) CONTENTS.—The study under paragraph (1) shall include any recommendations of the National Academy of Public Administration for improvements to the budgeting and administrative processes that will increase the efficiency of the Corps of Engineers project delivery.

**SEC. 2036. DETERMINATION OF PROJECT COMPLETION.**

(a) IN GENERAL.—The Secretary shall notify the non-Federal interest when construction of a water resources project or a functional portion of the project is completed so the non-Federal interest may commence responsibilities, as applicable, for operating and maintaining the project.

(b) NON-FEDERAL INTEREST APPEAL OF DETERMINATION.—

(1) IN GENERAL.—Not later than 7 days after receiving a notification under subparagraph (a), the non-Federal interest may appeal the completion determination of the Secretary in writing with a detailed explanation of the basis for questioning the completeness of the project or functional portion of the project.

(2) INDEPENDENT REVIEW.—

(A) IN GENERAL.—On notification that a non-Federal interest has submitted an appeal under paragraph (1), the Secretary shall contract with 1 or more independent, non-Federal experts to evaluate whether the applicable water resources project or functional portion of the project is complete.

(B) TIMELINE.—An independent review carried out under subparagraph (A) shall be completed not later than 180 days after the date on which the Secretary receives an appeal from a non-Federal interest under paragraph (1).

**SEC. 2037. PROJECT PARTNERSHIP AGREEMENTS.**

(a) IN GENERAL.—The Secretary shall contract with the National Academy of Public Administration to carry out a comprehensive review of the process for preparing, negotiating, and approving Project Partnership Agreements and the Project Partnership Agreement template, which shall include—

(1) a review of the process for preparing, negotiating, and approving Project Partnership Agreements, as in effect on the day before the date of enactment of this Act;

(2) an evaluation of how the concerns of a non-Federal interest relating to the Project Partnership Agreement and suggestions for modifications to the Project Partnership Agreement made by a non-Federal interest are accommodated;

(3) recommendations for how the concerns and modifications described in paragraph (2) can be better accommodated;

(4) recommendations for how the Project Partnership Agreement template can be made more efficient; and

(5) recommendations for how to make the process for preparing, negotiating, and approving Project Partnership Agreements more efficient.

(b) REPORT.—The Secretary shall submit a report describing the findings of the National Academy of Public Administration to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 2038. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.**

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) in subsection (a), by striking ''other Federal agencies,'' and inserting ''Federal departments or agencies, nongovernmental organizations,'';

(2) in subsection (b), by inserting ''or foreign governments'' after ''organizations'';

(3) in subsection (c), by inserting ''and restoration'' after ''protection''; and

(4) in subsection (d)—

(A) in the first sentence—

(i) by striking ''There is'' and inserting ''(1) IN GENERAL.—There is''; and

(ii) by striking ''2008'' and inserting ''2014''; and

(B) in the second sentence—

(i) by striking ''The Secretary'' and inserting ''(2) ACCEPTANCE OF FUNDS.—The Secretary''; and

(ii) by striking ''other Federal agencies'' and inserting ''Federal departments or agencies, nongovernmental organizations''.

**SEC. 2039. ACCEPTANCE OF CONTRIBUTED FUNDS TO INCREASE LOCK OPERATIONS.**

(a) IN GENERAL.—The Secretary, after providing public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects.

(b) APPLICABILITY.—The establishment of the pilot program under this section shall not affect the periodic review and adjustment of hours of operation of locks based on increases in commercial traffic carried out by the Secretary.

(c) PUBLIC COMMENT.—Not later than 180 days before a proposed modification to the operation of a lock at a water resources development project will be carried out, the Secretary shall—

(1) publish the proposed modification in the Federal Register; and

(2) accept public comment on the proposed modification.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that evaluates the cost-savings resulting from reduced lock hours and any economic impacts of modifying lock operations.

(2) REVIEW OF PILOT PROGRAM.—Not later than September 30, 2017 and each year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the effectiveness of the pilot program under this section.

(e) ANNUAL REVIEW.—The Secretary shall carry out an annual review of the commercial use of locks and make any necessary adjustments to lock operations based on that review.

(f) TERMINATION.—The authority to accept funds under this section shall terminate 5 years after the date of enactment of this Act.

**SEC. 2040. EMERGENCY RESPONSE TO NATURAL DISASTERS.**

(a) IN GENERAL.—Section 5(a)(1) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended in the first sentence—

(1) by inserting ''and subject to the condition that the Chief of Engineers may include modifications to the structure or project'' after ''work for flood control''; and

(2) by striking ''structure damaged or destroyed by wind, wave, or water action of other than an ordinary nature when in the discretion of the Chief of Engineers such repair and restoration is warranted for the adequate functioning of the structure for hurricane or shore protection'' and inserting ''structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers may include modifications to the structure or project to address major deficiencies or implement nonstructural alternatives to the repair or restoration of the structure if requested by the non-Federal sponsor''.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the amounts expended in the previous

5 fiscal years to carry out Corps of Engineers projects under section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n).

(2) INCLUSIONS.—A report under paragraph (1) shall, at a minimum, include a description of—

(A) each structure, feature, or project for which amounts are expended, including the type of structure, feature, or project and cost of the work; and

(B) how the Secretary has repaired, restored, replaced, or modified each structure, feature, or project or intends to restore the structure, feature, or project to the design level of protection for the structure, feature, or project.

**SEC. 2041. SYSTEMWIDE IMPROVEMENT FRAMEWORKS.**

A levee system shall remain eligible for rehabilitation assistance under the authority provided by section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'' (33 U.S.C. 701n) as long as the levee system sponsor continues to make satisfactory progress, as determined by the Secretary, on an approved systemwide improvement framework or letter of intent.

**SEC. 2042. FUNDING TO PROCESS PERMITS.**

Section 214 of the Water Resources Development Act of 2000 (Public Law 106–541; 33 U.S.C. 2201 note) is amended by striking subsections (d) and (e) and inserting the following:

''(d) PUBLIC AVAILABILITY.—

''(1) IN GENERAL.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public in a common format, including on the Internet, and in a manner that distinguishes final permit decisions under this section from other final actions of the Secretary.

''(2) DECISION DOCUMENT.—The Secretary shall—

''(A) use a standard decision document for evaluating all permits using funds accepted under this section; and

''(B) make the standard decision document, along with all final permit decisions, available to the public, including on the Internet.

''(3) AGREEMENTS.—The Secretary shall make all active agreements to accept funds under this section available on a single public Internet site.

''(e) REPORTING.—

''(1) IN GENERAL.—The Secretary shall prepare an annual report on the implementation of this section, which, at a minimum, shall include for each district of the Corps of Engineers that accepts funds under this section—

''(A) a comprehensive list of any funds accepted under this section during the previous fiscal year;

''(B) a comprehensive list of the permits reviewed and approved using funds accepted under this section during the previous fiscal year, including a description of the size and type of resources impacted and the mitigation required for each permit; and

''(C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part with funds accepted under this section.

''(2) SUBMISSION.—Not later than 90 days after the end of each fiscal year, the Secretary shall—

''(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the annual report described in paragraph (1); and

''(B) make each report received under subparagraph (A) available on a single publicly accessible Internet site.''.

**SEC. 2043. NATIONAL RIVERBANK STABILIZATION AND EROSION PREVENTION STUDY AND PILOT PROGRAM.**

(a) DEFINITION OF INLAND AND INTRACOASTAL WATERWAY.—In this section, the term ''inland and intracoastal waterway'' means the inland and intracoastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(b) PILOT PROGRAM.—The Secretary—

(1) is authorized to study issues relating to riverbank stabilization and erosion prevention along inland and intracoastal waterways; and

(2) shall establish and carry out for a period of 5 fiscal years a national riverbank stabilization and erosion prevention pilot program to address riverbank erosion along inland and intracoastal waterways.

(c) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall carry out a study of the options and technologies available to prevent the erosion and degradation of riverbanks along inland and intracoastal waterways.

(2) CONTENTS.—The study shall—

(A) evaluate the nature and extent of the damages resulting from riverbank erosion along inland and intracoastal waterways throughout the United States;

(B) identify specific inland and intracoastal waterways and affected wetland areas with the most urgent need for restoration;

(C) analyze any legal requirements with regard to maintenance of bank lines of inland and intracoastal waterways, including a comparison of Federal, State, and private obligations and practices;

(D) assess and compare policies and management practices to protect surface areas adjacent to inland and intracoastal waterways applied by various Districts of the Corps of Engineers; and

(E) make any recommendations the Secretary determines to be appropriate.

(d) RIVERBANK STABILIZATION AND EROSION PREVENTION PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a pilot program for the construction of riverbank stabilization and erosion prevention projects on public land along inland and intracoastal waterways if the Secretary determines that the projects are technically feasible, environmentally acceptable, economically justified, and lower maintenance costs of those inland and intracoastal waterways.

(2) PILOT PROGRAM GOALS.—A project under the pilot program shall, to the maximum extent practicable—

(A) develop or demonstrate innovative technologies;

(B) implement efficient designs to prevent erosion at a riverbank site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

(C) prioritize natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the riverbank;

(D) avoid negative impacts to adjacent communities;

(E) identify the potential for long-term protection afforded by the innovative technology; and

(F) provide additional benefits, including reduction of flood risk.

(3) PROJECT SELECTIONS.—The Secretary shall develop criteria for the selection of projects under the pilot program, including criteria based on—

(A) the extent of damage and land loss resulting from riverbank erosion;

(B) the rate of erosion;

(C) the significant threat of future flood risk to public or private property, public infrastructure, or public safety;

(D) the destruction of natural resources or habitats; and

(E) the potential cost-savings for maintenance of the channel.

(4) CONSULTATION.—The Secretary shall carry out the pilot program in consultation with—

(A) Federal, State, and local governments;

(B) nongovernmental organizations; and

(C) applicable university research facilities.

(5) REPORT.—Not later than 1 year after the first fiscal year for which amounts to carry out this section are appropriated, and every year thereafter, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) the activities carried out and accomplishments made under the pilot program since the previous report under this paragraph; and

(B) any recommendations of the Secretary relating to the program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2019.

**SEC. 2044. HURRICANE AND STORM DAMAGE RISK REDUCTION PRIORITIZATION.**

(a) PURPOSES.—The purposes of this section are—

(1) to provide adequate levels of protection to communities impacted by natural disasters, including hurricanes, tropical storms, and other related extreme weather events; and

(2) to expedite critical water resources projects in communities that have historically been and continue to remain susceptible to extreme weather events.

(b) PRIORITY.—For authorized projects and ongoing feasibility studies with a primary purpose of hurricane and storm damage risk reduction, the Secretary shall give funding priority to projects and ongoing studies that—

(1) address an imminent threat to life and property;

(2) prevent storm surge from inundating populated areas;

(3) prevent the loss of coastal wetlands that help reduce the impact of storm surge;

(4) protect emergency hurricane evacuation routes or shelters;

(5) prevent adverse impacts to publicly owned or funded infrastructure and assets;

(6) minimize disaster relief costs to the Federal Government; and

(7) address hurricane and storm damage risk reduction in an area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(c) EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROJECTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of all—

(A) ongoing hurricane and storm damage reduction feasibility studies that have signed feasibility cost share agreements and have received Federal funds since 2009; and

(B) authorized hurricane and storm damage reduction projects that—

(i) have been authorized for more than 20 years but are less than 75 percent complete; or

(ii) are undergoing a post-authorization change report, general reevaluation report, or limited reevaluation report;

(2) identify those projects on the list required under paragraph (1) that meet the criteria described in subsection (b); and

(3) provide a plan for expeditiously completing the projects identified under paragraph (2), subject to available funding.

(d) PRIORITIZATION OF NEW STUDIES FOR HURRICANE AND STORM DAMAGE RISK REDUCTION.—In selecting new studies for hurricane and storm damage reduction to propose to Congress under section 4002, the Secretary shall give priority to studies—

(1) that—

(A) have been recommended in a comprehensive hurricane protection study carried out by the Corps of Engineers; or

(B) are included in a State plan or program for hurricane, storm damage reduction, flood control, coastal protection, conservation, or restoration, that is created in consultation with the Corps of Engineers or other relevant Federal agencies; and

(2) for areas for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

**SEC. 2045. PRIORITIZATION OF ECOSYSTEM RESTORATION EFFORTS.**

For authorized projects with a primary purpose of ecosystem restoration, the Secretary shall give funding priority to projects—

(1) that—

(A) address an identified threat to public health, safety, or welfare;

(B) preserve or restore ecosystems of national significance; or

(C) preserve or restore habitats of importance for federally protected species, including migratory birds; and

(2) for which the restoration activities will contribute to other ongoing or planned Federal, State, or local restoration initiatives.

**SEC. 2046. SPECIAL USE PERMITS.**

(a) SPECIAL USE PERMITS.—

(1) IN GENERAL.—The Secretary may issue special permits for uses such as group activities, recreation events, motorized recreation vehicles, and such other specialized recreation uses as the Secretary determines to be appropriate, subject to such terms and conditions as the Secretary determines to be in the best interest of the Federal Government.

(2) FEES.—

(A) IN GENERAL.—In carrying out this subsection, the Secretary may—

(i) establish and collect fees associated with the issuance of the permits described in paragraph (1); or

(ii) accept in-kind services in lieu of those fees.

(B) OUTDOOR RECREATION EQUIPMENT.—The Secretary may establish and collect fees for the provision of outdoor recreation equipment and services at public recreation areas located at lakes and reservoirs operated by the Corps of Engineers.

(C) USE OF FEES.—Any fees generated pursuant to this subsection shall be—

(i) retained at the site collected; and

(ii) available for use, without further appropriation, solely for administering the special permits under this subsection and carrying out related operation and maintenance activities at the site at which the fees are collected.

(b) COOPERATIVE MANAGEMENT.—

(1) PROGRAM.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may enter into an agreement with a State or local government to provide for the cooperative management of a public recreation area if—

(i) the public recreation area is located—

(I) at a lake or reservoir operated by the Corps of Engineers; and

(II) adjacent to or near a State or local park or recreation area; and

(ii) the Secretary determines that cooperative management between the Corps of Engineers and a State or local government agency of a portion of the Corps of Engineers recreation area or State or local park or recreation area will allow for more effective and efficient management of those areas.

(B) RESTRICTION.—The Secretary may not transfer administration responsibilities for any public recreation area operated by the Corps of Engineers.

(2) ACQUISITION OF GOODS AND SERVICES.—The Secretary may acquire from or provide to a State or local government with which the Secretary has entered into a cooperative agreement under paragraph (1) goods and services to be used by the Secretary and the State or local government in the cooperative management of the areas covered by the agreement.

(3) ADMINISTRATION.—The Secretary may enter into 1 or more cooperative management agreements or such other arrangements as the Secretary determines to be appropriate, including leases or licenses, with non-Federal interests to share the costs of operation, maintenance, and management of recreation facilities and natural resources at recreation areas that are jointly managed and funded under this subsection.

(c) FUNDING TRANSFER AUTHORITY.—

(1) IN GENERAL.—If the Secretary determines that it is in the public interest for purposes of enhancing recreation opportunities at Corps of Engineers water resources development projects, the Secretary may transfer funds appropriated for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available at those Corps of Engineers water resource development projects to State, local, and tribal governments and such other public or private nonprofit entities as the Secretary determines to be appropriate.

(2) COOPERATIVE AGREEMENTS.—Any transfer of funds pursuant to this subsection shall be carried out through the execution of a cooperative agreement, which shall contain such terms and conditions as the Secretary determines to be necessary in the public interest.

(d) SERVICES OF VOLUNTEERS.—Chapter IV of title I of Public Law 98–63 (33 U.S.C. 569c) is amended—

(1) in the first sentence, by inserting ", including expenses relating to uniforms, transportation, lodging, and the subsistence of those volunteers, without regard to the place of residence of the volunteers," after "incidental expenses"; and

(2) by inserting after the first sentence the following: "The Chief of Engineers may also provide awards of up to $100 in value to volunteers in recognition of the services of the volunteers."

(e) TRAINING AND EDUCATIONAL ACTIVITIES.—Section 213(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended by striking "at" and inserting "about".

**SEC. 2047. OPERATIONS AND MAINTENANCE ON FUEL TAXED INLAND WATERWAYS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall have responsibility for 65 percent of the costs of the operation, maintenance, repair, rehabilitation, and replacement of any flood gate, as well as any pumping station constructed within the channel as a single unit with that flood gate, that—

(1) was constructed as of the date of enactment of this Act as a feature of an authorized hurricane and storm damage reduction project; and

(2) crosses an inland or intracoastal waterway described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(b) PAYMENT OPTIONS.—For rehabilitation or replacement of any structure under this section, the Secretary may apply to the full non-Federal contribution the payment option provisions under section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

**SEC. 2048. CORROSION PREVENTION.**

(a) GUIDANCE AND PROCEDURES.—The Secretary shall develop guidance and procedures for the certification of qualified contractors for—

(1) the application of protective coatings; and

(2) the removal of hazardous protective coatings.

(b) REQUIREMENTS.—Except as provided in subsection (c), the Secretary shall use certified contractors for—

(1) the application of protective coatings for complex work involving steel and cementitious structures, including structures that will be exposed in immersion;

(2) the removal of hazardous coatings or other hazardous materials that are present in sufficient concentrations to create an occupational or environmental hazard; and

(3) any other activities the Secretary determines to be appropriate.

(c) EXCEPTION.—The Secretary may approve exceptions to the use of certified contractors under subsection (b) only after public notice, with the opportunity for comment, of any such proposal.

**SEC. 2049. PROJECT DEAUTHORIZATIONS.**

(a) IN GENERAL.—Section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) LIST OF PROJECTS.—

"(A) IN GENERAL.—Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), each year, after the submission of the list under paragraph (1), the Secretary shall submit to Congress a list of projects or separable elements of projects that have been authorized but that have received no obligations during the 5 full fiscal years preceding the submission of that list.

"(B) ADDITIONAL NOTIFICATION.—On submission of the list under subparagraph (A) to Congress, the Secretary shall notify—

"(i) each Senator in whose State and each Member of the House of Representatives in whose district a project (including any part of a project) on that list would be located; and

"(ii) each applicable non-Federal interest associated with a project (including any part of a project) on that list.

"(C) DEAUTHORIZATION.—A project or separable element included in the list under subparagraph (A) is not authorized after the last date of the fiscal year following the fiscal year in which the list is submitted to Congress, if funding has not been obligated for the planning, design, or construction of the project or element of the project during that period."; and

(2) by adding at the end the following:

"(3) MINIMUM FUNDING LIST.—At the end of each fiscal year, the Secretary shall submit to Congress a list of—

"(A) projects or separable elements of projects authorized for construction for which funding has been obligated in the 5 previous fiscal years;

''(B) the amount of funding obligated per fiscal year;

''(C) the current phase of each project or separable element of a project; and

''(D) the amount required to complete those phases.

''(4) REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2013, the Secretary shall compile and publish a complete list of all uncompleted, authorized projects of the Corps of Engineers, including for each project on that list—

''(i) the original budget authority for the project;

''(ii) the status of the project;

''(iii) the estimated date of completion of the project;

''(iv) the estimated cost of completion of the project; and

''(v) any amounts for the project that remain unobligated.

''(B) PUBLICATION.—

''(i) IN GENERAL.—The Secretary shall submit a copy of the list under subparagraph (A) to—

''(I) the appropriate committees of Congress; and

''(II) the Director of the Office of Management and Budget.

''(ii) PUBLIC AVAILABILITY.—Not later than 30 days after providing the report to Congress under clause (i), the Secretary shall make a copy of the list available on a publicly accessible Internet site, in a manner that is downloadable, searchable, and sortable.''.

(b) INFRASTRUCTURE DEAUTHORIZATION COMMISSION.—

(1) PURPOSES.—The purposes of this subsection are—

(A) to establish a process for identifying authorized Corps of Engineers water resources projects that are no longer in the Federal interest and no longer feasible;

(B) to create a commission—

(i) to review suggested deauthorizations, including consideration of recommendations of the States and the Secretary for the deauthorization of water resources projects; and

(ii) to make recommendations to Congress;

(C) to ensure public participation and comment; and

(D) to provide oversight on any recommendations made to Congress by the Commission.

(2) INFRASTRUCTURE DEAUTHORIZATION COMMISSION.—

(A) ESTABLISHMENT.—There is established an independent commission to be known as the ''Infrastructure Deauthorization Commission'' (referred to in this paragraph as the ''Commission'').

(B) DUTIES.—The Commission shall carry out the review and recommendation duties described in paragraph (5).

(C) MEMBERSHIP.—

(i) IN GENERAL.—The Commission shall be composed of 8 members, who shall be appointed by the President, by and with the advice and consent of the Senate according to the expedited procedures described in clause (ii).

(ii) EXPEDITED NOMINATION PROCEDURES.—

(I) PRIVILEGED NOMINATIONS; INFORMATION REQUESTED.—On receipt by the Senate of a nomination under clause (i), the nomination shall—

(aa) be placed on the Executive Calendar under the heading ''Privileged Nominations—Information Requested''; and

(bb) remain on the Executive Calendar under that heading until the Executive Clerk receives a written certification from the Chairman of the committee of jurisdiction under subclause (II).

(II) QUESTIONNAIRES.—The Chairman of the Committee on Environment and Public Works of the Senate shall notify the Executive Clerk in writing when the appropriate biographical and financial questionnaires have been received from an individual nominated for a position under clause (i).

(III) PRIVILEGED NOMINATIONS; INFORMATION RECEIVED.—On receipt of the certification under subclause (II), the nomination shall—

(aa) be placed on the Executive Calendar under the heading ''Privileged Nomination—Information Received'' and remain on the Executive Calendar under that heading for 10 session days; and

(bb) after the expiration of the period referred to in item (aa), be placed on the ''Nominations'' section of the Executive Calendar.

(IV) REFERRAL TO COMMITTEE OF JURISDICTION.—During the period when a nomination under clause (i) is listed under the ''Privileged Nomination—Information Requested'' section of the Executive Calendar described in subclause (I)(aa) or the ''Privileged Nomination—Information Received'' section of the Executive Calendar described in subclause (III)(aa)—

(aa) any Senator may request on his or her own behalf, or on the behalf of any identified Senator that the nomination be referred to the appropriate committee of jurisdiction; and

(bb) if a Senator makes a request described in paragraph item (aa), the nomination shall be referred to the appropriate committee of jurisdiction.

(V) EXECUTIVE CALENDAR.—The Secretary of the Senate shall create the appropriate sections on the Executive Calendar to reflect and effectuate the requirements of this clause.

(VI) COMMITTEE JUSTIFICATION FOR NEW EXECUTIVE POSITIONS.—The report accompanying each bill or joint resolution of a public character reported by any committee shall contain an evaluation and justification made by that committee for the establishment in the measure being reported of any new position appointed by the President within an existing or new Federal entity.

(iii) QUALIFICATIONS.—Members of the Commission shall be knowledgeable about Corps of Engineers water resources projects.

(iv) GEOGRAPHICAL DIVERSITY.—To the maximum extent practicable, the members of the Commission shall be geographically diverse.

(D) COMPENSATION OF MEMBERS.—

(i) IN GENERAL.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(ii) FEDERAL EMPLOYEES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(iii) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(3) STATE WATER RESOURCES INFRASTRUCTURE PLAN.—Not later than 2 years after the date of enactment of this Act, each State, in consultation with local interests, may develop and submit to the Commission, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, a detailed statewide water resources plan that includes a list of each water resources project that the State recommends for deauthorization.

(4) CORPS OF ENGINEERS INFRASTRUCTURE PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Commission, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a detailed plan that—

(A) contains a detailed list of each water resources project that the Corps of Engineers recommends for deauthorization; and

(B) is based on assessment by the Secretary of the needs of the United States for water resources infrastructure, taking into account public safety, the economy, and the environment.

(5) REVIEW AND RECOMMENDATION COMMISSION.—

(A) IN GENERAL.—On the appointment and confirmation of all members of the Commission, the Commission shall solicit public comment on water resources infrastructure issues and priorities and recommendations for deauthorization, including by—

(i) holding public hearings throughout the United States; and

(ii) receiving written comments.

(B) RECOMMENDATIONS.—

(i) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Commission shall submit to Congress a list of water resources projects of the Corps of Engineers for deauthorization.

(ii) CONSIDERATIONS.—In carrying out this paragraph, the Commission shall establish criteria for evaluating projects for deauthorization, which shall include consideration of—

(I) the infrastructure plans submitted by the States and the Secretary under paragraphs (3) and (4);

(II) any public comment received during the period described in subparagraph (A);

(III) public safety and security;

(IV) the environment; and

(V) the economy.

(C) NON-ELIGIBLE PROJECTS.—The following types of projects shall not be eligible for review for deauthorization by the Commission:

(i) Any project authorized after the date of enactment of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3658), including any project that has been reauthorized after that date.

(ii) Any project that, as of the date of enactment of this Act, is undergoing a review by the Corps of Engineers.

(iii) Any project that has received appropriations in the 10-year period ending on the date of enactment of this Act.

(iv) Any project that, on the date of enactment of this Act, is more than 50 percent complete.

(v) Any project that has a viable non-Federal sponsor.

(D) CONGRESSIONAL DISAPPROVAL.—Any water resources project recommended for deauthorization on the list submitted to Congress under subparagraph (B) shall be deemed to be deauthorized unless Congress passes a joint resolution disapproving of the entire list of deauthorized water resources projects prior to the date that is 180 days after the date on which the Commission submits the list to Congress.

(6) APPLICATION.—For purposes of this subsection, water resources projects shall include environmental infrastructure assistance projects and programs of the Corps of Engineers.

**SEC. 2050. REPORTS TO CONGRESS.**

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete and submit to Congress by the applicable date required the reports that address public safety and enhanced local participation in project delivery described in subsection (b).

(b) REPORTS.—The reports referred to in subsection (a) are the reports required under—

(1) section 2020;
(2) section 2022;
(3) section 2025;
(4) section 2026;
(5) section 2039;
(6) section 2040;
(7) section 6007; and
(8) section 10015.

(c) FAILURE TO PROVIDE A COMPLETED REPORT.—

(1) IN GENERAL.—Subject to subsection (d), if the Secretary fails to provide a report listed under subsection (b) by the date that is 180 days after the applicable date required for that report, $5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Army Corps of Engineers with responsibility for completing that report.

(2) SUBSEQUENT REPROGRAMMING.—Subject to subsection (d), for each additional week after the date described in paragraph (1) in which a report described in that paragraph remains uncompleted and unsubmitted to Congress, $5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Secretary of the Army with responsibility for completing that report.

(d) LIMITATIONS.—

(1) IN GENERAL.—For each report, the total amounts reprogrammed under subsection (c) shall not exceed, in any fiscal year, $50,000.

(2) AGGREGATE LIMITATION.—The total amount reprogrammed under subsection (c) in a fiscal year shall not exceed $200,000.

(e) NO FAULT OF THE SECRETARY.—Amounts shall not be reprogrammed under subsection (c) if the Secretary certifies in a letter to the applicable committees of Congress that—

(1) a major modification has been made to the content of the report that requires additional analysis for the Secretary to make a final decision on the report;

(2) amounts have not been appropriated to the agency under this Act or any other Act to carry out the report; or

(3) additional information is required from an entity other than the Corps of Engineers and is not available in a timely manner to complete the report by the deadline.

(f) LIMITATION.—The Secretary shall not reprogram funds to reimburse the Office of the Assistant Secretary of the Army for Civil Works for the loss of the funds.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

**SEC. 2051. INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT CONFORMING AMENDMENT.**

Section 106(k) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j–1(k)) is amended by adding at the end the following:

''(13) Interest payments, the retirement of principal, the costs of issuance, and the costs of insurance or a similar credit support for a debt financing instrument, the proceeds of which are used to support a contracted construction project.''.

**SEC. 2052. INVASIVE SPECIES REVIEW.**

The Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Chairman of the Tennessee Valley Authority, and other applicable heads of Federal agencies, shall—

(1) carry out a review of existing Federal authorities relating to responding to invasive species, including aquatic weeds, aquatic snails, and other aquatic invasive species, that have an impact on water resources; and

(2) based on the review under paragraph (1), make any recommendations to Congress and applicable State agencies for improving Federal and State laws to more effectively respond to the threats posed by those invasive species.

**SEC. 2053. WETLANDS CONSERVATION STUDY.**

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a study to identify all Federal programs relating to wetlands conservation.

(b) REPORT.—The Comptroller General of the United States shall submit to Congress a report based on the study under subsection (a) describing options for maximizing wetlands conservation benefits while reducing redundancy, increasing efficiencies, and reducing costs.

**SEC. 2054. DAM MODIFICATION STUDY.**

(a) IN GENERAL.—The Comptroller General of the United States shall, in consultation with the Corps of Engineers, the Southeastern Power Administration, Federal hydropower customers, downstream communities, and other stakeholders, carry out a study to evaluate the structural modifications made at Federal dams in the Cumberland River Basin beginning on January 1, 2000.

(b) CONTENTS.—The study under subsection (a) shall examine—

(1) whether structural modifications at each dam have utilized new state-of-the-art design criteria deemed necessary for safety purposes that have not been used in other circumstances;

(2) whether structural modifications at each dam for downstream safety were executed in accordance with construction criteria that had changed from the original construction criteria;

(3) whether structural modifications at each dam assured safety;

(4) any estimates by the Corps of Engineers of consequences of total dam failure if state-of-the-art construction criteria deemed necessary for safety purposes were not employed; and

(5) whether changes in underlying geology at any of the Federal dams in the Cumberland River Basin required structural modifications to assure dam safety.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report based on the study under subsection (a) with findings on whether, with respect to structural modifications at Federal dams in the Cumberland River Basin, the Corps of Engineers has selected and implemented design criteria that rely on state-of-the-art design and construction criteria that will provide for the safety of downstream communities.

**SEC. 2055. NON-FEDERAL PLANS TO PROVIDE ADDITIONAL FLOOD RISK REDUCTION.**

(a) IN GENERAL.—If requested by a non-Federal interest, the Secretary shall construct a locally preferred plan that provides a higher level of protection than a flood risk management project authorized under this Act if the Secretary determines that—

(1) the plan is technically feasible and environmentally acceptable; and

(2) the benefits of the plan exceed the costs of the plan.

(b) NON-FEDERAL COST SHARE.—If the Secretary constructs a locally preferred plan under subsection (a), the Federal share of the cost of the project shall be not greater than the share as provided by law for elements of the national economic development plan.

**SEC. 2056. MISSISSIPPI RIVER FORECASTING IMPROVEMENTS.**

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, the Director of the United States Geological Survey, the Administrator of the National Oceanic and Atmospheric Administration, and the Director of the National Weather Service, as applicable, shall improve forecasting on the Mississippi River by—

(1) updating forecasting technology deployed on the Mississippi River and its tributaries through—

(A) the construction of additional automated river gages;

(B) the rehabilitation of existing automated and manual river gages; and

(C) the replacement of manual river gages with automated gages, as the Secretary determines to be necessary;

(2) constructing additional sedimentation ranges on the Mississippi River and its tributaries; and

(3) deploying additional automatic identification system base stations at river gage sites.

(b) PRIORITIZATION.—In carrying out this section, the Secretary shall prioritize the sections of the Mississippi River on which additional and more reliable information would have the greatest impact on maintaining navigation on the Mississippi River.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the activities carried out by the Secretary under this section.

**SEC. 2057. FLEXIBILITY IN MAINTAINING NAVIGATION.**

(a) IN GENERAL.—If the Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, determines it to be critical to maintaining safe and reliable navigation within the authorized Federal navigation channel on the Mississippi River, the Secretary may carry out only those activities outside the authorized Federal navigation channel along the Mississippi River, including the construction and operation of maintenance of fleeting areas, that are necessary for safe and reliable navigation in the Federal channel.

(b) REPORT.—Not later than 60 days after initiating an activity under this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) a description of the activities undertaken, including the costs associated with the activities; and

(2) a comprehensive description of how the activities are necessary for maintaining safe and reliable navigation of the Federal channel.

**SEC. 2058. RESTRICTED AREAS AT CORPS OF ENGINEERS DAMS.**

(a) DEFINITIONS.—In this section:

(1) RESTRICTED AREA.—The term ''restricted area'' means a restricted area for hazardous waters at dams and other civil works structures in the Cumberland River basin established pursuant to chapter 10 of the regulation entitled ''Project Operations: Navigation and Dredging Operations and Maintenance Policies'', published by the Corps of Engineers on November 29, 1996, and any related regulations or guidance.

(2) STATE.—The term ''State'' means the applicable agency of the State (including an official of that agency) in which the applicable dam is located that is responsible for enforcing boater safety.

(b) RESTRICTION ON PHYSICAL BARRIERS.—Subject to subsection (c), the Secretary, acting through the Chief of Engineers, in the establishing and enforcing restricted areas, shall not take any action to establish a permanent physical barrier to prevent public access to waters downstream of a dam owned by the Corps of Engineers.

(c) EXCLUSIONS.—For purposes of this section, the installation and maintenance of measures for alerting the public of hazardous water conditions and restricted areas, including sirens, strobe lights, and signage, shall not be considered to be a permanent physical barrier under subsection (b).

(d) ENFORCEMENT.—

(1) IN GENERAL.—Enforcement of a restricted area shall be the sole responsibility of a State.

(2) EXISTING AUTHORITIES.—The Secretary shall not assess any penalty for entrance into a restricted area under section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (16 U.S.C. 460d).

(e) DEVELOPMENT OR MODIFICATION OF RESTRICTED AREAS.—In establishing a new restricted area or modifying an existing restricted area, the Secretary shall—

(1) ensure that any restrictions are based on operational conditions that create hazardous waters; and

(2) publish a draft describing the restricted area and seek and consider public comment on that draft prior to establishing or modifying any restricted area.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), this section shall apply to the establishment of a new restricted area or the modification of an existing restricted area on or after August 1, 2012.

(2) EXISTING RESTRICTIONS.—If the Secretary, acting through the Chief of Engineers, has established a new restricted area or modified an existing restricted area during the period beginning on August 1, 2012, and ending on the date of enactment of this Act, the Secretary shall—

(A) cease implementing the restricted area until the later of—

(i) such time as the restricted area meets the requirements of this section; and

(ii) the date that is 2 years after the date of enactment of this Act; and

(B) remove any permanent physical barriers constructed in connection with the restricted area.

**SEC. 2059. MAXIMUM COST OF PROJECTS.**

Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) is amended—

(1) by striking ''In order to'' and inserting the following:

''(a) IN GENERAL.—In order to''; and

(2) by adding at the end the following:

''(b) CONTRIBUTED FUNDS.—Nothing in this section affects the authority of the Secretary to complete construction of a water resources development project using funds contributed under section 5 of the Act of June 22, 1936 (33 U.S.C. 701h).''.

**SEC. 2060. DONALD G. WALDON LOCK AND DAM.**

(a) FINDINGS.—Congress finds that—

(1) the Tennessee-Tombigbee Waterway Development Authority is a 4-State compact comprised of the States of Alabama, Kentucky, Mississippi, and Tennessee;

(2) the Tennessee-Tombigbee Authority is the regional non-Federal sponsor of the Tennessee-Tombigbee Waterway;

(3) the Tennessee-Tombigbee Waterway, completed in 1984, has fueled growth in the United States economy by reducing transportation costs and encouraging economic development; and

(4) the selfless determination and tireless work of Donald G. Waldon, while serving as administrator of the waterway compact for 21 years, contributed greatly to the realization and success of the Tennessee-Tombigbee Waterway.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, at an appropriate time and in accordance with the rules of the House of Representatives and the Senate, the lock and dam located at mile 357.5 on the Tennessee-Tombigbee Waterway should be known and designated as the ''Donald G. Waldon Lock and Dam''.

**SEC. 2061. IMPROVING PLANNING AND ADMINISTRATION OF WATER SUPPLY STORAGE.**

(a) IN GENERAL.—The Secretary shall carry out activities to enable non-Federal interests to anticipate and accurately budget for annual operations and maintenance costs and, as applicable, repair, rehabilitation, and replacements costs, including through—

(1) the formulation by the Secretary of a uniform billing statement format for those storage agreements relating to operations and maintenance costs, and as applicable, repair, rehabilitation, and replacement costs, incurred by the Secretary, which, at a minimum, shall include—

(A) a detailed description of the activities carried out relating to the water supply aspects of the project;

(B) a clear explanation of why and how those activities relate to the water supply aspects of the project; and

(C) a detailed accounting of the cost of carrying out those activities; and

(2) a review by the Secretary of the regulations and guidance of the Corps of Engineers relating to criteria and methods for the equitable distribution of joint project costs across project purposes in order to ensure consistency in the calculation of the appropriate share of joint project costs allocable to the water supply purpose.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the findings of the reviews carried out under subsection (a)(2) and any subsequent actions taken by the Secretary relating to those reviews.

(2) INCLUSIONS.—The report under paragraph (1) shall include an analysis of the feasibility and costs associated with the provision by the Secretary to each non-Federal interest of not less than 1 statement each year that details for each water storage agreement with non-Federal interests at Corps of Engineers projects the estimated amount of the operations and maintenance costs and, as applicable, the estimated amount of the repair, rehabilitation, and replacement costs, for which the non-Federal interest will be responsible in that fiscal year.

(3) EXTENSION.—The Secretary may delay the submission of the report under paragraph (1) for a period not to exceed 180 days after the deadline described in paragraph (1), subject to the condition that the Secretary submits a preliminary progress report to Congress not later than 1 year after the date of enactment of this Act.

**SEC. 2062. CREDITING AUTHORITY FOR FEDERALLY AUTHORIZED NAVIGATION PROJECTS.**

A non-Federal interest for a navigation project may carry out operation and maintenance activities for that project subject to all applicable requirements that would apply to the Secretary carrying out such operations and maintenance, and may receive credit for the costs incurred by the non-Federal interest in carrying out such activities towards that non-Federal interest's share of construction costs for a federally authorized element of the same project or another federally authorized navigation project, except that in no instance may such credit exceed 20 percent of the costs associated with construction of the general navigation features of the project for which such credit may be received pursuant to this section.

**SEC. 2063. RIVER BASIN COMMISSIONS.**

Section 5019 of the Water Resources Development Act of 2007 (121 Stat. 1201) is amended by striking subsection (b) and inserting the following:

''(b) AUTHORIZATION TO ALLOCATE.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall allocate funds from the General Expenses account of the civil works program of the Army Corps of Engineers to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin to fulfill the equitable funding requirements of the respective interstate compacts on an annual basis and in amounts equal to the amount determined by Commission in accordance with the respective interstate compact.

''(2) LIMITATION.—Not more than 1.5 percent of funds from the General Expenses account of the civil works program of the Army Corps of Engineers may be allocated in carrying out paragraph (1) for any fiscal year.

''(3) REPORT.—For any fiscal year in which funds are not allocated in accordance with paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

''(A) the reasons why the Corps of Engineers chose not to allocate funds in accordance with that paragraph; and

''(B) the impact of the decision not to allocate funds on water supply allocation, water quality protection, regulatory review and permitting, water conservation, watershed planning, drought management, flood loss reduction, and recreation in each area of jurisdiction of the respective Commission.''.

**SEC. 2064. RESTRICTION ON CHARGES FOR CERTAIN SURPLUS WATER.**

(a) IN GENERAL.—No fee for surplus water shall be charged under a contract for surplus water if the contract is for surplus water stored on the Missouri River.

(b) OFFSET.—Of the amounts previously made available for ''Corps of Engineers–Civil, Department of the Army, Operations and Maintenance'' that remain unobligated as of the effective date of this Act, $5,000,000 is hereby rescinded.

(c) None of the funds under subsection (b) may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## TITLE III—PROJECT MODIFICATIONS

**SEC. 3001. PURPOSE.**

The purpose of this title is to modify existing water resource project authorizations, subject to the condition that the modifications do not affect authorized costs.

**SEC. 3002. CHATFIELD RESERVOIR, COLORADO.**

Section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (123 Stat. 608), is amended in the matter preceding the proviso by inserting

''(or a designee of the Department)'' after ''Colorado Department of Natural Resources''.

**SEC. 3003. MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE EXPENSES REIMBURSEMENT.**

Section 5018(b)(5) of the Water Resources Development Act of 2007 (121 Stat. 1200) is amended by striking subparagraph (B) and inserting the following:

''(B) TRAVEL EXPENSES.—Subject to the availability of funds, the Secretary may reimburse a member of the Committee for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of a Federal agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Committee.''.

**SEC. 3004. HURRICANE AND STORM DAMAGE REDUCTION STUDY.**

With respect to the study for flood and storm damage reduction related to natural disasters to by carried out by the Secretary and authorized under the heading ''INVESTIGATIONS'' under title II of division A of Public Law 113–2, the Secretary shall include specific project recommendations in the report developed for that study.

**SEC. 3005. LOWER YELLOWSTONE PROJECT, MONTANA.**

Section 3109 of the Water Resources Development Act of 2007 (121 Stat. 1135) is amended—

(1) by striking ''The Secretary may'' and inserting the following:

''(a) IN GENERAL.—The Secretary may''; and

(2) by adding at the end the following:

''(b) LOCAL PARTICIPATION.—In carrying out subsection (a), the Secretary shall consult with, and consider the activities being carried out by—

''(1) other Federal agencies;

''(2) conservation districts;

''(3) the Yellowstone River Conservation District Council; and

''(4) the State of Montana.''.

**SEC. 3006. PROJECT DEAUTHORIZATIONS.**

(a) GOOSE CREEK, SOMERSET COUNTY, MARYLAND.—The project for navigation, Goose Creek, Somerset County, Maryland, carried out pursuant to section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577), is realigned as follows: Beginning at Goose Creek Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 0+00, coordinates North 157851.80, East 1636954.70, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, July 2003; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: S. 63 degrees 26 minutes 06 seconds E., 1460.05 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 973.28 feet to a point, thence; N. 26 degrees 13 minutes 09 seconds W., 240.39 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 42+57.54, coordinates North 157357.84, East 1640340.23. Geometry Left Toe of the 60-foot-wide main navigational ship channel, Left Toe Station No. 0+00, coordinates North 157879.00, East 1636967.40, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 12 seconds E., 1583.91 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following eight courses and distances: S. 63 degrees 25 minutes 38 seconds E., 1366.25 feet to a point, thence; N. 83 degrees 36 minutes 24 seconds E., 125.85 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 805.19 feet to a point, thence; N. 12 degrees 12 minutes 29 seconds E., 78.33 feet to a point thence; N. 26 degrees 13 minutes 28 seconds W., 46.66 feet to a point thence; S. 63 degrees 45 minutes 41 seconds W., 54.96 feet to a point thence; N. 26 degrees 13 minutes 24 seconds W., 119.94 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 41+81.10, coordinates North 157320.30, East 1640264.00. Geometry Right Toe of the 60-foot-wide main navigational ship channel, Right Toe Station No. 0+00, coordinates North 157824.70, East 1636941.90, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following six courses and distances: S. 63 degrees 25 minutes 47 seconds E., 1478.79 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 1016.69 feet to a point, thence; N. 26 degrees 14 minutes 49 seconds W., 144.26 feet to a point, thence; N. 63 degrees 54 minutes 03 seconds E., 55.01 feet to a point thence; N. 26 degrees 12 minutes 08 seconds W., 120.03 feet to a point a point on the Right Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+98.61, coordinates North 157395.40, East 1640416.50.

(b) LOWER THOROUGHFARE, DEAL ISLAND, MARYLAND.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Lower Thoroughfare, Maryland, authorized by the Act of June 25, 1910 (36 Stat. 630, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), that begins at Lower Thoroughfare Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 44+88, coordinates North 170435.62, East 1614588.93, as stated and depicted on the Condition Survey Lower Thoroughfare, Deal Island, Sheet 1 of 3, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 42 degrees 20 minutes 44 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 64 degrees 08 minutes 55 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 43 seconds W., 250.08 feet to a point, thence; N. 47 degrees 39 minutes 03 seconds E., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 44 seconds E., 300.07 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76; thence; continuing with the aforementioned centerline the following courses and distances: S. 42 degrees 20 minutes 42 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 20 degrees 32 minutes 06 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 49 seconds W., 250.08 feet to a point, thence; S. 47 degrees 39 minutes 03 seconds W., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 46 seconds E., 300.08 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76.

(c) THOMASTON HARBOR, GEORGES RIVER, MAINE.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), and modified by section 317 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2604), that lies northwesterly of a line commencing at point N87,220.51, E321,065.80 thence running northeasterly about 125 feet to a point N87,338.71, E321,106.46.

(d) WARWICK COVE, RHODE ISLAND.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Warwick Cove, Rhode Island, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) that is located within the 5 acre anchorage area east of the channel and lying east of the line beginning at a point with coordinates N220,349.79, E357,664.90 thence running north 9 degrees 10 minutes 21.5 seconds west 170.38 feet to a point N220,517.99, E357,637.74 thence running north 17 degrees 44 minutes 30.4 seconds west 165.98 feet to a point N220,676.08, E357,587.16 thence running north 0 degrees 46 minutes 0.9 seconds east 138.96 feet to a point N220,815.03, E357,589.02 thence running north 8 degrees 36 minutes 22.9 seconds east 101.57 feet to a point N220,915.46, E357,604.22 thence running north 18 degrees 18 minutes 27.3 seconds east 168.20 feet to a point N221,075.14, E357,657.05 thence running north 34 degrees 42 minutes 7.2 seconds east 106.4 feet to a point N221,162.62, E357,717.63 thence running south 29 degrees 14 minutes 17.4 seconds east 26.79 feet to a point N221,139.24, E357,730.71 thence running south 30 degrees 45 minutes 30.5 seconds west 230.46 feet to a point N220,941.20, E357,612.85 thence running south 10 degrees 49 minutes 12.0 seconds west 95.46 feet to a point N220,847.44, E357,594.93 thence running south 9 degrees 13 minutes 44.5 seconds east 491.68 feet to a point N220,362.12, E357,673.79 thence running south 35 degrees 47 minutes 19.4 seconds west 15.20 feet to the point of origin.

(e) CLATSOP COUNTY DIKING DISTRICT NO. 10, KARLSON ISLAND, OREGON.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the Diking District No. 10, Karlson Island portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (33 U.S.C. 701h).

(f) NUMBERG DIKE NO. 34 LEVEED AREA, CLATSOP COUNTY DIKING DISTRICT NO. 13, CLATSOP COUNTY, OREGON (WALLUSKI-YOUNGS).—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the Numberg Dike No. 34 leveed area, Clatsop County Diking District, No. 13, Walluski River and Youngs River dikes, portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (33 U.S.C. 701h).

(g) PORT OF HOOD RIVER, OREGON.—

(1) EXTINGUISHMENT OF PORTIONS OF EXISTING FLOWAGE EASEMENT.—With respect to the properties described in paragraph (2), beginning on the date of enactment of this Act, the flowage easement identified as Tract 1200E–6 on the Easement Deed recorded as Instrument No. 740320 is extinguished above elevation 79.39 feet (NGVD 29) the Ordinary High Water Line.

(2) AFFECTED PROPERTIES.—The properties referred to in paragraph (1), as recorded in Hood River County, Oregon, are as follows:

(A) Instrument Number 2010–1235

(B) Instrument Number 2010–02366.

(C) Instrument Number 2010–02367.

(D) Parcel 2 of Partition Plat #2011–12P.

(E) Parcel 1 of Partition Plat 2005–26P.

(3) FEDERAL LIABILITIES; CULTURAL, ENVIRONMENTAL, AND OTHER REGULATORY REVIEWS.—

(A) FEDERAL LIABILITY.—The United States shall not be liable for any injury caused by the extinguishment of the easement under this subsection.

(B) CULTURAL AND ENVIRONMENTAL REGULATORY ACTIONS.—Nothing in this subsection establishes any cultural or environmental regulation relating to the properties described in paragraph (2).

(4) EFFECT ON OTHER RIGHTS.—Nothing in this subsection affects any remaining right or interest of the Corps of Engineers in the properties described in paragraph (2).

(h) EIGHTMILE RIVER, CONNECTICUT.—

(1) The portion of the project for navigation, Eightmile River, Connecticut, authorized by the first section of the Act of June 25, 1910 (commonly known as the ''River and Harbor Act of 1910'') (36 Stat. 633, chapter 382), that begins at a point of the existing 8-foot channel limit with coordinates N701002.39, E1109247.73, thence running north 2 degrees 19 minutes 57.1 seconds east 265.09 feet to a point N701267.26, E1109258.52, thence running north 7 degrees 47 minutes 19.3 seconds east 322.32 feet to a point N701586.60, E1109302.20, thence running north 90 degrees 0 minutes 0 seconds east 65.61 to a point N701586.60, E1109367.80, thence running south 7 degrees 47 minutes 19.3 seconds west 328.11 feet to a point N701261.52, E1109323.34, thence running south 2 degrees 19 minutes 57.1 seconds west 305.49 feet to an end at a point N700956.28, E1109310.91 on the existing 8-foot channel limit, shall be reduced to a width of 65 feet and the channel realigned to follow the deepest available water.

(2) Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project beginning at a point N701296.72, E1109262.55 and running north 45 degrees 4 minutes 2.8 seconds west 78.09 feet to a point N701341.18, E1109217.98, thence running north 5 degrees 8 minutes 34.6 seconds east 180.14 feet to a point N701520.59, E1109234.13, thence running north 54 degrees 5 minutes 50.1 seconds east 112.57 feet to a point N701568.04, E1109299.66, thence running south 7 degrees 47 minutes 18.4 seconds west 292.58 feet to the point of origin; and the remaining area north of the channel realignment beginning at a point N700956.28, E1109310.91 thence running north 2 degrees 19 minutes 57.1 seconds east 305.49 feet west to a point N701261.52, E1109323.34 north 7 degrees 47 minutes 18.4 seconds east 328.11 feet to a point N701586.60, E1109367.81 thence running north 90 degrees 0 minutes 0 seconds east 7.81 feet to a point N701586.60, E1109375.62 thence running south 5 degrees 8 minutes 34.6 seconds west 626.29 feet to a point N700962.83, E1109319.47 thence south 52 degrees 35 minutes 36.5 seconds 10.79 feet to the point of origin.

(i) BURNHAM CANAL.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Milwaukee Harbor Project, Milwaukee, Wisconsin, known as the Burnham Canal, beginning at channel point #415a N381768.648, E2524554.836, a distance of about 170.58 feet, thence running south 53 degrees 43 minutes 41 seconds west to channel point #417 N381667.728, E2524417.311, a distance of about 35.01 feet, thence running south 34 degrees 10 minutes 40 seconds west to channel point #501 N381638.761, E2524397.639 a distance of about 139.25 feet, thence running south 34 degrees 10 minutes 48 seconds west to channel point #503 N381523.557, E2524319.406 a distance of about 235.98 feet, thence running south 32 degrees 59 minutes 13 seconds west to channel point #505 N381325.615, E2524190.925 a distance of about 431.29 feet, thence running south 32 degrees 36 minutes 05 seconds west to channel point #509 N380962.276, E2523958.547, a distance of about 614.52 feet, thence running south 89 degrees 05 minutes 00 seconds west to channel point #511 N380952.445, E2523344.107, a distance of about 74.68 feet, thence running north 89 degrees 04 minutes 59 seconds west to channel point #512 N381027.13, E2523342.91, a distance of about 533.84 feet, thence running north 89 degrees 05 minutes 00 seconds east to channel point #510 N381035.67, E2523876.69, a distance of about 47.86 feet, thence running north 61 degrees 02 minutes 07 seconds east to channel point #508 N381058.84, E2523918.56, a distance of about 308.55 feet, thence running north 36 degrees 15 minutes 29 seconds east to channel point #506 N381307.65, E2524101.05, distance of about 199.98 feet, thence running north 32 degrees 59 minutes 12 seconds east to channel point #504 N381475.40, E2524209.93, a distance of about 195.14 feet, thence running north 26 degrees 17 minutes 22 seconds east to channel point #502 N381650.36, E2524296.36, a distance of about 81.82 feet, thence running north 88 degrees 51 minutes 05 seconds west to channel point #419 N381732.17, E2524294.72 a distance of about 262.65 feet, thence running north 82 degrees 01 minutes 02 seconds east to channel point # 415a the point of origin.

(j) WALNUT CREEK, CALIFORNIA.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for flood protection on Walnut Creek, California, constructed in accordance with the plan authorized by section 203 of the Flood Control Act of 1960 (Public Law 86–645; 74 Stat. 488) that consists of the culvert on the San Ramon Creek constructed by the Department of the Army in 1971 that extends from Sta 4+27 to Sta 14+27.

**SEC. 3007. RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NEW JERSEY.**

Title I of the Energy and Water Development Appropriations Act, 1998 (Public Law 105–62; 111 Stat. 1327) is amended by striking section 102.

**SEC. 3008. RED RIVER BASIN, OKLAHOMA, TEXAS, ARKANSAS, LOUISIANA.**

(a) IN GENERAL.—The Secretary is authorized to reassign unused irrigation storage within a reservoir on the Red River Basin to municipal and industrial water supply for use by a non-Federal interest if that non-Federal interest has already contracted for a share of municipal and industrial water supply on the same reservoir.

(b) NON-FEDERAL INTEREST.—A reassignment of storage under subsection (a) shall be contingent upon the execution of an agreement between the Secretary and the applicable non-Federal interest.

**SEC. 3009. POINT JUDITH HARBOR OF REFUGE, RHODE ISLAND.**

The project for the Harbor of Refuge at Point Judith, Narragansett, Rhode Island, adopted by the Act of September 19, 1890 (commonly known as the ''River and Harbor Act of 1890'') (26 Stat. 426, chapter 907), House Document numbered 66, 51st Congress, 1st Session, and modified to include the west shore arm breakwater under the first section of the Act of June 25, 1910 (commonly known as the ''River and Harbor Act of 1910'') (36 Stat. 632, chapter 382), is further modified to include shore protection and erosion control as project purposes.

**SEC. 3010. LAND CONVEYANCE OF HAMMOND BOAT BASIN, WARRENTON, OREGON.**

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the city of Warrenton, located in Clatsop County, Oregon.

(2) MAP.—The term ''map'' means the map contained in Exhibit A of Department of the Army Lease No. DACW57–1–88–0033 (or a successor instrument).

(b) CONVEYANCE AUTHORITY.—Subject to the provisions of this section, the Secretary shall convey to the City by quitclaim deed, and without consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the land referred to in subsection (b) is the parcel totaling approximately 59 acres located in the City, together with any improvements thereon, including the Hammond Marina (as described in the map).

(2) EXCLUSION.—The land referred to in subsection (b) shall not include the site provided for the fisheries research support facility of the National Marine Fisheries Service.

(3) AVAILABILITY OF MAP.—The map shall be on file in the Portland District Office of the Corps of Engineers.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—As a condition of the conveyance under subsection (b), the City shall agree in writing—

(A) that the City and any successor or assign of the City will release and indemnify the United States from any claims or liabilities that may arise from or through the operations of the land conveyed by the United States; and

(B) to pay any cost associated with the conveyance under subsection (b).

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may impose such additional terms, conditions, and requirements on the conveyance under subsection (b) as the Secretary considers appropriate to protect the interest of the United States, including the requirement that the City assume full responsibility for operating and maintaining the channel and the breakwater.

(e) REVERSION.—If the Secretary determines that the land conveyed under this section ceases to be owned by the public, all right, title, and interest in and to the land shall, at the discretion of the Secretary, revert to the United States.

(f) DEAUTHORIZATION.—After the land is conveyed under this section, the land shall no longer be a portion of the project for navigation, Hammond Small Boat Basin, Oregon, authorized by section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577).

**SEC. 3011. METRO EAST FLOOD RISK MANAGEMENT PROGRAM, ILLINOIS.**

(a) IN GENERAL.—The following projects shall constitute a program, to be known as the ''Metro East Flood Risk Management Program, Illinois'':

(1) Prairie du Pont Drainage and Levee District and Fish Lake Drainage and Levee District, Illinois, authorized by—

(A) section 5 of the Act of June 22, 1936 (33 U.S.C. 701h); and

(B) section 5070 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1220).

(2) East St. Louis, Illinois, authorized by—

(A) section 5 of the Act of June 22, 1936 (33 U.S.C. 701h); and

(B) Energy and Water Development Appropriation Act, 1988 (Public Law 100–202; 101 Stat. 1329–104).

(3) Wood River Drainage and Levee District, Illinois, authorized by—

(A) section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1218); and

(B) section 1001(20) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1053).

**SEC. 3012. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.**

Section 109 of title I of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–221, 121 Stat. 1217) is amended—

(1) in subsection (a), by inserting ''and unincorporated communities'' after ''municipalities''; and

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following:

''(f) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to projects sponsored by—

''(1) the State of Florida;

''(2) Monroe County, Florida; and

''(3) incorporated communities in Monroe County, Florida.''.

**SEC. 3013. DES MOINES RECREATIONAL RIVER AND GREENBELT, IOWA.**

The boundaries for the project referred to as the Des Moines Recreational River and Greenbelt, Iowa under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' in chapter IV of title I of the Supplemental Appropriations Act, 1985 (Public Law 99–88, 99 Stat. 313) are revised to include the entirety of sections 19 and 29, situated in T89N, R28W.

**SEC. 3014. LAND CONVEYANCE, CRANEY ISLAND DREDGED MATERIAL MANAGEMENT AREA, PORTSMOUTH, VIRGINIA.**

(a) IN GENERAL.—Subject to the conditions described in this section, the Secretary may convey to the Commonwealth of Virginia, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to 2 parcels of land situated within the project for navigation, Craney Island Eastward Expansion, Norfolk Harbor and Channels, Hampton Roads, Virginia, authorized by section 1001(45) of the Water Resources Development Act of 2007 (Pub. L. 110–114; 121 Stat. 1057), together with any improvements thereon.

(b) LANDS TO BE CONVEYED.—

(1) IN GENERAL.—The 2 parcels of land to be conveyed under this section include a parcel consisting of approximately 307.82 acres of land and a parcel consisting of approximately 13.33 acres of land, both located along the eastern side of the Craney Island Dredged Material Management Area in Portsmouth, Virginia.

(2) USE.—The 2 parcels of land described in paragraph (1) may be used by the Commonwealth of Virginia exclusively for the purpose of port expansion, including the provision of road and rail access and the construction of a shipping container terminal.

(c) TERMS AND CONDITIONS.—Land conveyed under this section shall be subject to—

(1) a reversionary interest in the United States if the land—

(A) ceases to be held in public ownership; or

(B) is used for any purpose that is inconsistent with subsection (b); and

(2) such other terms, conditions, reservations, and restrictions that the Secretary determines to be necessary and appropriate to protect the interests of the United States.

(d) LEGAL DESCRIPTION.—The exact acreage and legal description of land to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(e) CONVEYANCE COSTS.—The Commonwealth of Virginia shall be responsible for all costs associated with the conveyance authorized by this section, including the cost of the survey required under subsection (d) and other administrative costs.

**SEC. 3015. LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.**

The project for flood control, Los Angeles County Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (Pub. L. 101–640; 104 Stat. 4611), as modified, is further modified to authorize the Secretary to include, as a part of the project, measures for flood risk reduction, ecosystem restoration, and recreation in the Compton Creek watershed.

**SEC. 3016. OAKLAND INNER HARBOR TIDAL CANAL, CALIFORNIA.**

Section 3182(b)(1) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1165) is amended—

(1) in subparagraph (A), by inserting '', or to a multicounty public entity that is eligible to hold title to real property'' after ''To the city of Oakland''; and

(2) by inserting ''multicounty public entity or other'' before ''public entity''.

**SEC. 3017. REDESIGNATION OF LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.**

(a) IN GENERAL.—Section 103(c)(1) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking ''Lower Mississippi River Museum and Riverfront Interpretive Site'' and inserting ''Jesse Brent Lower Mississippi River Museum and Riverfront Interpretive Site''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the museum and interpretive site referred to in subsection (a) shall be deemed to be a reference to the ''Jesse Brent Lower Mississippi River Museum and Riverfront Interpretive Site''.

**SEC. 3018. LOUISIANA COASTAL AREA.**

(a) INTERIM ADOPTION OF COMPREHENSIVE COASTAL MASTER PLAN.—

(1) IN GENERAL.—Section 7002 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1270) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively;

(B) by inserting after subsection (c) the following:

''(d) INTERIM ADOPTION OF COMPREHENSIVE MASTER PLAN.—Prior to completion of the comprehensive plan described under subsection (a), the Secretary shall adopt the plan of the State of Louisiana entitled 'Louisiana's Comprehensive Master Plan for a Sustainable Coast' in effect on the date of enactment of the Water Resources Development Act of 2013 (and subsequent plans), authorized and defined pursuant to Act 8 of the First Extraordinary Session of the Louisiana State Legislature, 2005, for protecting, preserving, and restoring the coastal Louisiana ecosystem until implementation of the comprehensive plan is complete.''; and

(C) in subsection (g)(1) (as so redesignated), by striking ''1 year'' and inserting ''10 years''.

(2) CONFORMING AMENDMENT.—Subsection (f) (as so redesignated) is amended by striking ''subsection (d)(1)'' and inserting ''subsection (e)(1)''.

(b) Section 7006 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1274) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following:

''(C) to examine a system-wide approach to coastal sustainability, including—

''(i) flood and storm damage protection;

''(ii) coastal restoration; and

''(iii) the elevation of public and private infrastructure;''; and

(2) in subsection (c)(1)(E), by striking ''at Myrtle Grove'' and inserting ''in the vicinity of Myrtle Grove''.

(c) EFFECT.—

(1) IN GENERAL.—Nothing in this section or an amendment made by this section authorizes the construction of a project or program associated with a storm surge barrier across the Lake Pontchartrain land bridge (including Chef Menteur Pass and the Rigolets) that would result in unmitigated induced flooding in coastal communities within the State of Mississippi.

(2) REQUIRED CONSULTATION.—Any study to advance a project described in paragraph (1) that is conducted using funds from the General Investigations Account of the Corps of Engineers shall include consultation and approval of the Governors of the States of Louisiana and Mississippi.

**SEC. 3019. FOUR MILE RUN, CITY OF ALEXANDRIA AND ARLINGTON COUNTY, VIRGINIA.**

Section 84(a)(1) of the Water Resources Development Act of 1974 (Public Law 93–251; 88 Stat. 35) is amended by striking ''twenty-seven thousand cubic feet per second'' and inserting ''18,000 cubic feet per second''.

**SEC. 3020. EAST FORK OF TRINITY RIVER, TEXAS.**

The portion of the project for flood protection on the East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), that consists of the 2 levees identified as ''Kaufman County Levees K5E and K5W'' shall no longer be authorized as a part of the Federal project as of the date of enactment of this Act.

**SEC. 3021. SEWARD WATERFRONT, SEWARD, ALASKA.**

(a) IN GENERAL.—The parcel of land included in the Seward Harbor, Alaska navigation project identified as Tract H, Seward Original Townsite, Waterfront Park Replat, Plat No 2012–4, Seward Recording District, shall not be subject to the navigation servitude (as of the date of enactment of this Act).

(b) ENTRY BY FEDERAL GOVERNMENT.—The Federal Government may enter upon any portion of the land referred to in subsection (a) to carry out any required operation and maintenance of the general navigation features of the project.

## TITLE IV—WATER RESOURCE STUDIES

**SEC. 4001. PURPOSE.**

The purpose of this title is to authorize the Secretary to study and recommend solutions for water resource issues relating to flood risk and storm damage reduction, navigation, and aquatic ecosystem restoration.

**SEC. 4002. INITIATION OF NEW WATER RESOURCES STUDIES.**

(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the Secretary may initiate a study—

(1) to determine the feasibility of carrying out 1 or more projects for flood risk management, storm damage reduction, aquatic ecosystem restoration, navigation, hydropower, or related purposes; or

(2) to carry out watershed and river basin assessments in accordance with section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a).

(b) CRITERIA.—The Secretary may only initiate a study under subsection (a) if—

(1) the study—

(A) has been requested by an eligible non-Federal interest;

(B) is for an area that is likely to include a project with a Federal interest; and

(C) addresses a high-priority water resource issue necessary for the protection of human life and property, the environment, or the national security interests of the United States; and

(2) the non-Federal interest has demonstrated—

(A) that local support exists for addressing the water resource issue; and

(B) the financial ability to provide the required non-Federal cost-share.

(c) CONGRESSIONAL APPROVAL.—

(1) SUBMISSION TO CONGRESS.—Prior to initiating a study under subsection (a), the Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House—

(A) a description of the study, including the geographical area addressed by the study;

(B) a description of how the study meets each of the requirements of subsection (b); and

(C) a certification that the proposed study can be completed within 3 years and for a Federal cost of not more than $3,000,000.

(2) EXPENDITURE OF FUNDS.—No funds may be spent on a study initiated under subsection (a) unless—

(A) the required information is submitted to Congress under paragraph (1); and

(B) after such submission, amounts are appropriated to initiate the study in an appropriations or other Act.

(3) ADDITIONAL NOTIFICATION.—The Secretary shall notify each Senator or Member of Congress with a State or congressional district in the study area described in paragraph (1)(A).

(d) LIMITATIONS.—

(1) IN GENERAL.—Subsection (a) shall not apply to a project for which a study has been authorized prior to the date of enactment of this Act.

(2) NEW STUDIES.—In each fiscal year, the Secretary may initiate not more than—

(A) 3 new studies in each of the primary mission areas of the Corps of Engineers; and

(B) 3 new studies from any 1 division of the Corps of Engineers.

(e) TERMINATION.—The authority under subsection (a) expires on the date that is 3 years after the date of enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2014 through 2017.

**SEC. 4003. APPLICABILITY.**

(a) IN GENERAL.—Nothing in this title authorizes the construction of a water resources project.

(b) NEW AUTHORIZATION REQUIRED.—New authorization from Congress is required before any project evaluated in a study under this title is constructed.

## TITLE V—REGIONAL AND NONPROJECT PROVISIONS

**SEC. 5001. PURPOSE.**

The purpose of this title is to authorize regional, multistate authorities to address water resource needs and other non-project provisions.

**SEC. 5002. NORTHEAST COASTAL REGION ECOSYSTEM RESTORATION.**

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects for aquatic ecosystem restoration within the coastal waters of the Northeastern United States from the State of Virginia to the State of Maine, including associated bays, estuaries, and critical riverine areas.

(b) GENERAL COASTAL MANAGEMENT PLAN.—

(1) ASSESSMENT.—The Secretary, in coordination with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, the Governors of the coastal States from Virginia to Maine, nonprofit organizations, and other interested parties, shall assess the needs regarding, and opportunities for, aquatic ecosystem restoration within the coastal waters of the Northeastern United States.

(2) PLAN.—The Secretary shall develop a general coastal management plan based on the assessment carried out under paragraph (1), maximizing the use of existing plans and investigation, which plan shall include—

(A) an inventory and evaluation of coastal habitats;

(B) identification of aquatic resources in need of improvement;

(C) identification and prioritization of potential aquatic habitat restoration projects; and

(D) identification of geographical and ecological areas of concern, including—

(i) finfish habitats;

(ii) diadromous fisheries migratory corridors;

(iii) shellfish habitats;

(iv) submerged aquatic vegetation;

(v) wetland; and

(vi) beach dune complexes and other similar habitats.

(c) ELIGIBLE PROJECTS.—The Secretary may carry out an aquatic ecosystem restoration project under this section if the project—

(1) is consistent with the management plan developed under subsection (b); and

(2) provides for—

(A) the restoration of degraded aquatic habitat (including coastal, saltmarsh, benthic, and riverine habitat);

(B) the restoration of geographical or ecological areas of concern, including the restoration of natural river and stream characteristics;

(C) the improvement of water quality; or

(D) other projects or activities determined to be appropriate by the Secretary.

(d) COST SHARING.—

(1) MANAGEMENT PLAN.—The management plan developed under subsection (b) shall be completed at Federal expense.

(2) RESTORATION PROJECTS.—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.

(e) COST LIMITATION.—Not more than $10,000,000 in Federal funds may be allocated under this section for an eligible project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including funds for the completion of the management plan) $25,000,000 for each of fiscal years 2014 through 2023.

**SEC. 5003. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.**

Section 510 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3759; 121 Stat. 1202) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''pilot program'' and inserting ''program''; and

(ii) by inserting ''in the basin States described in subsection (f) and the District of Columbia'' after ''interests''; and

(B) by striking paragraph (2) and inserting the following:

''(2) FORM.—The assistance under paragraph (1) shall be in the form of design and construction assistance for water-related resource protection and restoration projects affecting the Chesapeake Bay estuary, based on the comprehensive plan under subsection (b), including projects for—

''(A) sediment and erosion control;

''(B) protection of eroding shorelines;

''(C) ecosystem restoration, including restoration of submerged aquatic vegetation;

''(D) protection of essential public works;

''(E) beneficial uses of dredged material; and

''(F) other related projects that may enhance the living resources of the estuary.'';

(2) by striking subsection (b) and inserting the following:

''(b) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Water Resources Development Act of 2013, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Chesapeake Bay restoration plan to guide the implementation of projects under subsection (a)(2).

''(2) COORDINATION.—The restoration plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.

''(3) PRIORITIZATION.—The restoration plan described in paragraph (1) shall give priority to projects eligible under subsection (a)(2) that will also improve water quality or quantity or use natural hydrological features and systems.

''(4) ADMINISTRATION.—The Federal share of the costs of carrying out paragraph (1) shall be 75 percent.'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''to provide'' and all that follows through the period at the end and inserting ''for the design and construction of a project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b).'';

(B) in paragraph (2)(A), by striking ''facilities or resource protection and development plan'' and inserting ''resource protection and restoration plan''; and

(C) by adding at the end the following:

''(3) PROJECTS ON FEDERAL LAND.—A project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b) that is located on Federal land shall be carried out at the expense of the Federal agency that owns the land on which the project will be a carried out.

''(4) NON-FEDERAL CONTRIBUTIONS.—A Federal agency carrying out a project described in paragraph (3) may accept contributions of funds from non-Federal entities to carry out that project.'';

(4) by striking subsection (e) and inserting the following:

''(e) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—

''(1) the heads of appropriate Federal agencies, including—

''(A) the Administrator of the Environmental Protection Agency;

''(B) the Secretary of Commerce, acting through the Administrator of the National Oceanographic and Atmospheric Administration;

''(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

''(D) the heads of such other Federal agencies as the Secretary determines to be appropriate; and

''(2) agencies of a State or political subdivision of a State, including the Chesapeake Bay Commission.'';

(5) by striking subsection (f) and inserting the following:

''(f) PROJECTS.—The Secretary shall establish, to the maximum extent practicable, at least 1 project under this section in—

''(1) regions within the Chesapeake Bay watershed of each of the basin States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; and

''(2) the District of Columbia.'';

(6) by striking subsection (h); and

(7) by redesignating subsection (i) as subsection (h).

**SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, TEXAS.**

Section 5056 of the Water Resources Development Act of 2007 (121 Stat. 1213) is amended—

(1) in subsection (b)(2)—

(A) in the matter preceding subparagraph (A), by striking ''2008'' and inserting ''2014''; and

(B) in subparagraph (C), by inserting ''and an assessment of needs for other related purposes in the Rio Grande Basin, including flood damage reduction'' after ''assessment'';

(2) in subsection (c)(2)—

(A) by striking ''an interagency agreement with'' and inserting ''1 or more interagency agreements with the Secretary of State and''; and

(B) by inserting ''or the U.S. Section of the International Boundary and Water Commission'' after ''the Department of the Interior''; and

(3) in subsection (f), by striking ''2011'' and inserting ''2024''.

**SEC. 5005. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ECOSYSTEM RESTORATION, OREGON AND WASHINGTON.**

Section 536(g) of the Water Resources Development Act of 2000 (114 Stat. 2661) is amended by striking ''$30,000,000'' and inserting ''$75,000,000''.

**SEC. 5006. ARKANSAS RIVER, ARKANSAS AND OKLAHOMA.**

(a) PROJECT GOAL.—The goal for operation of the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma, shall be to maximize the use of the system in a balanced approach that incorporates advice from representatives from all project purposes to ensure that the full value of the system is realized by the United States.

(b) MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma, project authorized by the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(2) DUTIES.—The advisory committee shall—

(A) serve in an advisory capacity only; and

(B) provide information and recommendations to the Corps of Engineers relating to the efficiency, reliability, and availability of the operations of the McClellan-Kerr Arkansas River navigation system.

(3) SELECTION AND COMPOSITION.—The advisory committee shall be—

(A) selected jointly by the Little Rock district engineer and the Tulsa district engineer; and

(B) composed of members that equally represent the McClellan-Kerr Arkansas River navigation system project purposes.

(4) AGENCY RESOURCES.—The Little Rock district and the Tulsa district of the Corps of Engineers, under the supervision of the southwestern division, shall jointly provide the advisory committee with adequate staff assistance, facilities, and resources.

(5) TERMINATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the advisory committee shall terminate on the date on which the Secretary submits a report to Congress demonstrating increases in the efficiency, reliability, and availability of the McClellan-Kerr Arkansas River navigation system.

(B) RESTRICTION.—The advisory committee shall terminate not less than 2 calendar years after the date on which the advisory committee is established.

**SEC. 5007. AQUATIC INVASIVE SPECIES PREVENTION AND MANAGEMENT; COLUMBIA RIVER BASIN.**

(a) IN GENERAL.—The Secretary may establish a program to prevent and manage aquatic invasive species in the Columbia River Basin in the States of Idaho, Montana, Oregon, and Washington.

(b) WATERCRAFT INSPECTION STATIONS.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall establish watercraft inspection stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species into reservoirs operated and maintained by the Secretary.

(2) INCLUSIONS.—Locations identified under paragraph (1) may include—

(A) State border crossings;

(B) international border crossings; and

(C) highway entry points that are used by owners of watercraft to access boat launch facilities owned or managed by the Secretary.

(3) COST-SHARE.—The non-Federal share of the cost of operating and maintaining watercraft inspection stations described in paragraph (1) (including personnel costs) shall be 50 percent.

(4) OTHER INSPECTION SITES.—The Secretary may establish watercraft inspection stations using amounts made available to carry out this section in States other than those described in paragraph (1) at or near boat launch facilities that the Secretary determines are regularly used by watercraft to enter the States described in paragraph (1).

(c) MONITORING AND CONTINGENCY PLANNING.—The Secretary shall—

(1) carry out risk assessments of each major public and private water resources facility in the Columbia River Basin;

(2) establish an aquatic invasive species monitoring program in the Columbia River Basin;

(3) establish a Columbia River Basin watershed-wide plan for expedited response to an infestation of aquatic invasive species; and

(4) monitor water quality, including sediment cores and fish tissue samples, at facilities owned or managed by the Secretary in the Columbia River Basin.

(d) COORDINATION.—In carrying out this section, the Secretary shall consult and coordinate with—

(1) the States described in subsection (a);

(2) Indian tribes; and

(3) other Federal agencies, including—

(A) the Department of Agriculture;

(B) the Department of Energy;

(C) the Department of Homeland Security;

(D) the Department of Commerce; and

(E) the Department of the Interior.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000, of which $5,000,000 may be used to carry out subsection (c).

**SEC. 5008. UPPER MISSOURI BASIN FLOOD AND DROUGHT MONITORING.**

(a) IN GENERAL.—The Secretary, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of the Bureau of Reclamation, shall establish a program to provide for—

(1) soil moisture and snowpack monitoring in the Upper Missouri River Basin to reduce flood risk and improve river and water resource management in the Upper Missouri River Basin, as outlined in the February 2013 report entitled ''Upper Missouri Basin Monitoring Committee—Snow Sampling and Instrumentation Recommendations'';

(2) restoring and maintaining existing mid- and high-elevation snowpack monitoring sites operated under the SNOTEL program of the Natural Resources Conservation Service; and

(3) operating streamflow gages and related interpretive studies in the Upper Missouri River Basin under the cooperative water program and the national streamflow information program of the United States Geological Service.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $11,250,000.

(c) USE OF FUNDS.—Amounts made available to the Secretary under this section shall be used to complement other related activities of Federal agencies that are carried out within the Missouri River Basin.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) identifies progress made by the Secretary and other Federal agencies to implement the recommendations contained in the report described in subsection (a)(1) with respect to enhancing soil moisture and snowpack monitoring in the Upper Missouri Basin; and

(2) includes recommendations to enhance soil moisture and snowpack monitoring in the Upper Missouri Basin.

**SEC. 5009. UPPER MISSOURI BASIN SHORELINE EROSION PREVENTION.**

(a) IN GENERAL.—

(1) AUTHORIZATION OF ASSISTANCE.—The Secretary may provide planning, design, and construction assistance to not more than 3 federally-recognized Indian tribes in the Upper Missouri River Basin to undertake measures to address shoreline erosion that is jeopardizing existing infrastructure resulting from operation of a reservoir constructed under the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665)).

(2) LIMITATION.—The projects described in paragraph (1) shall be economically justified, technically feasible, and environmentally acceptable.

(b) FEDERAL AND NON-FEDERAL COST SHARE.—

(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the costs of carrying out this section shall be not less than 75 percent.

(2) ABILITY TO PAY.—The Secretary may adjust the Federal and non-Federal shares of the costs of carrying out this section in accordance with the terms and conditions of section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(c) CONDITIONS.—The Secretary may provide the assistance described in subsection (a) only after—

(1) consultation with the Department of the Interior; and

(2) execution by the Indian tribe of a memorandum of agreement with the Secretary that specifies that the tribe shall—

(A) be responsible for—

(i) all operation and maintenance activities required to ensure the integrity of the measures taken; and

(ii) providing any required real estate interests in and to the property on which such measures are to be taken; and

(B) hold and save the United States free from damages arising from planning, design, or construction assistance provided under this section, except for damages due to the fault or negligence of the United States or its contractors.

(d) AUTHORIZATION OF APPROPRIATIONS.—For each Indian tribe eligible under this section, there is authorized to be appropriated to carry out this section not more than $30,000,000.

**SEC. 5010. NORTHERN ROCKIES HEADWATERS EXTREME WEATHER MITIGATION.**

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall establish a program to mitigate the impacts of extreme weather events, such as floods and droughts, on communities, water users, and fish and wildlife located in and along the headwaters of the Columbia, Missouri, and Yellowstone Rivers (including the tributaries of those rivers) in the States of Idaho and Montana by carrying out river, stream, and floodplain protection and restoration projects, including—

(1) floodplain restoration and reconnection;

(2) floodplain and riparian area protection through the use of conservation easements;

(3) instream flow restoration projects;

(4) fish passage improvements;

(5) channel migration zone mapping; and

(6) invasive weed management.

(b) RESTRICTION.—All projects carried out using amounts made available to carry out this section shall emphasize the protection and enhancement of natural riverine processes.

(c) NON-FEDERAL COST SHARE.—The non-Federal share of the costs of carrying out a project under this section shall not exceed 35 percent of the total cost of the project.

(d) COORDINATION.—In carrying out this section, the Secretary—

(1) shall consult and coordinate with the appropriate State natural resource agency in each State; and

(2) may—

(A) delegate any authority or responsibility of the Secretary under this section to those State natural resource agencies; and

(B) provide amounts made available to the Secretary to carry out this section to those State natural resource agencies.

(e) LIMITATIONS.—Nothing in this section invalidates, preempts, or creates any exception to State water law, State water rights, or Federal or State permitted activities or agreements in the States of Idaho and Montana or any State containing tributaries to rivers in those States.

(f) EFFECT OF SECTION.—

(1) IN GENERAL.—Nothing in this section replaces or provides a substitute for the authority to carry out projects under section 3110 of the Water Resources Development Act of 2007 (121 Stat. 1135).

(2) FUNDING.—The amounts made available to carry out this section shall be used to carry out projects that are not otherwise carried out under section 3110 of the Water Resources Development Act of 2007 (121 Stat. 1135).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000.

**SEC. 5011. AQUATIC NUISANCE SPECIES PREVENTION, GREAT LAKES AND MISSISSIPPI RIVER BASIN.**

(a) IN GENERAL.—The Secretary is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with any modifications or any emergency measures that the Secretary determines to be appropriate to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

(b) REPORTS.—The Secretary shall report to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives any emergency actions taken pursuant to this section.

**SEC. 5012. MIDDLE MISSISSIPPI RIVER PILOT PROGRAM.**

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918, chapter 847), the Secretary shall carry out a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—As part of the pilot program carried out under subsection (a), the Secretary may carry out any activity along the Middle Mississippi River that is necessary to improve navigation through the project while restoring and protecting fish and wildlife habitat in the middle Mississippi River if the Secretary determines that the activity is feasible.

(c) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The maximum Federal share of the cost of carrying out a project under this section shall be 65 percent.

(2) AMOUNT EXPENDED PER PROJECT.—The Federal share described in paragraph (1) shall not exceed $10,000,000 for each project.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2023.

**SEC. 5013. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING.**

Section 595 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 383) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of—

''(1) design and construction assistance for water-related environmental infrastructure and resource protection and development in Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming, including projects for—

''(A) wastewater treatment and related facilities;

''(B) water supply and related facilities;

''(C) environmental restoration; and

''(D) surface water resource protection and development; and

''(2) technical assistance to small and rural communities for water planning and issues relating to access to water resources.''; and

(2) by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001 $450,000,000, which shall—

''(1) be made available to the States and locales described in subsection (b) consistent with program priorities determined by the Secretary in accordance with criteria developed by the Secretary to establish the program priorities; and

''(2) remain available until expended.''.''

**SEC. 5014. CHESAPEAKE BAY OYSTER RESTORATION IN VIRGINIA AND MARYLAND.**

Section 704(b) of Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in paragraph (1), by striking ''$50,000,000'' and inserting ''$70,000,000''; and

(2) by striking subparagraph (B) of paragraph (4) and inserting the following:

''(B) FORM.—The non-Federal share may be provided through in-kind services, including—

''(i) the provision by the non-Federal interest of shell stock material that is determined by the Secretary to be suitable for use in carrying out the project; and

''(ii) in the case of a project carried out under paragraph (2)(D) after the date of enactment of this clause, land conservation or restoration efforts undertaken by the non-Federal interest that the Secretary determines provide water quality benefits that—

''(I) enhance the viability of oyster restoration efforts; and

''(II) are integral to the project.''.

**SEC. 5015. MISSOURI RIVER BETWEEN FORT PECK DAM, MONTANA AND GAVINS POINT DAM, SOUTH DAKOTA AND NEBRASKA.**

Section 9(f) of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665; 102 Stat. 4031) is amended by striking ''$3,000,000'' and inserting ''$5,000,000''.

**SEC. 5016. OPERATIONS AND MAINTENANCE OF INLAND MISSISSIPPI RIVER PORTS.**

(a) DEFINITIONS.—In this section:

(1) SHALLOW DRAFT.—The term ''shallow draft'' means a project that has a depth less than 14 feet.

(2) INLAND MISSISSIPPI RIVER.—The term ''inland Mississippi River'' means the portion of the Mississippi River that begins at the confluence of the Minnesota River and ends at the confluence of the Red River.

(b) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out dredging activities on shallow draft ports located on the Inland Mississippi River to the respective authorized widths and depths of those inland ports, as authorized on the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year, there is authorized to be appropriated to the Secretary to carry out this section $25,000,000.

**SEC. 5017. REMOTE AND SUBSISTENCE HARBORS.**

Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by inserting ''or Alaska'' after ''Hawaii''; and

(B) in paragraph (2)—

(i) by striking ''community'' and inserting ''region''; and

(ii) by inserting '', as determined by the Secretary based on information provided by the non-Federal interest'' after ''improvement''; and

(2) by adding at the end the following:

''(c) PRIORITIZATION.—Projects recommended by the Secretary under subsection (a) shall be given equivalent budget consideration and priority as projects recommended solely by national economic development benefits.

''(d) CONSTRUCTION.—

''(1) IN GENERAL.—The Secretary may plan, design, or construct projects for navigation in the noncontiguous States and territories of the United States if the Secretary finds that the project is—

''(A) technically feasible;

''(B) environmentally sound; and

''(C) economically justified.

''(2) SPECIAL RULE.—In evaluating and implementing a project under this section, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with the criteria established for flood control projects in section 903(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4184) if the detailed project report evaluation indicates that applying that section is necessary to implement the project.

''(3) COST.—The Federal share of the cost of carrying out a project under this section shall not exceed $10,000,000.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out projects initiated by the Secretary under this subsection $100,000,000 for fiscal years 2014 through 2023.''.

**SEC. 5018. MULTIAGENCY EFFORT TO SLOW THE SPREAD OF ASIAN CARP IN THE UPPER MISSISSIPPI RIVER AND OHIO RIVER BASINS AND TRIBUTARIES.**

(a) MULTIAGENCY EFFORT TO SLOW THE SPREAD OF ASIAN CARP IN THE UPPER MISSISSIPPI AND OHIO RIVER BASINS AND TRIBUTARIES.—

(1) IN GENERAL.—The Director of the United States Fish and Wildlife Service, in coordination with the Chief of Engineers, the Director of the National Park Service, and the Director of the United States Geological Survey, shall lead a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries by providing high-level technical assistance, coordination, best practices, and support to State and local governments in carrying out activities designed to slow, and eventually eliminate, the threat posed by Asian carp.

(2) BEST PRACTICES.—To the maximum extent practicable, the multiagency effort shall apply lessons learned and best practices such as those described in the document prepared by the Asian Carp Working Group entitled ''Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States'', and dated November 2007, and the document prepared by the Asian Carp Regional Coordinating Committee entitled ''FY 2012 Asian Carp Control Strategy Framework'' and dated February 2012.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than December 31 of each year, the Director of the United States Fish and Wildlife Service, in coordination with the Chief of Engineers, shall submit to the Committee on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Appropriations and the Committee on Environmental and Public Works of the Senate a report describing the coordinated strategies established and progress made toward goals to control and eliminate Asian carp in the Upper Mississippi and Ohio River basins and tributaries.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) any observed changes in the range of Asian carp in the Upper Mississippi and Ohio River basins and tributaries during the 2-year period preceding submission of the report;

(B) a summary of Federal agency efforts, including cooperative efforts with non-Federal partners, to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries;

(C) any research that the Director determines could improve the ability to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries;

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

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

**SEC. 5019. RELEASE OF USE RESTRICTIONS.**

Notwithstanding any other provision of law, the Tennessee Valley Authority shall, without monetary consideration, grant releases from real estate restrictions established pursuant to section 4(k)(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c(k)(b)) with respect to tracts of land identified in section 4(k)(b) of that Act; provided that such releases shall be granted in a manner consistent with applicable TVA policies.

**SEC. 5020. RIGHTS AND RESPONSIBILITIES OF CHEROKEE NATION OF OKLAHOMA REGARDING W.D. MAYO LOCK AND DAM, OKLAHOMA.**

Section 1117 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4236) is amended to read as follows:

**''SEC. 1117. W.D. MAYO LOCK AND DAM, OKLAHOMA.**

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Cherokee Nation of Oklahoma has authorization—

''(1) to design and construct 1 or more hydroelectric generating facilities at the W.D. Mayo Lock and Dam on the Arkansas River in the State of Oklahoma, subject to the requirements of subsection (b) and in accordance with the conditions specified in this section; and

''(2) to market the electricity generated from any such hydroelectric generating facility.

''(b) PRECONSTRUCTION REQUIREMENTS.—

''(1) IN GENERAL.—The Cherokee Nation shall obtain any permit required by Federal or State law before the date on which construction begins on any hydroelectric generating facility under subsection (a).

''(2) REVIEW BY SECRETARY.—The Cherokee Nation may initiate the design or construction of a hydroelectric generating facility under subsection (a) only after the Secretary reviews and approves the plans and specifications for the design and construction.

''(c) PAYMENT OF DESIGN AND CONSTRUCTION COSTS.—

''(1) IN GENERAL.—The Cherokee Nation shall—

''(A) bear all costs associated with the design and construction of any hydroelectric generating facility under subsection (a); and

''(B) provide any funds necessary for the design and construction to the Secretary prior to the Secretary initiating any activities relating to the design and construction of the hydroelectric generating facility.

''(2) USE BY SECRETARY.—The Secretary may—

''(A) accept funds offered by the Cherokee Nation under paragraph (1); and

''(B) use the funds to carry out the design and construction of any hydroelectric generating facility under subsection (a).

''(d) ASSUMPTION OF LIABILITY.—The Cherokee Nation—

''(1) shall hold all title to any hydroelectric generating facility constructed under this section;

''(2) may, subject to the approval of the Secretary, assign that title to a third party;

''(3) shall be solely responsible for—

''(A) the operation, maintenance, repair, replacement, and rehabilitation of any such facility; and

''(B) the marketing of the electricity generated by any such facility; and

''(4) shall release and indemnify the United States from any claims, causes of action, or liabilities that may arise out of any activity undertaken to carry out this section.

''(e) ASSISTANCE AVAILABLE.—Notwithstanding any other provision of law, the Secretary may provide any technical and construction management assistance requested by the Cherokee Nation relating to the design and construction of any hydroelectric generating facility under subsection (a).

''(f) THIRD PARTY AGREEMENTS.—The Cherokee Nation may enter into agreements with the Secretary or a third party that the Cherokee Nation or the Secretary determines to be necessary to carry out this section.''.

**SEC. 5021. UPPER MISSISSIPPI RIVER PROTECTION.**

(a) DEFINITION OF UPPER ST. ANTHONY FALLS LOCK AND DAM.—In this section, the term ''Upper St. Anthony Falls Lock and Dam'' means the lock and dam located on Mississippi River mile 853.9 in Minneapolis, Minnesota.

(b) ECONOMIC IMPACT STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report regarding the impact of closing the Upper St. Anthony Falls Lock and Dam on the economic and environmental well-being of the State of Minnesota.

(c) MANDATORY CLOSURE.—Notwithstanding subsection (b) and not later than 1 year after the date of enactment of this Act, the Secretary shall close the Upper St. Anthony Falls Lock and Dam if the Secretary determines that the annual average tonnage moving through the Upper St. Anthony Falls Lock and Dam for the preceding 5 years is not more than 1,500,000 tons.

(d) EMERGENCY OPERATIONS.—Nothing in this section prevents the Secretary from carrying out emergency lock operations necessary to mitigate flood damage.

**SEC. 5022. ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS.**

(a) IN GENERAL.—The Secretary may provide technical assistance, including planning, design, and construction assistance, to non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), for the development, construction, operation, and maintenance of channels, harbors, and related infrastructure associated with deep draft ports for purposes of dealing with Arctic development and security needs.

(b) ACCEPTANCE OF FUNDS.—The Secretary is authorized to accept and expend funds provided by non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), to carry out the activities described in subsection (a).

(c) LIMITATION.—No assistance may be provided under this section until after the date on which the entity to which that assistance is to be provided enters into a written agreement with the Secretary that includes such terms and conditions as the Secretary determines to be appropriate and in the public interest.

(d) PRIORITIZATION.—The Secretary shall prioritize Arctic deep draft ports identified by the Army Corps, the Department of Homeland Security and the Department of Defense.

**SEC. 5023. GREATER MISSISSIPPI RIVER BASIN SEVERE FLOODING AND DROUGHT MANAGEMENT STUDY.**

(a) DEFINITIONS.—In this section:

(1) GREATER MISSISSIPPI RIVER BASIN.—The term ''greater Mississippi River Basin'' means the area covered by hydrologic units 5, 6, 7, 8, 10, and 11, as identified by the United States Geological Survey as of the date of enactment of this Act.

(2) LOWER MISSISSIPPI RIVER.—The term ''lower Mississippi River'' means the portion of the Mississippi River that begins at the confluence of the Ohio River and flows to the Gulf of Mexico.

(3) MIDDLE MISSISSIPPI RIVER.—The term ''middle Mississippi River'' means the portion of the Mississippi River that begins at the confluence of the Missouri River and flows to the lower Mississippi River.

(4) SEVERE FLOODING AND DROUGHT.—The term ''severe flooding and drought'' means severe weather events that threaten personal safety, property, and navigation on the inland waterways of the United States.

(b) IN GENERAL.—The Secretary shall carry out a study of the greater Mississippi River Basin—

(1) to improve the coordinated and comprehensive management of water resource

projects in the greater Mississippi River Basin relating to severe flooding and drought conditions; and

(2) to evaluate the feasibility of any modifications to those water resource projects, consistent with the authorized purposes of those projects, and develop new water resource projects to improve the reliability of navigation and more effectively reduce flood risk.

(c) CONTENTS.—The study shall—

(1) identify any Federal actions that are likely to prevent and mitigate the impacts of severe flooding and drought, including changes to authorized channel dimensions, operational procedures of locks and dams, and reservoir management within the greater Mississippi River Basin, consistent with the authorized purposes of the water resource projects;

(2) identify and make recommendations to remedy challenges to the Corps of Engineers presented by severe flooding and drought, including river access, in carrying out its mission to maintain safe, reliable navigation, consistent with the authorized purposes of the water resource projects in the greater Mississippi River Basin; and

(3) identify and locate natural or other physical impediments along the middle and lower Mississippi River to maintaining navigation on the middle and lower Mississippi River during periods of low water.

(d) CONSULTATION AND USE OF EXISTING DATA.—In carrying out the study, the Secretary shall—

(1) consult with appropriate committees of Congress, Federal, State, tribal, and local agencies, environmental interests, agricultural interests, recreational interests, river navigation industry representatives, other shipping and business interests, organized labor, and nongovernmental organizations;

(2) to the maximum extent practicable, use data in existence as of the date of enactment of this Act; and

(3) incorporate lessons learned and best practices developed as a result of past severe flooding and drought events, including major floods and the successful effort to maintain navigation during the near historic low water levels on the Mississippi River during the winter of 2012–2013.

(e) COST-SHARING.—The Federal share of the cost of carrying out the study under this section shall be 100 percent.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under this section.

(g) SAVINGS CLAUSE.—Nothing in this section impacts the operations and maintenance of the Missouri River Mainstem System, as authorized by the Act of December 22, 1944 (58 Stat. 897, chapter 665).

**SEC. 5024. CAPE ARUNDEL DISPOSAL SITE, MAINE.**

(a) IN GENERAL.—The Secretary, in concurrence with the Administrator of the Environmental Protection Agency, is authorized to reopen the Cape Arundel Disposal Site selected by the Department of the Army as an alternative dredged material disposal site under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(b)) (referred to in this section as the ''Site'').

(b) DEADLINE.—The Site may remain open under subsection (a) until the earlier of—

(1) the date on which the Site does not have any remaining disposal capacity;

(2) the date on which an environmental impact statement designating an alternative dredged material disposal site for southern Maine has been completed; or

(3) the date that is 5 years after the date of enactment of this Act.

(c) LIMITATIONS.—The use of the Site as a dredged material disposal site under subsection (a) shall be subject to the conditions that—

(1) conditions at the Site remain suitable for the continued use of the Site as a dredged material disposal site; and

(2) the Site not be used for the disposal of more than 80,000 cubic yards from any single dredging project.

## TITLE VI—LEVEE SAFETY

**SEC. 6001. SHORT TITLE.**

This title may be cited as the ''National Levee Safety Program Act''.

**SEC. 6002. FINDINGS; PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) there is a need to establish a national levee safety program to provide national leadership and encourage the establishment of State and tribal levee safety programs;

(2) according to the National Committee on Levee Safety, ''the level of protection and robustness of design and construction of levees vary considerably across the country'';

(3) knowing the location, condition, and ownership of levees, as well as understanding the population and infrastructure at risk in leveed areas, is necessary for identification and prioritization of activities associated with levees;

(4) levees are an important tool for reducing flood risk and should be considered in the context of broader flood risk management efforts;

(5) States and Indian tribes—

(A) are uniquely positioned to oversee, coordinate, and regulate local and regional levee systems; and

(B) should be encouraged to participate in a national levee safety program by establishing individual levee safety programs; and

(6) States, Indian tribes, and local governments that do not invest in protecting the individuals and property located behind levees place those individuals and property at risk.

(b) PURPOSES.—The purposes of this title are—

(1) to promote sound technical practices in levee design, construction, operation, inspection, assessment, security, and maintenance;

(2) to ensure effective public education and awareness of risks involving levees;

(3) to establish and maintain a national levee safety program that emphasizes the protection of human life and property; and

(4) to implement solutions and incentives that encourage the establishment of effective State and tribal levee safety programs.

**SEC. 6003. DEFINITIONS.**

In this title:

(1) BOARD.—The term ''Board'' means the National Levee Safety Advisory Board established under section 6005.

(2) CANAL STRUCTURE.—

(A) IN GENERAL.—The term ''canal structure'' means an embankment, wall, or structure along a canal or manmade watercourse that—

(i) constrains water flows;

(ii) is subject to frequent water loading; and

(iii) is an integral part of a flood risk reduction system that protects the leveed area from flood waters associated with hurricanes, precipitation events, seasonal high water, and other weather-related events.

(B) EXCLUSION.—The term ''canal structure'' does not include a barrier across a watercourse.

(3) FEDERAL AGENCY.—The term ''Federal agency'' means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a levee.

(4) FLOOD DAMAGE REDUCTION SYSTEM.—The term ''flood damage reduction system'' means a system designed and constructed to have appreciable and dependable effects in reducing damage by floodwaters.

(5) FLOOD MITIGATION.—The term ''flood mitigation'' means any structural or nonstructural measure that reduces risks of flood damage by reducing the probability of flooding, the consequences of flooding, or both.

(6) FLOODPLAIN MANAGEMENT.—The term ''floodplain management'' means the operation of a community program of corrective and preventative measures for reducing flood damage.

(7) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) LEVEE.—

(A) IN GENERAL.—The term ''levee'' means a manmade barrier (such as an embankment, floodwall, or other structure)—

(i) the primary purpose of which is to provide hurricane, storm, or flood protection relating to seasonal high water, storm surges, precipitation, or other weather events; and

(ii) that is normally subject to water loading for only a few days or weeks during a calendar year.

(B) INCLUSIONS.—The term ''levee'' includes a levee system, including—

(i) levees and canal structures that—

(I) constrain water flows;

(II) are subject to more frequent water loading; and

(III) do not constitute a barrier across a watercourse; and

(ii) roadway and railroad embankments, but only to the extent that the embankments are integral to the performance of a flood damage reduction system.

(C) EXCLUSIONS.—The term ''levee'' does not include—

(i) a roadway or railroad embankment that is not integral to the performance of a flood damage reduction system;

(ii) a canal constructed completely within natural ground without any manmade structure (such as an embankment or retaining wall to retain water or a case in which water is retained only by natural ground);

(iii) a canal regulated by a Federal or State agency in a manner that ensures that applicable Federal safety criteria are met;

(iv) a levee or canal structure—

(I) that is not a part of a Federal flood damage reduction system;

(II) that is not recognized under the National Flood Insurance Program as providing protection from the 1-percent-annual-chance or greater flood;

(III) that is not greater than 3 feet high;

(IV) the population in the leveed area of which is less than 50 individuals; and

(V) the leveed area of which is less than 1,000 acres; or

(v) any shoreline protection or river bank protection system (such as revetments or barrier islands).

(9) LEVEE FEATURE.—The term ''levee feature'' means a structure that is critical to the functioning of a levee, including—

(A) an embankment section;

(B) a floodwall section;

(C) a closure structure;

(D) a pumping station;

(E) an interior drainage work; and

(F) a flood damage reduction channel.

(10) LEVEE SAFETY GUIDELINES.—The term ''levee safety guidelines'' means the guidelines established by the Secretary under section 6004(c)(1).

(11) LEVEE SEGMENT.—The term ''levee segment'' means a discrete portion of a levee system that is owned, operated, and maintained by a single entity or discrete set of entities.

(12) LEVEE SYSTEM.—The term ''levee system'' means 1 or more levee segments, including all levee features that are interconnected and necessary to ensure protection of the associated leveed areas—

(A) that collectively provide flood damage reduction to a defined area; and

(B) the failure of 1 of which may result in the failure of the entire system.

(13) LEVEED AREA.—The term ''leveed area'' means the land from which flood water in the adjacent watercourse is excluded by the levee system.

(14) NATIONAL LEVEE DATABASE.—The term ''national levee database'' means the levee database established under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303).

(15) PARTICIPATING PROGRAM.—The term ''participating program'' means a levee safety program developed by a State or Indian tribe that includes the minimum components necessary for recognition by the Secretary.

(16) REHABILITATION.—The term ''rehabilitation'' means the repair, replacement, reconstruction, removal of a levee, or reconfiguration of a levee system, including a setback levee, that is carried out to reduce flood risk or meet national levee safety guidelines.

(17) RISK.—The term ''risk'' means a measure of the probability and severity of undesirable consequences.

(18) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(19) STATE.—The term ''State'' means—

(A) each of the several States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

**SEC. 6004. NATIONAL LEVEE SAFETY PROGRAM.**

(a) ESTABLISHMENT.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish a national levee safety program to provide national leadership and consistent approaches to levee safety, including—

(1) a national levee database;

(2) an inventory and inspection of Federal and non-Federal levees;

(3) national levee safety guidelines;

(4) a hazard potential classification system for Federal and non-Federal levees;

(5) research and development;

(6) a national public education and awareness program, with an emphasis on communication regarding the residual risk to communities protected by levees and levee systems;

(7) coordination of levee safety, floodplain management, and environmental protection activities;

(8) development of State and tribal levee safety programs; and

(9) the provision of technical assistance and materials to States and Indian tribes relating to—

(A) developing levee safety programs;

(B) identifying and reducing flood risks associated with residual risk to communities protected by levees and levee systems;

(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and

(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.

(b) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall appoint—

(A) an administrator of the national levee safety program; and

(B) such staff as is necessary to implement the program.

(2) ADMINISTRATOR.—The sole duty of the administrator appointed under paragraph (1)(A) shall be the management of the national levee safety program.

(c) LEVEE SAFETY GUIDELINES.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency and in coordination with State and local governments and organizations with expertise in levee safety, shall establish a set of voluntary, comprehensive, national levee safety guidelines that—

(A) are available for common, uniform use by all Federal, State, tribal, and local agencies;

(B) incorporate policies, procedures, standards, and criteria for a range of levee types, canal structures, and related facilities and features; and

(C) provide for adaptation to local, regional, or watershed conditions.

(2) REQUIREMENT.—The policies, procedures, standards, and criteria under paragraph (1)(B) shall be developed taking into consideration the levee hazard potential classification system established under subsection (d).

(3) ADOPTION BY FEDERAL AGENCIES.—All Federal agencies shall consider the levee safety guidelines in activities relating to the management of levees.

(4) PUBLIC COMMENT.—Prior to finalizing the guidelines under this subsection, the Secretary shall—

(A) issue draft guidelines for public comment; and

(B) consider any comments received in the development of final guidelines.

(d) HAZARD POTENTIAL CLASSIFICATION SYSTEM.—

(1) ESTABLISHMENT.—The Secretary shall establish a hazard potential classification system for use under the national levee safety program and participating programs.

(2) REVISION.—The Secretary shall review and, as necessary, revise the hazard potential classification system not less frequently than once every 5 years.

(3) CONSISTENCY.—The hazard potential classification system established pursuant to this subsection shall be consistent with and incorporated into the levee safety action classification tool developed by the Corps of Engineers.

(e) TECHNICAL ASSISTANCE AND MATERIALS.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency and in coordination with the Board, shall establish a national levee safety technical assistance and training program to develop and deliver technical support and technical assistance materials, curricula, and training in order to promote levee safety and assist States, communities, and levee owners in—

(A) developing levee safety programs;

(B) identifying and reducing flood risks associated with levees;

(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and

(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.

(2) USE OF SERVICES.—In establishing the national levee safety training program under paragraph (1), the Secretary may use the services of—

(A) the Corps of Engineers;

(B) the Federal Emergency Management Agency;

(C) the Bureau of Reclamation; and

(D) other appropriate Federal agencies, as determined by the Secretary.

(f) COMPREHENSIVE NATIONAL PUBLIC EDUCATION AND AWARENESS CAMPAIGN.—

(1) ESTABLISHMENT.—The Secretary, in coordination with the Administrator of the Federal Emergency Management Agency and the Board, shall establish a national public education and awareness campaign relating to the national levee safety program.

(2) PURPOSES.—The purposes of the campaign under paragraph (1) are—

(A) to educate individuals living in leveed areas regarding the risks of living in those areas;

(B) to promote consistency in the transmission of information regarding levees among government agencies; and

(C) to provide national leadership regarding risk communication for implementation at the State and local levels.

(g) COORDINATION OF LEVEE SAFETY, FLOODPLAIN MANAGEMENT, AND ENVIRONMENTAL CONCERNS.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency and in coordination with the Board, shall evaluate opportunities to coordinate—

(1) public safety, floodplain management, and environmental protection activities relating to levees; and

(2) environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws.

(h) LEVEE INSPECTION.—

(1) IN GENERAL.—The Secretary shall carry out a one-time inventory and inspection of all levees identified in the national levee database.

(2) NO FEDERAL INTEREST.—The inventory and inspection under paragraph (1) does not create a Federal interest in the construction, operation, or maintenance any levee that is included in the inventory or inspected under this subsection.

(3) INSPECTION CRITERIA.—In carrying out the inventory and inspection, the Secretary shall use the levee safety action classification criteria to determine whether a levee should be classified in the inventory as requiring a more comprehensive inspection.

(4) STATE AND TRIBAL PARTICIPATION.—At the request of a State or Indian tribe with respect to any levee subject to inspection under this subsection, the Secretary shall—

(A) allow an official of the State or Indian tribe to participate in the inspection of the levee; and

(B) provide information to the State or Indian tribe relating to the location, construction, operation, or maintenance of the levee.

(5) EXCEPTIONS.—In carrying out the inventory and inspection under this subsection, the Secretary shall not be required to inspect any levee that has been inspected by a State or Indian tribe using the same methodology described in paragraph (3) during the 1-year period immediately preceding the date of enactment of this Act if the Governor of the State or tribal government, as applicable, requests an exemption from the inspection.

(i) STATE AND TRIBAL LEVEE SAFETY PROGRAM.—

(1) GUIDELINES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in consultation with the Administrator of the Federal Emergency Management Agency and in coordination with the Board, the Secretary shall issue guidelines that establish

the minimum components necessary for recognition of a State or tribal levee safety program as a participating program.

(B) GUIDELINE CONTENTS.—The guidelines under subparagraph (A) shall include provisions and procedures requiring each participating State and Indian tribe to certify to the Secretary that the State or Indian tribe, as applicable—

(i) has the authority to participate in the national levee safety program;

(ii) can receive funds under this title;

(iii) has adopted any national levee safety guidelines developed under this title;

(iv) will carry out levee inspections;

(v) will carry out, consistent with applicable requirements, flood risk management and any emergency action planning procedures the Secretary determines to be necessary relating to levees;

(vi) will carry out public education and awareness activities consistent with the national public education and awareness campaign established under subsection (f); and

(vii) will collect and share information regarding the location and condition of levees.

(C) PUBLIC COMMENT.—Prior to finalizing the guidelines under this paragraph, the Secretary shall—

(i) issue draft guidelines for public comment; and

(ii) consider any comments received in the development of final guidelines.

(2) GRANT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall provide grants to assist States and Indian tribes in establishing participating programs, conducting levee inventories, and carrying out this title.

(B) REQUIREMENTS.—To be eligible to receive grants under this section, a State or Indian tribe shall—

(i) meet the requirements of a participating program established by the guidelines issued under paragraph (1);

(ii) use not less than 25 percent of any amounts received to identify and assess non-Federal levees within the State or on land of the Indian tribe;

(iii) submit to the Secretary any information collected by the State or Indian tribe in carrying out this subsection for inclusion in the national levee safety database; and

(iv) identify actions to address hazard mitigation activities associated with levees and leveed areas identified in the hazard mitigation plan of the State approved by the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(C) MEASURES TO ASSESS EFFECTIVENESS.—Not later than 1 year after the enactment of this Act, the Secretary shall implement quantifiable performance measures and metrics to assess the effectiveness of the grant program established in accordance with subparagraph (A).

(j) LEVEE REHABILITATION ASSISTANCE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish a program under which the Secretary shall provide assistance to States, Indian tribes, and local governments in addressing flood mitigation activities that result in an overall reduction in flood risk.

(2) REQUIREMENTS.—To be eligible to receive assistance under this subsection, a State, Indian tribe, or local government shall—

(A) participate in, and comply with, all applicable Federal floodplain management and flood insurance programs;

(B) have in place a hazard mitigation plan that—

(i) includes all levee risks; and

(ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552);

(C) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

(D) comply with such minimum eligibility requirements as the Secretary, in consultation with the Board, may establish to ensure that each owner and operator of a levee under a participating State or tribal levee safety program—

(i) acts in accordance with the guidelines developed in subsection (c); and

(ii) carries out activities relating to the public in the leveed area in accordance with the hazard mitigation plan described in subparagraph (B).

(3) FLOODPLAIN MANAGEMENT PLANS.—

(A) IN GENERAL.—Not later than 1 year after the date of execution of a project agreement for assistance under this subsection, a State, Indian tribe, or local government shall prepare a floodplain management plan in accordance with the guidelines under subparagraph (D) to reduce the impacts of future flood events in each applicable leveed area.

(B) INCLUSIONS.—A plan under subparagraph (A) shall address potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in each applicable leveed area.

(C) IMPLEMENTATION.—Not later than 1 year after the date of completion of construction of the applicable project, a floodplain management plan prepared under subparagraph (A) shall be implemented.

(D) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, shall develop such guidelines for the preparation of floodplain management plans prepared under this paragraph as the Secretary determines to be appropriate.

(E) TECHNICAL SUPPORT.—The Secretary may provide technical support for the development and implementation of floodplain management plans prepared under this paragraph.

(4) USE OF FUNDS.—

(A) IN GENERAL.—Assistance provided under this subsection may be used—

(i) for any rehabilitation activity to maximize overall risk reduction associated with a levee under a participating State or tribal levee safety program; and

(ii) only for a levee that is not federally operated and maintained.

(B) PROHIBITION.—Assistance provided under this subsection shall not be used—

(i) to perform routine operation or maintenance for a levee; or

(ii) to make any modification to a levee that does not result in an improvement to public safety.

(5) NO PROPRIETARY INTEREST.—A contract for assistance provided under this subsection shall not be considered to confer any proprietary interest on the United States.

(6) COST-SHARE.—The maximum Federal share of the cost of any assistance provided under this subsection shall be 65 percent.

(7) PROJECT LIMIT.—The maximum amount of Federal assistance for a project under this subsection shall be $10,000,000.

(8) OTHER LAWS.—Assistance provided under this subsection shall be subject to all applicable laws (including regulations) that apply to the construction of a civil works project of the Corps of Engineers.

(k) EFFECT OF SECTION.—Nothing in this section—

(1) affects the requirement under section 100226(b)(2) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942); or

(2) confers any regulatory authority on—

(A) the Secretary; or

(B) the Director of the Federal Emergency Management Agency, including for the purpose of setting premium rates under the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

**SEC. 6005. NATIONAL LEVEE SAFETY ADVISORY BOARD.**

(a) ESTABLISHMENT.—The Secretary, in coordination with the Administrator of the Federal Emergency Management Agency, shall establish a board, to be known as the ''National Levee Safety Advisory Board''—

(1) to advise the Secretary and Congress regarding consistent approaches to levee safety;

(2) to monitor the safety of levees in the United States;

(3) to assess the effectiveness of the national levee safety program; and

(4) to ensure that the national levee safety program is carried out in a manner that is consistent with other Federal flood risk management efforts.

(b) MEMBERSHIP.—

(1) VOTING MEMBERS.—The Board shall be composed of the following 14 voting members, each of whom shall be appointed by the Secretary, with priority consideration given to representatives from those States that have the most Corps of Engineers levees in the State, based on mileage:

(A) 8 representatives of State levee safety programs, 1 from each of the civil works divisions of the Corps of Engineers.

(B) 2 representatives of the private sector who have expertise in levee safety.

(C) 2 representatives of local and regional governmental agencies who have expertise in levee safety.

(D) 2 representatives of Indian tribes who have expertise in levee safety.

(2) NONVOTING MEMBERS.—The Secretary (or a designee of the Secretary), the Administrator of the Federal Emergency Management Agency (or a designee of the Administrator), and the administrator of the national levee safety program appointed under section 6004(b)(1)(A) shall serve as nonvoting members of the Board.

(3) CHAIRPERSON.—The voting members of the Board shall appoint a chairperson from among the voting members of the Board, to serve a term of not more than 2 years.

(c) QUALIFICATIONS.—

(1) INDIVIDUALS.—Each voting member of the Board shall be knowledgeable in the field of levee safety, including water resources and flood risk management.

(2) AS A WHOLE.—The membership of the Board, considered as a whole, shall represent the diversity of skills required to advise the Secretary regarding levee issues relating to—

(A) engineering;

(B) public communications;

(C) program development and oversight;

(D) with respect to levees, flood risk management and hazard mitigation; and

(E) public safety and the environment.

(d) TERMS OF SERVICE.—

(1) IN GENERAL.—A voting member of the Board shall be appointed for a term of 3 years, except that, of the members first appointed—

(A) 5 shall be appointed for a term of 1 year;

(B) 5 shall be appointed for a term of 2 years; and

(C) 4 shall be appointed for a term of 3 years.

(2) REAPPOINTMENT.—A voting member of the Board may be reappointed to the Board, as the Secretary determines to be appropriate.

(3) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the original appointment was made.

(e) STANDING COMMITTEES.—

(1) IN GENERAL.—The Board shall be supported by Standing Committees, which shall be comprised of volunteers from all levels of government and the private sector, to advise the Board regarding the national levee safety program.

(2) ESTABLISHMENT.—The Standing Committees of the Board shall include—

(A) the Standing Committee on Participating Programs, which shall advise the Board regarding—

(i) the development and implementation of State and tribal levee safety programs; and

(ii) appropriate incentives (including financial assistance) to be provided to States, Indian tribes, and local and regional entities;

(B) the Standing Committee on Technical Issues, which shall advise the Board regarding—

(i) the management of the national levee database;

(ii) the development and maintenance of levee safety guidelines;

(iii) processes and materials for developing levee-related technical assistance and training; and

(iv) research and development activities relating to levee safety;

(C) the Standing Committee on Public Education and Awareness, which shall advise the Board regarding the development, implementation, and evaluation of targeted public outreach programs—

(i) to gather public input;

(ii) to educate and raise awareness in leveed areas of levee risks;

(iii) to communicate information regarding participating programs; and

(iv) to track the effectiveness of public education efforts relating to levee risks;

(D) the Standing Committee on Safety and Environment, which shall advise the Board regarding—

(i) operation and maintenance activities for existing levee projects;

(ii) opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees;

(iii) opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and

(iv) opportunities for collaboration by environmental protection and public safety interests in leveed areas and adjacent areas; and

(E) such other standing committees as the Secretary, in consultation with the Board, determines to be necessary.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Board shall recommend to the Secretary for approval individuals for membership on the Standing Committees.

(B) QUALIFICATIONS.—

(i) INDIVIDUALS.—Each member of a Standing Committee shall be knowledgeable in the issue areas for which the Committee is charged with advising the Board.

(ii) AS A WHOLE.—The membership of each Standing Committee, considered as a whole, shall represent, to the maximum extent practicable, broad geographical diversity.

(C) LIMITATION.—Each Standing Committee shall be comprised of not more than 10 members.

(f) DUTIES AND POWERS.—The Board—

(1) shall submit to the Secretary and Congress an annual report regarding the effectiveness of the national levee safety program in accordance with section 6007; and

(2) may secure from other Federal agencies such services, and enter into such contracts, as the Board determines to be necessary to carry out this subsection.

(g) TASK FORCE COORDINATION.—The Board shall, to the maximum extent practicable, coordinate the activities of the Board with the Federal Interagency Floodplain Management Task Force.

(h) COMPENSATION.—

(1) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(2) NON-FEDERAL EMPLOYEES.—To the extent amounts are made available to carry out this section in appropriations Acts, the Secretary shall provide to each member of the Board who is not an officer or employee of the United States a stipend and a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Board.

(3) STANDING COMMITTEE MEMBERS.—Each member of a Standing Committee shall—

(A) serve in a voluntary capacity; but

(B) receive a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Board.

(i) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or the Standing Committees.

**SEC. 6006. INVENTORY AND INSPECTION OF LEVEES.**

Section 9004(a)(2)(A) of the Water Resources Development Act of 2007 (33 U.S.C. 3303(a)(2)(A)) is amended by striking ''and, for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies'' and inserting ''and updated levee information provided by States, Indian tribes, Federal agencies, and other entities''.

**SEC. 6007. REPORTS.**

(a) STATE OF LEVEES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Secretary in coordination with the Board, shall submit to Congress a report describing the state of levees in the United States and the effectiveness of the national levee safety program, including—

(A) progress achieved in implementing the national levee safety program;

(B) State and tribal participation in the national levee safety program;

(C) recommendations to improve coordination of levee safety, floodplain management, and environmental protection concerns, including—

(i) identifying and evaluating opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees; and

(ii) evaluating opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and

(D) any recommendations for legislation and other congressional actions necessary to ensure national levee safety.

(2) INCLUSION.—Each report under paragraph (1) shall include a report of the Board that describes the independent recommendations of the Board for the implementation of the national levee safety program.

(b) NATIONAL DAM AND LEVEE SAFETY PROGRAM.—Not later than 3 years after the date of enactment of this Act, to the maximum extent practicable, the Secretary, in coordination with the Board, shall submit to Congress a report that includes recommendations regarding the advisability and feasibility of, and potential approaches for, establishing a joint national dam and levee safety program.

(c) ALIGNMENT OF FEDERAL PROGRAMS RELATING TO LEVEES.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on opportunities for alignment of Federal programs to provide incentives to State, tribal, and local governments and individuals and entities—

(1) to promote shared responsibility for levee safety;

(2) to encourage the development of strong State and tribal levee safety programs;

(3) to better align the national levee safety program with other Federal flood risk management programs; and

(4) to promote increased levee safety through other Federal programs providing assistance to State and local governments.

(d) LIABILITY FOR CERTAIN LEVEE ENGINEERING PROJECTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes recommendations that identify and address any legal liability associated with levee engineering projects that prevent—

(1) levee owners from obtaining needed levee engineering services; or

(2) development and implementation of a State or tribal levee safety program.

**SEC. 6008. EFFECT OF TITLE.**

Nothing in this title—

(1) establishes any liability of the United States or any officer or employee of the United States (including the Board and the Standing Committees of the Board) for any damages caused by any action or failure to act; or

(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability incident to the ownership or operation of the levee.

**SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary to carry out this title—

(1) for funding the administration and staff of the national levee safety program, the Board, the Standing Committees of the Board, and participating programs, $5,000,000 for each of fiscal years 2014 through 2023;

(2) for technical programs, including the development of levee safety guidelines, publications, training, and technical assistance—

(A) $5,000,000 for each of fiscal years 2014 through 2018;

(B) $7,500,000 for each of fiscal years 2019 and 2020; and

(C) $10,000,000 for each of fiscal years 2021 through 2023;

(3) for public involvement and education programs, $3,000,000 for each of fiscal years 2014 through 2023;

(4) to carry out the levee inventory and inspections under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C.

3303), $30,000,000 for each of fiscal years 2014 through 2018;

(5) for grants to State and tribal levee safety programs, $300,000,000 for fiscal years 2014 through 2023; and

(6) for levee rehabilitation assistance grants, $300,000,000 for fiscal years 2014 through 2023.

## TITLE VII—INLAND WATERWAYS

**SEC. 7001. PURPOSES.**

The purposes of this title are—

(1) to improve program and project management relating to the construction and major rehabilitation of navigation projects on inland waterways;

(2) to optimize inland waterways navigation system reliability;

(3) to minimize the size and scope of inland waterways navigation project completion schedules;

(4) to eliminate preventable delays in inland waterways navigation project completion schedules; and

(5) to make inland waterways navigation capital investments through the use of prioritization criteria that seek to maximize systemwide benefits and minimize overall system risk.

**SEC. 7002. DEFINITIONS.**

In this title:

(1) INLAND WATERWAYS TRUST FUND.—The term ''Inland Waterways Trust Fund'' means the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

(2) QUALIFYING PROJECT.—The term ''qualifying project'' means any construction or major rehabilitation project for navigation infrastructure of the inland and intracoastal waterways that is—

(A) authorized before, on, or after the date of enactment of this Act;

(B) not completed on the date of enactment of this Act; and

(C) funded at least in part from the Inland Waterways Trust Fund.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

**SEC. 7003. PROJECT DELIVERY PROCESS REFORMS.**

(a) REQUIREMENTS FOR QUALIFYING PROJECTS.—With respect to each qualifying project, the Secretary shall require—

(1) formal project management training and certification for each project manager;

(2) assignment as project manager only of personnel fully certified by the Chief of Engineers; and

(3) for an applicable cost estimation, that—

(A) the estimation—

(i) is risk-based; and

(ii) has a confidence level of at least 80 percent; and

(B) a risk-based cost estimate shall be implemented—

(i) for a qualified project that requires an increase in the authorized amount in accordance with section 902 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4183), during the preparation of a post-authorization change report or other similar decision document;

(ii) for a qualified project for which the first construction contract has not been awarded, prior to the award of the first construction contract;

(iii) for a qualified project without a completed Chief of Engineers report, prior to the completion of such a report; and

(iv) for a qualified project with a completed Chief of Engineers report that has not yet been authorized, during design for the qualified project.

(b) ADDITIONAL PROJECT DELIVERY PROCESS REFORMS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) establish a system to identify and apply on a continuing basis lessons learned from prior or ongoing qualifying projects to improve the likelihood of on-time and on-budget completion of qualifying projects;

(2) evaluate early contractor involvement acquisition procedures to improve on-time and on-budget project delivery performance; and

(3) implement any additional measures that the Secretary determines will achieve the purposes of this title and the amendments made by this title, including, as the Secretary determines to be appropriate—

(A) the implementation of applicable practices and procedures developed pursuant to management by the Secretary of an applicable military construction program;

(B) the establishment of 1 or more centers of expertise for the design and review of qualifying projects;

(C) the development and use of a portfolio of standard designs for inland navigation locks;

(D) the use of full-funding contracts or formulation of a revised continuing contracts clause; and

(E) the establishment of procedures for recommending new project construction starts using a capital projects business model.

(c) PILOT PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may carry out 1 or more pilot projects to evaluate processes or procedures for the study, design, or construction of qualifying projects.

(2) INCLUSIONS.—At a minimum, the Secretary shall carry out pilot projects under this subsection to evaluate—

(A) early contractor involvement in the development of features and components;

(B) an appropriate use of continuing contracts for the construction of features and components; and

(C) applicable principles, procedures, and processes used for military construction projects.

(d) INLAND WATERWAYS USER BOARD.—Section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) DUTIES OF USERS BOARD.—

''(1) IN GENERAL.—The Users Board shall meet not less frequently than semiannually to develop and make recommendations to the Secretary and Congress regarding the inland waterways and inland harbors of the United States.

''(2) ADVICE AND RECOMMENDATIONS.—For commercial navigation features and components of the inland waterways and inland harbors of the United States, the Users Board shall provide—

''(A) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary regarding construction and rehabilitation priorities and spending levels;

''(B) advice and recommendations to Congress regarding any report of the Chief of Engineers relating to those features and components;

''(C) advice and recommendations to Congress regarding an increase in the authorized cost of those features and components;

''(D) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding construction and rehabilitation priorities and spending levels; and

''(E) a long-term capital investment program in accordance with subsection (d).

''(3) PROJECT DEVELOPMENT TEAMS.—The chairperson of the Users Board shall appoint a representative of the Users Board to serve on the project development team for a qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.

''(4) INDEPENDENT JUDGMENT.—Any advice or recommendation made by the Users Board to the Secretary shall reflect the independent judgment of the Users Board.'';

(2) by redesignating subsection (c) as subsection (f); and

(3) by inserting after subsection (b) the following:

''(c) DUTIES OF SECRETARY.—The Secretary shall—

''(1) communicate not less than once each quarter to the Users Board the status of the study, design, or construction of all commercial navigation features or components of the inland waterways or inland harbors of the United States; and

''(2) submit to the Users Board a courtesy copy of all reports of the Chief of Engineers relating to a commercial navigation feature or component of the inland waterways or inland harbors of the United States.

''(d) CAPITAL INVESTMENT PROGRAM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Users Board, shall develop, and submit to Congress a report describing, a 20-year program for making capital investments on the inland and intracoastal waterways, based on the application of objective, national project selection prioritization criteria.

''(2) CONSIDERATION.—In developing the program under paragraph (1), the Secretary shall take into consideration the 20-year capital investment strategy contained in the Inland Marine Transportation System (IMTS) Capital Projects Business Model, Final Report published on April 13, 2010, as approved by the Users Board.

''(3) CRITERIA.—In developing the plan and prioritization criteria under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that investments made under the 20-year program described in paragraph (1)—

''(A) are made in all geographical areas of the inland waterways system; and

''(B) ensure efficient funding of inland waterways projects.

''(4) STRATEGIC REVIEW AND UPDATE.—Not later than 5 years after the date of enactment of this subsection, and not less frequently than once every 5 years thereafter, the Secretary, in conjunction with the Users Board, shall—

''(A) submit to Congress a strategic review of the 20-year program in effect under this subsection, which shall identify and explain any changes to the project-specific recommendations contained in the previous 20-year program (including any changes to the prioritization criteria used to develop the updated recommendations); and

''(B) make such revisions to the program as the Secretary and Users Board jointly consider to be appropriate.

''(e) PROJECT MANAGEMENT PLANS.—The chairperson of the Users Board and the project development team member appointed by the chairperson under subsection (b)(3) shall sign the project management plan for the qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.''.

**SEC. 7004. MAJOR REHABILITATION STANDARDS.**

Section 205(1)(E)(ii) of the Water Resources Development Act of 1992 (33 U.S.C. 2327(1)(E)(ii)) is amended by striking ''$8,000,000'' and inserting ''$20,000,000''.

**SEC. 7005. INLAND WATERWAYS SYSTEM REVENUES.**

(a) FINDINGS.—Congress finds that—

(1) there are approximately 12,000 miles of Federal waterways, known as the inland waterways system, that are supported by user fees and managed by the Corps of Engineers;

(2) the inland waterways system spans 38 States and handles approximately one-half of all inland waterway freight;

(3) according to the final report of the Inland Marine Transportation System Capital Projects Business Model, freight traffic on the Federal fuel-taxed inland waterways system accounts for 546,000,000 tons of freight each year;

(4) expenditures for construction and major rehabilitation projects on the inland waterways system are equally cost-shared between the Federal Government and the Inland Waterways Trust Fund;

(5) the Inland Waterways Trust Fund is financed through a fee of $0.20 per gallon on fuel used by commercial barges;

(6) the balance of the Inland Waterways Trust Fund has declined significantly in recent years;

(7) according to the final report of the Inland Marine Transportation System Capital Projects Business Model, the estimated financial need for construction and major rehabilitation projects on the inland waterways system for fiscal years 2011 through 2030 is approximately $18,000,000,000; and

(8) users of the inland waterways system are supportive of an increase in the existing revenue sources for inland waterways system construction and major rehabilitation activities to expedite the most critical of those construction and major rehabilitation projects.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the existing revenue sources for inland waterways system construction and rehabilitation activities are insufficient to cover the costs of non-Federal interests of construction and major rehabilitation projects on the inland waterways system; and

(2) the issue described in paragraph (1) should be addressed.

**SEC. 7006. EFFICIENCY OF REVENUE COLLECTION.**

Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare a report on the efficiency of collecting the fuel tax for the Inland Waterways Trust Fund, which shall include—

(1) an evaluation of whether current methods of collection of the fuel tax result in full compliance with requirements of the law;

(2) whether alternative methods of collection would result in increased revenues into the Inland Waterways Trust Fund; and

(3) an evaluation of alternative collection options.

**SEC. 7007. GAO STUDY, OLMSTED LOCKS AND DAM, LOWER OHIO RIVER, ILLINOIS AND KENTUCKY.**

As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study to determine why, and to what extent, the project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky (commonly known as the ''Olmsted Locks and Dam project''), authorized by section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013), has exceeded the budget for the project and the reasons why the project failed to be completed as scheduled, including an assessment of—

(1) engineering methods used for the project;

(2) the management of the project;

(3) contracting for the project;

(4) the cost to the United States of benefits foregone due to project delays; and

(5) such other contributory factors as the Comptroller General determines to be appropriate.

**SEC. 7008. OLMSTED LOCKS AND DAM, LOWER OHIO RIVER, ILLINOIS AND KENTUCKY.**

Section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013) is amended by striking ''and with the costs of construction'' and all that follows through the period at the end and inserting ''which amounts remaining after the date of enactment of this Act shall be appropriated from the general fund of the Treasury.''.

## TITLE VIII—HARBOR MAINTENANCE

**SEC. 8001. SHORT TITLE.**

This title may be cited as the ''Harbor Maintenance Trust Fund Act of 2013''.

**SEC. 8002. PURPOSES.**

The purposes of this title are—

(1) to ensure that revenues collected into the Harbor Maintenance Trust Fund are used for the intended purposes of those revenues;

(2) to increase investment in the operation and maintenance of United States ports, which are critical for the economic competitiveness of the United States;

(3) to promote equity among ports nationwide;

(4) to ensure United States ports are prepared to meet modern shipping needs, including the capability to receive large ships that require deeper drafts; and

(5) to prevent cargo diversion from United States ports.

**SEC. 8003. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.**

(a) DEFINITIONS.—In this section:

(1) TOTAL BUDGET RESOURCES.—The term ''total budget resources'' means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term ''level of receipts plus interest'' means the level of taxes and interest credited to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection, as determined under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(b) MINIMUM RESOURCES.—

(1) MINIMUM RESOURCES.—

(A) IN GENERAL.—The total budget resources made available to the Secretary from the Harbor Maintenance Trust Fund shall be not less than the lesser of—

(i)(I) for fiscal year 2014, $1,000,000,000;

(II) for fiscal year 2015, $1,100,000,000;

(III) for fiscal year 2016, $1,200,000,000;

(IV) for fiscal year 2017, $1,300,000,000;

(V) for fiscal year 2018, $1,400,000,000; and

(VI) for fiscal year 2019, $1,500,000,000; and

(ii) the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year.

(B) FISCAL YEAR 2020 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2020 and each fiscal year thereafter, the total budget resources made available to the Secretary from the Harbor Maintenance Trust Fund shall be not less than the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year.

(2) USE OF AMOUNTS.—The amounts described in paragraph (1) may be used only for harbor maintenance programs described in section 9505(c) of the Internal Revenue Code of 1986.

(c) IMPACT ON OTHER FUNDS.—

(1) IN GENERAL.—Subject to paragraph (3), subsection (b)(1) shall not apply if providing the minimum resources required under that subsection would result in making the amounts made available for the applicable fiscal year to carry out all programs, projects, and activities of the civil works program of the Corps of Engineers, other than the harbor maintenance programs, to be less than the amounts made available for those purposes in the previous fiscal year.

(2) CALCULATION OF AMOUNTS.—For each fiscal year, the amounts made available to carry out all programs, projects, and activities of the civil works program of the Corps of Engineers shall not include any amounts that are designated by Congress—

(A) as being for emergency requirements pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); or

(B) as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)).

(3) EXCEPTIONS.—Paragraph (1) shall not apply if—

(A) amounts made available for the civil works program of the Corps of Engineers for a fiscal year are less than the amounts made available for the civil works program in the previous fiscal year; and

(B) the reduction in amounts made available—

(i) applies to all discretionary funds and programs of the Federal Government; and

(ii) is applied to the civil works program in the same percentage and manner as other discretionary funds and programs.

**SEC. 8004. HARBOR MAINTENANCE TRUST FUND PRIORITIZATION.**

(a) POLICY.—It is the policy of the United States that the primary use of the Harbor Maintenance Trust Fund is for maintaining the constructed widths and depths of the commercial ports and harbors of the United States, and those functions should be given first consideration in the budgeting of Harbor Maintenance Trust Fund allocations.

(b) IN GENERAL.—Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended by adding at the end the following:

''(c) PRIORITIZATION.—

''(1) DEFINITIONS.—In this subsection:

''(A) CONSTRUCTED WIDTH AND DEPTH.—The term 'constructed width and depth' means the depth to which a project has been constructed, which shall not exceed the authorized width and depth of the project.

''(B) GREAT LAKES NAVIGATION SYSTEM.—The term 'Great Lakes Navigation System' includes—

''(i)(I) Lake Superior;

''(II) Lake Huron;

''(III) Lake Michigan;

''(IV) Lake Erie; and

''(V) Lake Ontario;

''(ii) all connecting waters between the lakes referred to in clause (i) used for commercial navigation;

''(iii) any navigation features in the lakes referred to in clause (i) or waters described in clause (ii) that are a Federal operation or maintenance responsibility; and

''(iv) areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.

''(C) HIGH-USE DEEP DRAFT.—

''(i) IN GENERAL.—The term 'high-use deep draft' means a project that has a depth of greater than 14 feet with not less than 10,000,000 tons of cargo annually.

''(ii) EXCLUSION.—The term 'high-use deep draft' does not include a project located in the Great Lakes Navigation System.

''(D) LOW-USE PORT.—The term 'low-use port' means a port at which not more than 1,000,000 tons of cargo are transported each calendar year.

''(E) MODERATE-USE PORT.—The term 'moderate-use port' means a port at which more than 1,000,000, but fewer than 10,000,000, tons of cargo are transported each calendar year.

''(2) PRIORITY.—Of the amounts made available under this section to carry out projects described in subsection (a)(2) that are in excess of the amounts made available to carry out those projects in fiscal year 2012, the Secretary of the Army, acting through the Chief of Engineers, shall give priority to those projects in the following order:

''(A)(i) In any fiscal year in which all projects subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation) are not maintained to their constructed width and depth, the Secretary shall prioritize amounts made available under this section for those projects that are high-use deep draft and are a priority for navigation in the Great Lakes Navigation System.

''(ii) Of the amounts made available under clause (i)—

''(I) 80 percent shall be used for projects that are high-use deep draft; and

''(II) 20 percent shall be used for projects that are a priority for navigation in the Great Lakes Navigation System.

''(B) In any fiscal year in which all projects identified as high-use deep draft are maintained to their constructed width and depth, the Secretary shall—

''(i) equally divide among each of the districts of the Corps of Engineers in which eligible projects are located 10 percent of remaining amounts made available under this section for moderate-use and low-use port projects—

''(I) that have been maintained at less than their constructed width and depth due to insufficient federal funding during the preceding 6 fiscal years; and

''(II) for which significant State and local investments in infrastructure have been made at those projects during the preceding 6 fiscal years; and

''(ii) prioritize any remaining amounts made available under this section for those projects that are not maintained to the minimum width and depth necessary to provide sufficient clearance for fully loaded commercial vessels using those projects to maneuver safely.

''(3) ADMINISTRATION.—For purposes of this subsection, State and local investments in infrastructure shall include infrastructure investments made using amounts made available for activities under section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)).

''(4) EXCEPTIONS.—The Secretary may prioritize a project not identified in paragraph (2) if the Secretary determines that funding for the project is necessary to address—

''(A) hazardous navigation conditions; or

''(B) impacts of natural disasters, including storms and droughts.

''(5) REPORTS TO CONGRESS.—Not later than September 30, 2013, and annually thereafter, the Secretary shall submit to Congress a report that describes, with respect to the preceding fiscal year—

''(A) the amount of funds used to maintain high-use deep draft projects and projects at moderate-use ports and low-use ports to the constructed depth and width of the projects;

''(B) the respective percentage of total funds provided under this section used for high use deep draft projects and projects at moderate-use ports and low-use ports;

''(C) the remaining amount of funds made available to carry out this section, if any; and

''(D) any additional amounts needed to maintain the high-use deep draft projects and projects at moderate-use ports and low-use ports to the constructed depth and width of the projects.''.

(c) OPERATION AND MAINTENANCE.—Section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)) is amended—

(1) in paragraph (1), by striking ''45 feet'' and inserting ''50 feet''; and

(2) by adding at the end the following:

''(3) OPERATION AND MAINTENANCE ACTIVITIES DEFINED.—

''(A) SCOPE OF OPERATION AND MAINTENANCE ACTIVITIES.—Notwithstanding any other provision of law (including regulations and guidelines) and subject to subparagraph (B), for purposes of this subsection, operation and maintenance activities that are eligible for the Federal cost share under paragraph (1) shall include—

''(i) the dredging of berths in a harbor that is accessible to a Federal channel, if the Federal channel has been constructed to a depth equal to the authorized depth of the channel; and

''(ii) the dredging and disposal of legacy-contaminated sediments and sediments unsuitable for ocean disposal that—

''(I) are located in or affect the maintenance of Federal navigation channels; or

''(II) are located in berths that are accessible to Federal channels.

''(B) LIMITATIONS.—

''(i) IN GENERAL.—For each fiscal year, subject to section 210(c)(2), subparagraph (A) shall only apply—

''(I) to the amounts made available under section 210 to carry out projects described in subsection (a)(2) of that section that are in excess of the amounts made available to carry out those projects in fiscal year 2012; and

''(II) if, in that fiscal year, all projects identified as high-use deep draft (as defined in section 210(c)) are maintained to their constructed width and depth.

''(ii) STATE LIMITATION.—For each fiscal year, the operation and maintenance activities described in subparagraph (A) may only be carried out in a State—

''(I) in which the total amounts collected pursuant to section 4461 of the Internal Revenue Code of 1986 comprise not less than 2.5 percent annually of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986; and

''(II) that received less than 50 percent of the total amounts collected in that State pursuant to section 4461 of the Internal Revenue Code of 1986 in the previous 3 fiscal years.

''(iii) PRIORITIZATION.—In allocating amounts made available under this paragraph, the Secretary shall give priority to projects that have received the lowest amount of funding from the Harbor Maintenance Trust Fund in comparison to the amount of funding contributed to the Harbor Maintenance Trust Fund in the previous 3 fiscal years.

''(iv) MAXIMUM AMOUNT.—The total amount made available in each fiscal year to carry out this paragraph shall not exceed the lesser of—

''(I) amount that is equal to 40 percent of the amounts made available under section 210 to carry out projects described in subsection (a)(2) of that section that are in excess of the amounts made available to carry out those projects in fiscal year 2012; and

''(II) the amount that is equal to 20 percent of the amounts made available under section 210 to carry out projects described in subsection (a)(2) of that section.

''(4) DONOR PORTS AND PORTS CONTRIBUTING TO ENERGY PRODUCTION.—

''(A) DEFINITIONS.—In this paragraph:

''(i) CARGO CONTAINER.—The term 'cargo container' means a cargo container that is 1 Twenty-foot Equivalent Unit.

''(ii) ELIGIBLE DONOR PORT.—The term, 'eligible donor port' means a port—

''(I) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

''(II)(aa) at which the total amounts collected pursuant to section 4461 of the Internal Revenue Code of 1986 comprise not less than $15,000,000 annually of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986; and

''(bb) that received less than 25 percent of the total amounts collected at that port pursuant to section 4461 of the Internal Revenue Code of 1986 in the previous 5 fiscal years; and

''(III) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded on to vessels in calendar year 2011.

''(iii) ELIGIBLE ENERGY TRANSFER PORT.—The term 'eligible energy transfer port' means a port—

''(I) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulation (or successor regulation); and

''(II)(aa) at which energy commodities comprised greater than 25 percent of all commercial activity by tonnage in calendar year 2011; and

''(bb) through which more than 40 million tons of cargo were transported in calendar year 2011.

''(iv) ENERGY COMMODITY.—The term 'energy commodity' includes—

''(I) petroleum products;

''(II) natural gas;

''(III) coal;

''(IV) wind and solar energy components; and

''(V) biofuels.

''(B) ADDITIONAL USES.—

''(i) IN GENERAL.—Subject to appropriations, the Secretary may provide to eligible donor ports and eligible energy transfer ports amounts in accordance with clause (ii).

''(ii) LIMITATIONS.—The amounts described in clause (i)—

''(I) made available for eligible energy transfer ports shall be divided equally among all States with an eligible energy transfer port; and

''(II) shall be made available only to a port as either an eligible donor port or an eligible energy transfer port.

''(C) USES.—Amounts provided to an eligible port under this paragraph may only be used by that port—

''(i) to provide payments to importers entering cargo or shippers transporting cargo through an eligible donor port or eligible energy transfer port, as calculated by U.S. Customs and Border Protection;

''(ii) to dredge berths in a harbor that is accessible to a Federal channel;

''(iii) to dredge and dispose of legacy-contaminated sediments and sediments unsuitable for ocean disposal that—

''(I) are located in or affect the maintenance of Federal navigation channels; or

''(II) are located in berths that are accessible to Federal channels; or

''(iv) for environmental remediation related to dredging berths and Federal navigation channels.

''(D) ADMINISTRATION OF PAYMENTS.—If an eligible donor port or eligible energy transfer port elects to provide payments to importers or shippers in accordance with subparagraph (C)(i), the Secretary shall transfer the amounts that would be provided to the

port under this paragraph to the Commissioner of U.S. Customs and Border Protection to provide the payments to the importers or shippers.

''(E) AUTHORIZATION OF APPROPRIATIONS.—

''(i) IN GENERAL.—For fiscal years 2014 through 2024, if the total amounts made available from the Harbor Maintenance Trust Fund exceed the total amounts made available from the Harbor Maintenance Trust Fund in fiscal year 2012, there is authorized to be appropriated from the Harbor Maintenance Trust Fund to carry out this paragraph the sum obtained by adding—

''(I) $50,000,000; and

''(II) the amount that is equal to 10 percent of the amounts made available under section 210 to carry out projects described in subsection (a)(2) of that section that are in excess of the amounts made available to carry out those projects in fiscal year 2012.

''(ii) DIVISION BETWEEN ELIGIBLE DONOR PORTS AND ELIGIBLE ENERGY TRANSFER PORTS.—For each fiscal year, amounts made available shall be divided equally between eligible donor ports and eligible energy transfer ports.''.

(d) CONFORMING AMENDMENT.—Section 9505(c)(1) of the Internal Revenue Code of 1986 is amended by striking ''as in effect on the date of the enactment of the Water Resources Development Act of 1996'' and inserting ''as in effect on the date of the enactment of the Harbor Maintenance Trust Fund Act of 2013''.

**SEC. 8005. HARBOR MAINTENANCE TRUST FUND STUDY.**

(a) DEFINITIONS.—In this section:

(1) LOW-USE PORT.—The term ''low-use port'' means a port at which not more than 1,000,000 tons of cargo are transported each calendar year.

(2) MODERATE-USE PORT.—The term ''moderate-use port'' means a port at which more than 1,000,000, but fewer than 10,000,000, tons of cargo are transported each calendar year.

(b) STUDY.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall carry out a study and submit to Congress a report that—

(1) evaluates the effectiveness of activities funded by the Harbor Maintenance Trust Fund in maximizing economic growth and job creation in the communities surrounding low- and moderate-use ports; and

(2) includes recommendations relating to the use of amounts in the Harbor Maintenance Trust Fund to increase the competitiveness of United States ports relative to Canadian and Mexican ports.

## TITLE IX—DAM SAFETY

**SEC. 9001. SHORT TITLE.**

This title may be cited as the ''Dam Safety Act of 2013''.

**SEC. 9002. PURPOSE.**

The purpose of this title and the amendments made by this title is to reduce the risks to life and property from dam failure in the United States through the reauthorization of an effective national dam safety program that brings together the expertise and resources of the Federal Government and non-Federal interests in achieving national dam safety hazard reduction.

**SEC. 9003. ADMINISTRATOR.**

(a) IN GENERAL.—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Administrator''.

(b) CONFORMING AMENDMENT.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.''.

**SEC. 9004. INSPECTION OF DAMS.**

Section 3(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467a(b)(1)) is amended by striking ''or maintenance'' and inserting ''maintenance, condition, or provisions for emergency operations''.

**SEC. 9005. NATIONAL DAM SAFETY PROGRAM.**

(a) OBJECTIVES.—Section 8(c) of the National Dam Safety Program Act (33 U.S.C. 467f(c)) is amended by striking paragraph (4) and inserting the following:

''(4) develop and implement a comprehensive dam safety hazard education and public awareness program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents;''.

(b) BOARD.—Section 8(f)(4) of the National Dam Safety Program Act (33 U.S.C. 467f(f)(4)) is amended by inserting '', representatives from nongovernmental organizations,'' after ''State agencies''.

**SEC. 9006. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.**

The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended—

(1) by redesignating sections 11, 12, and 13 as sections 12, 13, and 14, respectively; and

(2) by inserting after section 10 (33 U.S.C. 467g–1) the following:

**''SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.**

''The Administrator, in consultation with other Federal agencies, State and local governments, dam owners, the emergency management community, the private sector, nongovernmental organizations and associations, institutions of higher education, and any other appropriate entities shall carry out a nationwide public awareness and outreach program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents.''.

**SEC. 9007. AUTHORIZATION OF APPROPRIATIONS.**

(a) NATIONAL DAM SAFETY PROGRAM.—

(1) ANNUAL AMOUNTS.—Section 14(a)(1) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking ''$6,500,000'' and all that follows through ''2011'' and inserting ''$9,200,000 for each of fiscal years 2014 through 2018''.

(2) MAXIMUM AMOUNT OF ALLOCATION.—Section 14(a)(2)(B) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(2)(B)) (as so redesignated) is amended—

(A) by striking ''The amount'' and inserting the following:

''(i) IN GENERAL.—The amount''; and

(B) by adding at the end the following:

''(ii) FISCAL YEAR 2014 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2014 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities.''.

(b) NATIONAL DAM INVENTORY.—Section 14(b) of the National Dam Safety Program Act (33 U.S.C. 467j(b)) (as so redesignated) is amended by striking ''$650,000'' and all that follows through ''2011'' and inserting ''$500,000 for each of fiscal years 2014 through 2018''.

(c) PUBLIC AWARENESS.—Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) (as so redesignated) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) PUBLIC AWARENESS.—There is authorized to be appropriated to carry out section 11 $1,000,000 for each of fiscal years 2014 through 2018.''.

(d) RESEARCH.—Section 14(d) of the National Dam Safety Program Act (as so redesignated) is amended by striking ''$1,600,000'' and all that follows through ''2011'' and inserting ''$1,450,000 for each of fiscal years 2014 through 2018''.

(e) DAM SAFETY TRAINING.—Section 14(e) of the National Dam Safety Program Act (as so redesignated) is amended by striking ''$550,000'' and all that follows through ''2011'' and inserting ''$750,000 for each of fiscal years 2014 through 2018''.

(f) STAFF.—Section 14(f) of the National Dam Safety Program Act (as so redesignated) is amended by striking ''$700,000'' and all that follows through ''2011'' and inserting ''$1,000,000 for each of fiscal years 2014 through 2018''.

## TITLE X—INNOVATIVE FINANCING PILOT PROJECTS

**SEC. 10001. SHORT TITLE.**

This title may be cited as the ''Water Infrastructure Finance and Innovation Act of 2013''.

**SEC. 10002. PURPOSES.**

The purpose of this title is to establish a pilot program to assess the ability of innovative financing tools to—

(1) promote increased development of critical water resources infrastructure by establishing additional opportunities for financing water resources projects that complement but do not replace or reduce existing Federal infrastructure financing tools such as the State water pollution control revolving loan funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12);

(2) attract new investment capital to infrastructure projects that are capable of generating revenue streams through user fees or other dedicated funding sources;

(3) complement existing Federal funding sources and address budgetary constraints on the Corps of Engineers civil works program and existing wastewater and drinking water infrastructure financing programs;

(4) leverage private investment in water resources infrastructure;

(5) align investments in water resources infrastructure to achieve multiple benefits; and

(6) assist communities facing significant water quality, drinking water, or flood risk challenges with the development of water infrastructure projects.

**SEC. 10003. DEFINITIONS.**

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COMMUNITY WATER SYSTEM.—The term ''community water system'' has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

(3) FEDERAL CREDIT INSTRUMENT.—The term ''Federal credit instrument'' means a secured loan or loan guarantee authorized to be made available under this title with respect to a project.

(4) INVESTMENT-GRADE RATING.—The term ''investment-grade rating'' means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to project obligations.

(5) LENDER.—

(A) IN GENERAL.—The term ''lender'' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or a successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission

and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)).

(B) INCLUSIONS.—The term ''lender'' includes—

(i) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

(ii) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

(6) LOAN GUARANTEE.—The term ''loan guarantee'' means any guarantee or other pledge by the Secretary or the Administrator to pay all or part of the principal of, and interest on, a loan or other debt obligation issued by an obligor and funded by a lender.

(7) OBLIGOR.—The term ''obligor'' means an eligible entity that is primarily liable for payment of the principal of, or interest on, a Federal credit instrument.

(8) PROJECT OBLIGATION.—

(A) IN GENERAL.—The term ''project obligation'' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project.

(B) EXCLUSION.—The term ''project obligation'' does not include a Federal credit instrument.

(9) RATING AGENCY.—The term ''rating agency'' means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

(10) RURAL WATER INFRASTRUCTURE PROJECT.—The term ''rural water infrastructure project'' means a project that—

(A) is described in section 10007; and

(B) is located in a water system that serves not more than 25,000 individuals.

(11) SECURED LOAN.—The term ''secured loan'' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 10010.

(12) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(13) STATE INFRASTRUCTURE FINANCING AUTHORITY.—The term ''State infrastructure financing authority'' means the State entity established or designated by the Governor of a State to receive a capitalization grant provided by, or otherwise carry out the requirements of, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et. seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(14) SUBSIDY AMOUNT.—The term ''subsidy amount'' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, as calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(15) SUBSTANTIAL COMPLETION.—The term ''substantial completion'', with respect to a project, means the earliest date on which a project is considered to perform the functions for which the project is designed.

(16) TREATMENT WORKS.—The term ''treatment works'' has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

**SEC. 10004. AUTHORITY TO PROVIDE ASSISTANCE.**

(a) IN GENERAL.—The Secretary and the Administrator may provide financial assistance under this title to carry out pilot projects, which shall be selected to ensure a diversity of project types and geographical locations.

(b) RESPONSIBILITY.—

(1) SECRETARY.—The Secretary shall carry out all pilot projects under this title that are eligible projects under section 10007(1).

(2) ADMINISTRATOR.—The Administrator shall carry out all pilot projects under this title that are eligible projects under paragraphs (2), (3), (4), (5), (6), and (8) of section 10007.

(3) OTHER PROJECTS.—The Secretary or the Administrator, as applicable, may carry out eligible projects under paragraph (7) or (9) of section 10007.

**SEC. 10005. APPLICATIONS.**

(a) IN GENERAL.—To receive assistance under this title, an eligible entity shall submit to the Secretary or the Administrator, as applicable, an application at such time, in such manner, and containing such information as the Secretary or the Administrator may require.

(b) COMBINED PROJECTS.—In the case of an eligible project described in paragraph (8) or (9) of section 10007, the Secretary or the Administrator, as applicable, shall require the eligible entity to submit a single application for the combined group of projects.

**SEC. 10006. ELIGIBLE ENTITIES.**

The following entities are eligible to receive assistance under this title:

(1) A corporation.

(2) A partnership.

(3) A joint venture.

(4) A trust.

(5) A Federal, State, or local governmental entity, agency, or instrumentality.

(6) A tribal government or consortium of tribal governments.

(7) A State infrastructure financing authority.

**SEC. 10007. PROJECTS ELIGIBLE FOR ASSISTANCE.**

The following projects may be carried out with amounts made available under this title:

(1) A project for flood control or hurricane and storm damage reduction that the Secretary has determined is technically sound, economically justified, and environmentally acceptable, including—

(A) a structural or nonstructural measure to reduce flood risk, enhance stream flow, or protect natural resources; and

(B) a levee, dam, tunnel, aqueduct, reservoir, or other related water infrastructure.

(2) 1 or more activities that are eligible for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)), notwithstanding the public ownership requirement under paragraph (1) of that subsection.

(3) 1 or more activities described in section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)).

(4) A project for enhanced energy efficiency in the operation of a public water system or a publicly owned treatment works.

(5) A project for repair, rehabilitation, or replacement of a treatment works, community water system, or aging water distribution or waste collection facility (including a facility that serves a population or community of an Indian reservation).

(6) A brackish or sea water desalination project, a managed aquifer recharge project, or a water recycling project.

(7) Acquisition of real property or an interest in real property—

(A) if the acquisition is integral to a project described in paragraphs (1) through (6); or

(B) pursuant to an existing plan that, in the judgment of the Administrator or the Secretary, as applicable, would mitigate the environmental impacts of water resources infrastructure projects otherwise eligible for assistance under this section.

(8) A combination of projects, each of which is eligible under paragraph (2) or (3), for which a State infrastructure financing authority submits to the Administrator a single application.

(9) A combination of projects secured by a common security pledge, each of which is eligible under paragraph (1), (2), (3), (4), (5), (6), or (7), for which an eligible entity, or a combination of eligible entities, submits a single application.

**SEC. 10008. ACTIVITIES ELIGIBLE FOR ASSISTANCE.**

For purposes of this title, an eligible activity with respect to an eligible project includes the cost of—

(1) development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(2) construction, reconstruction, rehabilitation, and replacement activities;

(3) the acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land), environmental mitigation (including acquisitions pursuant to section 10007(7)), construction contingencies, and acquisition of equipment;

(4) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction; and

(5) refinancing interim construction funding, long-term project obligations, or a secured loan or loan guarantee made under this title.

**SEC. 10009. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.**

(a) ELIGIBILITY REQUIREMENTS.—To be eligible to receive financial assistance under this title, a project shall meet the following criteria, as determined by the Secretary or Administrator, as applicable:

(1) CREDITWORTHINESS.—

(A) IN GENERAL.—Subject to subparagraph (B), the project shall be creditworthy, which shall be determined by the Secretary or the Administrator, as applicable, who shall ensure that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment.

(B) PRELIMINARY RATING OPINION LETTER.—The Secretary or the Administrator, as applicable, shall require each project applicant to provide a preliminary rating opinion letter from at least 1 rating agency indicating that the senior obligations of the project (which may be the Federal credit instrument) have the potential to achieve an investment-grade rating.

(C) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—The Administrator shall develop a credit evaluation process for a Federal credit instrument provided to a State infrastructure financing authority for a project under section 10007(8) or an entity for a project under section 10007(9), which may include requiring the provision of a preliminary rating opinion letter from at least 1 rating agency.

(2) ELIGIBLE PROJECT COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the eligible project costs of a project shall be reasonably anticipated to be not less than $20,000,000.

(B) RURAL WATER INFRASTRUCTURE PROJECTS.—For rural water infrastructure projects, the eligible project costs of a project shall be reasonably anticipated to be not less than $5,000,000.

(3) DEDICATED REVENUE SOURCES.—The Federal credit instrument for the project shall be repayable, in whole or in part, from dedicated revenue sources that also secure the project obligations.

(4) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project carried out by an entity that is not a State or local government or an agency or instrumentality of a State or local government or a tribal government or consortium of tribal governments, the project shall be publicly sponsored.

(5) LIMITATION.—No project receiving Federal credit assistance under this title may be financed or refinanced (directly or indirectly), in whole or in part, with proceeds of any obligation—

(A) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(B) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(b) SELECTION CRITERIA.—

(1) ESTABLISHMENT.—The Secretary or the Administrator, as applicable, shall establish criteria for the selection of projects that meet the eligibility requirements of subsection (a), in accordance with paragraph (2).

(2) CRITERIA.—The selection criteria shall include the following:

(A) The extent to which the project is nationally or regionally significant, with respect to the generation of economic and public benefits, such as—

(i) the reduction of flood risk;

(ii) the improvement of water quality and quantity, including aquifer recharge;

(iii) the protection of drinking water; and

(iv) the support of international commerce.

(B) The extent to which the project financing plan includes public or private financing in addition to assistance under this title.

(C) The likelihood that assistance under this title would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

(D) The extent to which the project uses new or innovative approaches.

(E) The amount of budget authority required to fund the Federal credit instrument made available under this title.

(F) The extent to which the project—

(i) protects against extreme weather events, such as floods or hurricanes; or

(ii) helps maintain or protect the environment.

(G) The extent to which a project serves regions with significant energy exploration, development, or production areas.

(H) The extent to which a project serves regions with significant water resource challenges, including the need to address—

(i) water quality concerns in areas of regional, national, or international significance;

(ii) water quantity concerns related to groundwater, surface water, or other water sources;

(iii) significant flood risk;

(iv) water resource challenges identified in existing regional, State, or multistate agreements; or

(v) water resources with exceptional recreational value or ecological importance.

(I) The extent to which assistance under this title reduces the contribution of Federal assistance to the project.

(3) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—For a project described in section 10007(8), the Administrator shall only consider the criteria described in subparagraphs (B) through (I) of paragraph (2).

(c) FEDERAL REQUIREMENTS.—Nothing in this section supersedes the applicability of other requirements of Federal law (including regulations).

**SEC. 10010. SECURED LOANS.**

(a) AGREEMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Secretary or the Administrator, as applicable, may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

(A) to finance eligible project costs of any project selected under section 10009;

(B) to refinance interim construction financing of eligible project costs of any project selected under section 10009; or

(C) to refinance long-term project obligations or Federal credit instruments, if that refinancing provides additional funding capacity for the completion, enhancement, or expansion of any project that—

(i) is selected under section 10009; or

(ii) otherwise meets the requirements of section 10009.

(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A secured loan under paragraph (1) shall not be used to refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the applicable project.

(3) FINANCIAL RISK ASSESSMENT.—Before entering into an agreement under this subsection for a secured loan, the Secretary or the Administrator, as applicable, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section 10009(a)(1)(B), shall determine an appropriate capital reserve subsidy amount for the secured loan, taking into account each such preliminary rating opinion letter.

(4) INVESTMENT-GRADE RATING REQUIREMENT.—The execution of a secured loan under this section shall be contingent on receipt by the senior obligations of the project of an investment-grade rating.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—A secured loan provided for a project under this section shall be subject to such terms and conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits), as the Secretary or the Administrator, as applicable, determines to be appropriate.

(2) MAXIMUM AMOUNT.—The amount of a secured loan under this section shall not exceed the lesser of—

(A) an amount equal to 49 percent of the reasonably anticipated eligible project costs; and

(B) if the secured loan does not receive an investment-grade rating, the amount of the senior project obligations of the project.

(3) PAYMENT.—A secured loan under this section—

(A) shall be payable, in whole or in part, from State or local taxes, user fees, or other dedicated revenue sources that also secure the senior project obligations of the relevant project;

(B) shall include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

(C) may have a lien on revenues described in subparagraph (A), subject to any lien securing project obligations.

(4) INTEREST RATE.—The interest rate on a secured loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

(5) MATURITY DATE.—

(A) IN GENERAL.—The final maturity date of a secured loan under this section shall be not later than 35 years after the date of substantial completion of the relevant project.

(B) SPECIAL RULE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—The final maturity date of a secured loan to a State infrastructure financing authority under this section shall be not later than 35 years after the date on which amounts are first disbursed.

(6) NONSUBORDINATION.—A secured loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor of the project.

(7) FEES.—The Secretary or the Administrator, as applicable, may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this section may be used to pay any non-Federal share of project costs required if the loan is repayable from non-Federal funds.

(9) MAXIMUM FEDERAL INVOLVEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for each project for which assistance is provided under this title, the total amount of Federal assistance shall not exceed 80 percent of the total project cost.

(B) EXCEPTION.—Subparagraph (A) shall not apply to any rural water project—

(i) that is authorized to be carried out by the Secretary of the Interior;

(ii) that includes among its beneficiaries a federally recognized Indian tribe; and

(iii) for which the authorized Federal share of the total project costs is greater than the amount described in subparagraph (A).

(c) REPAYMENT.—

(1) SCHEDULE.—The Secretary or the Administrator, as applicable, shall establish a repayment schedule for each secured loan provided under this section, based on the projected cash flow from project revenues and other repayment sources.

(2) COMMENCEMENT.—

(A) IN GENERAL.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

(B) SPECIAL RULE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—Scheduled loan repayments of principal or interest on a secured loan to a State infrastructure financing authority under this title shall commence not later than 5 years after the date on which amounts are first disbursed.

(3) DEFERRED PAYMENTS.—

(A) AUTHORIZATION.—If, at any time after the date of substantial completion of a project for which a secured loan is provided under this section, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary or the Administrator, as applicable, subject to subparagraph (C), may allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the secured loan.

(C) CRITERIA.—

(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting such criteria as the Secretary or the Administrator, as applicable, may establish.

(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.

(4) PREPAYMENT.—

(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay a secured loan under this section without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—A secured loan under this section may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

(d) SALE OF SECURED LOANS.—

(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after the date of substantial completion of a project and after providing a notice to the obligor, the Secretary or the Administrator, as applicable, may sell to another entity or reoffer into the capital markets a secured loan for a project under this section, if the Secretary or the Administrator, as applicable, determines that the sale or reoffering can be made on favorable terms.

(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary or the Administrator, as applicable, may not change the original terms and conditions of the secured loan without the written consent of the obligor.

(e) LOAN GUARANTEES.—

(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may provide a loan guarantee to a lender in lieu of making a secured loan under this section, if the Secretary or the Administrator, as applicable, determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

(2) TERMS.—The terms of a loan guarantee provided under this subsection shall be consistent with the terms established in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary or the Administrator, as applicable.

**SEC. 10011. PROGRAM ADMINISTRATION.**

(a) REQUIREMENT.—The Secretary or the Administrator, as applicable, shall establish a uniform system to service the Federal credit instruments made available under this title.

(b) FEES.—

(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may collect and spend fees, contingent on authority being provided in appropriations Acts, at a level that is sufficient to cover—

(A) the costs of services of expert firms retained pursuant to subsection (d); and

(B) all or a portion of the costs to the Federal Government of servicing the Federal credit instruments provided under this title.

(c) SERVICER.—

(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may appoint a financial entity to assist the Secretary or the Administrator in servicing the Federal credit instruments provided under this title.

(2) DUTIES.—A servicer appointed under paragraph (1) shall act as the agent for the Secretary or the Administrator, as applicable.

(3) FEE.—A servicer appointed under paragraph (1) shall receive a servicing fee, subject to approval by the Secretary or the Administrator, as applicable.

(d) ASSISTANCE FROM EXPERTS.—The Secretary or the Administrator, as applicable, may retain the services, including counsel, of organizations and entities with expertise in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments provided under this title.

(e) APPLICABILITY OF OTHER LAWS.—Section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) applies to the construction of a project carried out, in whole or in part, with assistance made available through a Federal credit instrument under this title in the same manner that section applies to a treatment works for which a grant is made available under that Act.

**SEC. 10012. STATE, TRIBAL, AND LOCAL PERMITS.**

The provision of financial assistance for project under this title shall not—

(1) relieve any recipient of the assistance of any obligation to obtain any required State, local, or tribal permit or approval with respect to the project;

(2) limit the right of any unit of State, local, or tribal government to approve or regulate any rate of return on private equity invested in the project; or

(3) otherwise supersede any State, local, or tribal law (including any regulation) applicable to the construction or operation of the project.

**SEC. 10013. REGULATIONS.**

The Secretary or the Administrator, as applicable, may promulgate such regulations as the Secretary or Administrator determines to be appropriate to carry out this title.

**SEC. 10014. FUNDING.**

(a) IN GENERAL.—There is authorized to be appropriated to each of the Secretary and the Administrator to carry out this title $50,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.

(b) ADMINISTRATIVE COSTS.—Of the funds made available to carry out this title, the Secretary or the Administrator, as applicable, may use for the administration of this title, including for the provision of technical assistance to aid project sponsors in obtaining the necessary approvals for the project, not more than $2,200,000 for each of fiscal years 2014 through 2018.

**SEC. 10015. REPORT TO CONGRESS.**

Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary or the Administrator, as applicable, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report summarizing for the projects that are receiving, or have received, assistance under this title—

(1) the financial performance of those projects, including a recommendation as to whether the objectives of this title are being met; and

(2) the public benefit provided by those projects, including, as applicable, water quality and water quantity improvement, the protection of drinking water, and the reduction of flood risk.

**SEC. 10016. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.**

(a) IN GENERAL.—Except as provided in subsection (b), none of the amounts made available under this Act may be used for the construction, alteration, maintenance, or repair of a project eligible for assistance under this title unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) EXCEPTION.—Subsection (a) shall not apply in any case or category of cases in which the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) PUBLIC NOTICE.—If the Secretary determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the Secretary shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

## TITLE XI—EXTREME WEATHER

**SEC. 11001. DEFINITION OF RESILIENT CONSTRUCTION TECHNIQUE.**

In this title, the term ''resilient construction technique'' means a construction method that—

(1) allows a property—

(A) to resist hazards brought on by a major disaster; and

(B) to continue to provide the primary functions of the property after a major disaster;

(2) reduces the magnitude or duration of a disruptive event to a property; and

(3) has the absorptive capacity, adaptive capacity, and recoverability to withstand a potentially disruptive event.

**SEC. 11002. STUDY ON RISK REDUCTION.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall enter into an arrangement with the National Academy of Sciences to carry out a study and make recommendations relating to infrastructure and coastal restoration options for reducing risk to human life and property from extreme weather events, such as hurricanes, coastal storms, and inland flooding.

(b) CONSIDERATIONS.—The study under subsection (a) shall include—

(1) an analysis of strategies and water resources projects, including authorized water resources projects that have not yet been constructed, and other projects implemented in the United States and worldwide to respond to risk associated with extreme weather events;

(2) an analysis of—

(A) historical extreme weather events;

(B) the ability of existing infrastructure to mitigate risks associated with extreme weather events; and

(C) the reduction in long-term costs and vulnerability to infrastructure through the use of resilient construction techniques.

(3) identification of proven, science-based approaches and mechanisms for ecosystem protection and identification of natural resources likely to have the greatest need for protection, restoration, and conservation so that the infrastructure and restoration projects can continue safeguarding the communities in, and sustaining the economy of, the United States;

(4) an estimation of the funding necessary to improve infrastructure in the United States to reduce risk associated with extreme weather events;

(5) an analysis of the adequacy of current funding sources and the identification of potential new funding sources to finance the necessary infrastructure improvements referred to in paragraph (3); and

(6) an analysis of the Federal, State, and local costs of natural disasters and the potential cost-savings associated with implementing mitigation measures.

(c) COORDINATION.—The National Academy of Sciences may cooperate with the National Academy of Public Administration to carry

out 1 or more aspects of the study under subsection (a).

(d) PUBLICATION.—Not later than 30 days after completion of the study under subsection (a), the National Academy of Sciences shall—

(1) submit a copy of the study to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) make a copy of the study available on a publicly accessible Internet site.

**SEC. 11003. GAO STUDY ON MANAGEMENT OF FLOOD, DROUGHT, AND STORM DAMAGE.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a study of the strategies used by the Corps of Engineers for the comprehensive management of water resources in response to floods, storms, and droughts, including an historical review of the ability of the Corps of Engineers to manage and respond to historical drought, storm, and flood events.

(b) CONSIDERATIONS.—The study under subsection (a) shall address—

(1) the extent to which existing water management activities of the Corps of Engineers can better meet the goal of addressing future flooding, drought, and storm damage risks, which shall include analysis of all historical extreme weather events that have been recorded during the previous 5 centuries as well as in the geological record;

(2) whether existing water resources projects built or maintained by the Corps of Engineers, including dams, levees, floodwalls, flood gates, and other appurtenant infrastructure were designed to adequately address flood, storm, and drought impacts and the extent to which the water resources projects have been successful at addressing those impacts;

(3) any recommendations for approaches for repairing, rebuilding, or restoring infrastructure, land, and natural resources that consider the risks and vulnerabilities associated with past and future extreme weather events;

(4) whether a reevaluation of existing management approaches of the Corps of Engineers could result in greater efficiencies in water management and project delivery that would enable the Corps of Engineers to better prepare for, contain, and respond to flood, storm, and drought conditions;

(5) any recommendations for improving the planning processes of the Corps of Engineers to provide opportunities for comprehensive management of water resources that increases efficiency and improves response to flood, storm, and drought conditions;

(6) any recommendations on the use of resilient construction techniques to reduce future vulnerability from flood, storm, and drought conditions; and

(7) any recommendations for improving approaches to rebuilding or restoring infrastructure and natural resources that contribute to risk reduction, such as coastal wetlands, to prepare for flood and drought.

**SEC. 11004. POST-DISASTER WATERSHED ASSESSMENTS.**

(a) WATERSHED ASSESSMENTS.—

(1) IN GENERAL.—In an area that the President has declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may carry out a watershed assessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and storm damage reduction, ecosystem restoration, or navigation project recommendations that will help to rehabilitate and improve the resiliency of damaged infrastructure and natural resources to reduce risks to human life and property from future natural disasters.

(2) EXISTING PROJECTS.—A watershed assessment carried out paragraph (1) may identify existing projects being carried out under 1 or more of the authorities referred to in subsection (b) (1).

(3) DUPLICATE WATERSHED ASSESSMENTS.—In carrying out a watershed assessment under paragraph (1), the Secretary shall use all existing watershed assessments and related information developed by the Secretary or other Federal, State, or local entities.

(b) PROJECTS.—

(1) IN GENERAL.—The Secretary may carry out 1 or more small projects identified in a watershed assessment under subsection (a) that the Secretary would otherwise be authorized to carry out under—

(A) section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s);

(B) section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i);

(C) section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(D) section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a);

(E) section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577); or

(F) section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

(2) EXISTING PROJECTS.—In carrying out a project under paragraph (1), the Secretary shall—

(A) to the maximum extent practicable, use all existing information and studies available for the project; and

(B) not require any element of a study completed for the project prior to the disaster to be repeated.

(c) REQUIREMENTS.—All requirements applicable to a project under the Acts described in subsection (b) shall apply to the project.

(d) LIMITATIONS ON ASSESSMENTS.—

(1) IN GENERAL.—A watershed assessment under subsection (a) shall be initiated not later than 2 years after the date on which the major disaster declaration is issued.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out a watershed assessment under subsection (a) shall not exceed $1,000,000.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2018.

**SEC. 11005. AUTHORITY TO ACCEPT AND EXPEND NON-FEDERAL AMOUNTS.**

The Secretary is authorized to accept and expend amounts provided by non-Federal interests for the purpose of repairing, restoring, or replacing water resources projects that have been damaged or destroyed as a result of a major disaster or other emergency if the Secretary determines that the acceptance and expenditure of those amounts is in the public interest.

## TITLE XII—NATIONAL ENDOWMENT FOR THE OCEANS

**SEC. 12001. SHORT TITLE.**

This title may be cited as the ''National Endowment for the Oceans Act''.

**SEC. 12002. PURPOSES.**

The purposes of this title are to protect, conserve, restore, and understand the oceans, coasts, and Great Lakes of the United States, ensuring present and future generations will benefit from the full range of ecological, economic, educational, social, cultural, nutritional, and recreational opportunities and services these resources are capable of providing.

**SEC. 12003. DEFINITIONS.**

In this title:

(1) COASTAL SHORELINE COUNTY.—The term ''coastal shoreline county'' has the meaning given the term by the Administrator of the Federal Emergency Management Agency for purposes of administering the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

(2) COASTAL STATE.—The term ''coastal State'' has the meaning given the term ''coastal state'' in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) CORPUS.—The term ''corpus'', with respect to the Endowment fund, means an amount equal to the Federal payments to such fund, amounts contributed to the fund from non-Federal sources, and appreciation from capital gains and reinvestment of income.

(4) ENDOWMENT.—The term ''Endowment'' means the endowment established under subsection (a).

(5) ENDOWMENT FUND.—The term ''Endowment fund'' means a fund, or a tax-exempt foundation, established and maintained pursuant to this title by the Foundation for the purposes described in section 12004(a).

(6) FOUNDATION.—The term ''Foundation'' means the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(a)).

(7) INCOME.—The term ''income'', with respect to the Endowment fund, means an amount equal to the dividends and interest accruing from investments of the corpus of such fund.

(8) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(10) TIDAL SHORELINE.—The term ''tidal shoreline'' has the meaning given that term pursuant to section 923.110(c)(2)(i) of title 15, Code of Federal Regulations, or a similar successor regulation.

**SEC. 12004. NATIONAL ENDOWMENT FOR THE OCEANS.**

(a) ESTABLISHMENT.—The Secretary and the Foundation are authorized to establish the National Endowment for the Oceans as a permanent Endowment fund, in accordance with this section, to further the purposes of this title and to support the programs established under this title.

(b) AGREEMENTS.—The Secretary and the Foundation may enter into such agreements as may be necessary to carry out the purposes of this title.

(c) DEPOSITS.—There shall be deposited in the Fund, which shall constitute the assets of the Fund, amounts as follows:

(1) Amounts appropriated or otherwise made available to carry out this title.

(2) Amounts earned through investment under subsection (d).

(d) INVESTMENTS.—The Foundation shall invest the Endowment fund corpus and income for the benefit of the Endowment.

(e) REQUIREMENTS.—Any amounts received by the Foundation pursuant to this title shall be subject to the provisions of the National Fish and Wildlife Establishment Act (16 U.S.C. 3701 et seq.), except the provisions of section 10(a) of that Act (16 U.S.C. 3709(a)).

(f) WITHDRAWALS AND EXPENDITURES.—

(1) ALLOCATION OF FUNDS.—Each fiscal year, the Foundation shall, in consultation with the Secretary, allocate an amount equal to not less than 3 percent and not more than 7 percent of the corpus of the Endowment fund and the income generated from the Endowment fund from the current fiscal year.

(2) EXPENDITURE.—Except as provided in paragraph (3), of the amounts allocated under paragraph (1) for each fiscal year—

(A) at least 59 percent shall be used by the Foundation to award grants to coastal States under section 12006(b);

(B) at least 39 percent shall be allocated by the Foundation to award grants under section 12006(c); and

(C) no more than 2 percent may be used by the Secretary and the Foundation for administrative expenses to carry out this title, which amount shall be divided between the Secretary and the Foundation pursuant to an agreement reached and documented by both the Secretary and the Foundation.

(3) PROGRAM ADJUSTMENTS.—

(A) IN GENERAL.—In any fiscal year in which the amount described in subparagraph (B) is less than $100,000,000, the Foundation, in consultation with the Secretary, may elect not to use any of the amounts allocated under paragraph (1) for that fiscal year to award grants under section 12006(b).

(B) DETERMINATION AMOUNT.—The amount described in this subparagraph for a fiscal year is the amount that is equal to the sum of—

(i) the amount that is 5 percent of the corpus of the Endowment fund; and

(ii) the aggregate amount of income the Foundation expects to be generated from the Endowment fund in that fiscal year.

(g) RECOVERY OF PAYMENTS.—After notice and an opportunity for a hearing, the Secretary is authorized to recover any Federal payments under this section if the Foundation—

(1) makes a withdrawal or expenditure of the corpus of the Endowment fund or the income of the Endowment fund that is not consistent with the requirements of section 12005; or

(2) fails to comply with a procedure, measure, method, or standard established under section 12006(a)(1).

**SEC. 12005. ELIGIBLE USES.**

(a) IN GENERAL.—Amounts in the Endowment may be allocated by the Foundation to support programs and activities intended to restore, protect, maintain, or understand living marine resources and their habitats and ocean, coastal, and Great Lakes resources, including baseline scientific research, ocean observing, and other programs and activities carried out in coordination with Federal and State departments or agencies, that are consistent with Federal environmental laws and that avoid environmental degradation, including the following:

(1) Ocean, coastal, and Great Lakes restoration and protection, including the protection of the environmental integrity of such areas, and their related watersheds, including efforts to mitigate potential impacts of sea level change, changes in ocean chemistry, and changes in ocean temperature.

(2) Restoration, protection, or maintenance of living ocean, coastal, and Great Lakes resources and their habitats, including marine protected areas and riparian migratory habitat of coastal and marine species.

(3) Planning for and managing coastal development to enhance ecosystem integrity or minimize impacts from sea level change and coastal erosion.

(4) Analyses of current and anticipated impacts of ocean acidification and assessment of potential actions to minimize harm to ocean, coastal, and Great Lakes ecosystems.

(5) Analyses of, and planning for, current and anticipated uses of ocean, coastal, and Great Lakes areas.

(6) Regional, subregional, or site-specific management efforts designed to manage, protect, or restore ocean, coastal, and Great Lakes resources and ecosystems.

(7) Research, assessment, monitoring, observation, modeling, and sharing of scientific information that contribute to the understanding of ocean, coastal, and Great Lakes ecosystems and support the purposes of this title.

(8) Efforts to understand better the processes that govern the fate and transport of petroleum hydrocarbons released into the marine environment from natural and anthropogenic sources, including spills.

(9) Efforts to improve spill response and preparedness technologies.

(10) Acquiring property or interests in property in coastal and estuarine areas, if such property or interest is acquired in a manner that will ensure such property or interest will be administered to support the purposes of this title.

(11) Protection and relocation of critical coastal public infrastructure affected by erosion or sea level change.

(b) MATCHING REQUIREMENT.—An amount from the Endowment may not be allocated to fund a project or activity described in paragraph (10) or (11) of subsection (a) unless non-Federal contributions in an amount equal to 30 percent or more of the cost of such project or activity is made available to carry out such project or activity.

(c) CONSIDERATIONS FOR GREAT LAKES STATES.—Programs and activities funded in Great Lakes States shall also seek to attain the goals embodied in the Great Lakes Restoration Initiative Plan, the Great Lakes Regional Collaboration Strategy, the Great Lakes Water Quality Agreement, or other collaborative planning efforts of the Great Lakes Region.

(d) PROHIBITION ON USE OF FUNDS FOR LITIGATION.—No funds made available under this title may be used to fund litigation over any matter.

**SEC. 12006. GRANTS.**

(a) ADMINISTRATION OF GRANTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Foundation shall establish the following:

(A) Application and review procedures for the awarding of grants under this section, including requirements ensuring that any amounts awarded under such subsections may only be used for an eligible use described under section 12005.

(B) Approval procedures for the awarding of grants under this section that require consultation with the Secretary of Commerce and the Secretary of the Interior.

(C) Eligibility criteria for awarding grants—

(i) under subsection (b) to coastal States; and

(ii) under subsection (c) to entities including States, Indian tribes, regional bodies, associations, non-governmental organizations, and academic institutions.

(D) Performance accountability and monitoring measures for programs and activities funded by a grant awarded under subsection (b) or (c).

(E) Procedures and methods to ensure accurate accounting and appropriate administration grants awarded under this section, including standards of record keeping.

(F) Procedures to carry out audits of the Endowment as necessary, but not less frequently than once every 5 years.

(G) Procedures to carry out audits of the recipients of grants under this section.

(2) APPROVAL PROCEDURES.—

(A) SUBMITTAL.—The Foundation shall submit to the Secretary each procedure, measure, method, and standard established under paragraph (1).

(B) DETERMINATION AND NOTICE.—Not later than 90 days after receiving the procedures, measures, methods, and standards under subparagraph (A), the Secretary shall—

(i) determine whether to approve or disapprove of such procedures, measures, methods, and standards; and

(ii) notify the Foundation of such determination.

(C) JUSTIFICATION OF DISAPPROVAL.—If the Secretary disapproves of the procedures, measures, methods, and standards under subparagraph (B), the Secretary shall include in notice submitted under clause (ii) of such subparagraph the rationale for such disapproval.

(D) RESUBMITTAL.—Not later than 30 days after the Foundation receives notification under subparagraph (B)(ii) that the Secretary has disapproved the procedures, measures, methods, and standards, the Foundation shall revise such procedures, measures, methods, and standards and submit such revised procedures, measures, methods, and standards to the Secretary.

(E) REVIEW OF RESUBMITTAL.—Not later than 30 days after receiving revised procedures, measures, methods, and standards resubmitted under subparagraph (D), the Secretary shall—

(i) determine whether to approve or disapprove the revised procedures, measures, methods, and standards; and

(ii) notify the Foundation of such determination.

(b) GRANTS TO COASTAL STATES.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), the Foundation shall award grants of amounts allocated under section 12004(e)(2)(A) to eligible coastal States, based on the following formula:

(A) Fifty percent of the funds are allocated equally among eligible coastal States.

(B) Twenty-five percent of the funds are allocated on the basis of the ratio of tidal shoreline miles in a coastal State to the tidal shoreline miles of all coastal States.

(C) Twenty-five percent of the funds are allocated on the basis of the ratio of population density of the coastal shoreline counties of a coastal State to the population density of all coastal shoreline counties.

(2) ELIGIBLE COASTAL STATES.—For purposes of paragraph (1), an eligible coastal State includes—

(A) a coastal State that has a coastal management program approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(B) during the period beginning on the date of the enactment of this Act and ending on December 31, 2018, a coastal State that had, during the period beginning January 1, 2008, and ending on the date of the enactment of this Act, a coastal management program approved as described in subparagraph (A).

(3) MAXIMUM ALLOCATION TO STATES.—Notwithstanding paragraph (1), not more than 10 percent of the total funds distributed under this subsection may be allocated to any single State. Any amount exceeding this limit shall be redistributed among the remaining States according to the formula established under paragraph (1).

(4) MAXIMUM ALLOCATION TO CERTAIN GEOGRAPHIC AREAS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), each geographic area described in subparagraph (B) may not receive more than 1 percent of the total funds distributed under this subsection. Any amount exceeding this limit shall be redistributed among the remaining States according to the formula established under paragraph (1).

(B) GEOGRAPHIC AREAS DESCRIBED.—The geographic areas described in this subparagraph are the following:

(i) American Samoa.

(ii) The Commonwealth of the Northern Mariana Islands.

(iii) Guam.

(iv) Puerto Rico.

(v) The Virgin Islands.

(5) REQUIREMENT TO SUBMIT PLANS.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, a coastal State shall submit to the Secretary, and the Secretary shall review, a 5-year plan, which shall include the following:

(i) A prioritized list of goals the coastal State intends to achieve during the time period covered by the 5-year plan.

(ii) Identification and general descriptions of existing State projects or activities that contribute to realization of such goals, including a description of the entities conducting those projects or activities.

(iii) General descriptions of projects or activities, consistent with the eligible uses described in section 12005, applicable provisions of law relating to the environment, and existing Federal ocean policy, that could contribute to realization of such goals.

(iv) Criteria to determine eligibility for entities which may receive grants under this subsection.

(v) A description of the competitive process the coastal State will use in allocating funds received from the Endowment, except in the case of allocating funds under paragraph (7), which shall include—

(I) a description of the relative roles in the State competitive process of the State coastal zone management program approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and any State Sea Grant Program; and

(II) a demonstration that such competitive process is consistent with the application and review procedures established by the Foundation under subsection (a)(1).

(B) UPDATES.—As a condition of receiving a grant under this subsection, a coastal State shall submit to the Secretary, not less frequently than once every 5 years, an update to the plan submitted by the coastal State under subparagraph (A) for the 5-year period immediately following the most recent submittal under this paragraph.

(6) OPPORTUNITY FOR PUBLIC COMMENT.—In determining whether to approve a plan or an update to a plan described in subparagraph (A) or (B) of paragraph (5), the Secretary shall provide the opportunity for, and take into consideration, public input and comment on the plan.

(7) APPROVAL PROCEDURE.—

(A) IN GENERAL.—Not later than 30 days after the opportunity for public comment on a plan or an update to a plan of a coastal State under paragraph (6), the Secretary shall notify such coastal State that the Secretary—

(i) approves the plan as submitted; or

(ii) disapproves the plan as submitted.

(B) DISAPPROVAL.—If the Secretary disapproves a proposed plan or an update of a plan submitted under subparagraph (A) or (B) of paragraph (5), the Secretary shall provide notice of such disapproval to the submitting coastal State in writing, and include in such notice the rationale for the Secretary's decision.

(C) RESUBMITTAL.—If the Secretary disapproves a plan of a coastal State under subparagraph (A), the coastal State shall resubmit the plan to the Secretary not later than 30 days after receiving the notice of disapproval under subparagraph (B).

(D) REVIEW OF RESUBMITTAL.—Not later than 60 days after receiving a plan resubmitted under subparagraph (C), the Secretary shall review the plan.

(8) INDIAN TRIBES.—As a condition on receipt of a grant under this subsection, a State that receives a grant under this subsection shall ensure that Indian tribes in the State are eligible to participate in the competitive process described in the State's plan under paragraph (5)(A)(v).

(c) NATIONAL GRANTS FOR OCEANS, COASTS, AND GREAT LAKES.—

(1) IN GENERAL.—The Foundation may use amounts allocated under section 12004(e)(2)(B) to award grants according to the procedures established in subsection (a) to support activities consistent with section 12005.

(2) ADVISORY PANEL.—

(A) IN GENERAL.—The Foundation shall establish an advisory panel to conduct reviews of applications for grants under paragraph (1) and the Foundation shall consider the recommendations of the Advisory Panel with respect to such applications.

(B) MEMBERSHIP.—The advisory panel established under subparagraph (A) shall include persons representing a balanced and diverse range, as determined by the Foundation, of—

(i) ocean, coastal, and Great Lakes dependent industries;

(ii) geographic regions;

(iii) nonprofit conservation organizations with a mission that includes the conservation and protection of living marine resources and their habitats; and

(iv) academic institutions with strong scientific or technical credentials and experience in marine science or policy.

**SEC. 12007. ANNUAL REPORT.**

(a) REQUIREMENT FOR ANNUAL REPORT.—Beginning with fiscal year 2014, not later than 60 days after the end of each fiscal year, the Foundation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Endowment during the fiscal year.

(b) CONTENT.—Each annual report submitted under subsection (a) for a fiscal year shall include—

(1) a statement of the amounts deposited in the Endowment and the balance remaining in the Endowment at the end of the fiscal year; and

(2) a description of the expenditures made from the Endowment for the fiscal year, including the purpose of the expenditures.

**SEC. 12008. TULSA PORT OF CATOOSA, ROGERS COUNTY, OKLAHOMA LAND EXCHANGE.**

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 87 acres of land situated in Rogers County, Oklahoma, contained within United States Tracts 413 and 427, and acquired for the McClellan-Kerr Arkansas Navigation System.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 34 acres of land situated in Rogers County, Oklahoma and owned by the Tulsa Port of Catoosa that lie immediately south and east of the Federal land.

(b) LAND EXCHANGE.—Subject to subsection (c), on conveyance by the Tulsa Port of Catoosa to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to the Tulsa Port of Catoosa, all right, title, and interest of the United States in and to the Federal land.

(c) CONDITIONS.—

(1) DEEDS.—

(A) DEED TO NON-FEDERAL LAND.—The Secretary may only accept conveyance of the non-Federal land by warranty deed, as determined acceptable by the Secretary.

(B) DEED TO FEDERAL LAND.—The Secretary shall convey the Federal land to the Tulsa Port of Catoosa by quitclaim deed and subject to any reservations, terms, and conditions that the Secretary determines necessary to—

(i) allow the United States to operate and maintain the McClellan-Kerr Arkansas River Navigation System; and

(ii) protect the interests of the United States.

(2) LEGAL DESCRIPTIONS.—The exact acreage and legal descriptions of the Federal land and the non-Federal land shall be determined by surveys acceptable to the Secretary.

(3) PAYMENT OF COSTS.—The Tulsa Port of Catoosa shall be responsible for all costs associated with the land exchange authorized by this section, including any costs that the Secretary determines necessary and reasonable in the interest of the United States, including surveys, appraisals, real estate transaction fees, administrative costs, and environmental documentation.

(4) CASH PAYMENT.—If the appraised fair market value of the Federal land, as determined by the Secretary, exceeds the appraised fair market value of the non-Federal land, as determined by the Secretary, the Tulsa Port of Catoosa shall make a cash payment to the United States reflecting the difference in the appraised fair market values.

(5) LIABILITY.—The Tulsa Port of Catoosa shall hold and save the United States free from damages arising from activities carried out under this section, except for damages due to the fault or negligence of the United States or a contractor of the United States.

## TITLE XIII—MISCELLANEOUS

**SEC. 13001. APPLICABILITY OF SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.**

(a) DEFINITIONS.—In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) FARM.—The term ''farm'' has the meaning given the term in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(3) GALLON.—The term ''gallon'' means a United States liquid gallon.

(4) OIL.—The term ''oil'' has the meaning given the term in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(5) OIL DISCHARGE.—The term ''oil discharge'' has the meaning given the term ''discharge'' in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(6) REPORTABLE OIL DISCHARGE HISTORY.—The term ''reportable oil discharge history'' has the meaning used to describe the legal requirement to report a discharge of oil under applicable law.

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

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

(1) require certification of compliance with the rule by—

(A) a professional engineer for a farm with—

(i) an individual tank with an aboveground storage capacity greater than 10,000 gallons;

(ii) an aggregate aboveground storage capacity greater than or equal to 20,000 gallons; or

(iii) a reportable oil discharge history; or

(B) the owner or operator of the farm (via self-certification) for a farm with—

(i) an aggregate aboveground storage capacity not more than 20,000 gallons and not less than the lesser of—

(I) 6,000 gallons; or

(II) the adjustment described in subsection (d)(2); and

(ii) no reportable oil discharge history of oil; and

(2) not require a certification of a statement of compliance with the rule—

(A) subject to subsection (d), with an aggregate aboveground storage capacity of not less than 2,500 gallons and not more than 6,000 gallons; and

(B) no reportable oil discharge history; and

(3) not require a certification of a statement of compliance with the rule for an aggregate aboveground storage capacity of not more than 2,500 gallons.

(c) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For purposes of subsection (b), the aggregate aboveground storage capacity of a farm excludes—

(1) all containers on separate parcels that have a capacity that is 1,000 gallons or less; and

(2) all containers holding animal feed ingredients approved for use in livestock feed by the Commissioner of Food and Drugs.

(d) STUDY.—

(1) IN GENERAL.—Not later than 12 months of the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture, shall conduct a study to determine the appropriate exemption under subsection (b)(2)(A) and (b)(1)(B) to not more than 6,000 gallons and not less than 2,500 gallons, based on a significant risk of discharge to water.

(2) ADJUSTMENT.—Not later than 18 months after the date on which the study described in paragraph (1) is complete, the Administrator, in consultation with the Secretary of Agriculture, shall promulgate a rule to adjust the exemption levels described in subsection (b)(2)(A) and (b)(1)(B) in accordance with the study.

**SEC. 13002. AMERICA THE BEAUTIFUL NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS PROGRAM.**

The Secretary may participate in the America the Beautiful National Parks and Federal Recreational Lands Pass program in the same manner as the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, the Forest Service, and the Bureau of Reclamation, including the provision of free annual passes to active duty military personnel and dependents.

The PRESIDING OFFICER. The majority leader.

## MORNING BUSINESS

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

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

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE NOMINATION

Mr. REID. I now ask unanimous consent that at 2 p.m., the Senate proceed to executive session to consider Calendar Nos. 40 and 92 en bloc; that the time until 4:30 p.m. be equally divided in the usual form, with Senator BAUCUS controlling the time from 4:15 to 4:30; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on the nominations in the order listed, with 2 minutes for debate between the votes; and that the second vote be 10 minutes in length; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

## UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

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

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

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

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

The PRESIDING OFFICER. Is there objection?

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

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

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

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

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

Mr. WYDEN. I do.

The PRESIDING OFFICER. Objection is heard.

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

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

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

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

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

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

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

FLOOD INSURANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from California.

## WATER RESOURCES DEVELOPMENT ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

## DISAPPEARING MIDDLE CLASS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

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

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

## THE IRS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Let me conclude by repeating Thomas Jefferson's warning:

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

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

## HEALTH CARE

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

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

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

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

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

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

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

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

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

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

The article goes on to say:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

## TRIBUTE TO SARAH NEIMEYER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CONTINUING GUN VIOLENCE

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

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

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

> A 12-year-old boy was accidentally shot in the face by his 11-year-old friend Friday morning in Camden, NJ.
>
> Two Minneapolis, Minn. police officers were shot and wounded at a traffic stop in the Uptown district Friday afternoon.
>
> Avery Williams, 22, and Jamario Troutman, 24, died and a third man is in serious condition after a Friday afternoon shooting in West Palm Beach, Fla.
>
> Tamara Logan, 44, teacher's aide was shot multiple times in the head area outside McKinley Elementary School in east Erie, Pa., Friday morning.
>
> 46-Year-old Bruce Byrd shot and killed his wife, 44-year-old Stephanie Byrd, and then turned the gun on himself in a Lawrenceville, Pa. home Friday.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## SEXUAL ASSAULT IN THE MILITARY

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

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

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

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

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

## THE IRS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Are we in morning business?

The PRESIDING OFFICER. Yes, we are.

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

The PRESIDING OFFICER. Without objection.

## THE ROLE OF GOVERNMENT

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

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

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

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

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

We know it wasn't false.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

having this immigration debate. These are important things our government needs to do. But if you give it too much power, it leads to these abuses.

This is why the Constitution was so wise to limit the power of the Federal Government to its enumerated powers and leave to the government closest to the people most of the powers.

I think we should re-examine all these decisions that have been made that have expanded the scope and power of our government.

I do not know how many people are aware of this, but early next year every single one of you is going to have to buy insurance, health insurance that the government says is good enough—maybe not the insurance you are getting today that you are happy with—and if you do not buy that insurance, you are going to owe the IRS some money. That is a tax to me. The same IRS that has shown a propensity to target people based on their political leanings—this is who we have empowered through ObamaCare.

This is what is going on here. It is not just one scandal at the IRS. It is about a culture of hardball politics. I think in the days to come we are going to learn a lot more about it, and we are not going to like what we learn.

For example, you think about some of our most precious freedoms—the First Amendment right to free speech. Think about if you are a reporter at the Associated Press. Think about if you are a source—unrelated to national security—to the Associated Press. Think about if you are a whistleblower, someone who is blowing the whistle on government activity because you work in the government and you think what the government is doing is wrong. Think about that for a second.

Now, all of a sudden, what are you afraid of? I am not calling that reporter back because their phone might be tapped, my number might show up on their records, because the Justice Department has just shown they are willing to do that. Think about the chilling effect that sends up and down the government.

If there is wrongdoing somewhere in the government right now, people are probably afraid to blow the whistle because they are afraid they are being surveilled by the Justice Department or that the person they are talking to is being surveilled. That is how outrageous this is.

Think about people who are thinking about getting involved in the political process, contributing to a group or speaking out, donating to a campaign or a candidate, as they are allowed to do under the Constitution. They do not want to be the next VanderSloot. They do not want to be the next guy being targeted. They do not want to be the next person being smeared on a Web site.

This is unacceptable. This is outrage. And every single Member of this body should be outraged by this behavior. This culture of intimidation, these hardball politics tactics we cannot stand for. I hope we will be united in condemning this and ensuring we get to the bottom of this with significant investigations and hearings from the committees in the Senate that have jurisdiction on the matter.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HEINRICH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### NOMINATION OF WILLIAM H. ORRICK, III, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

### NOMINATION OF MARILYN B. TAVENNER TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of William H. Orrick, III, of the District of Columbia, to be United States District Judge for the Northern District of California; and Department of Health and Human Services, Marilyn B. Tavenner, of Virginia, to be Administrator of the Centers for Medicare and Medicaid Services.

Mrs. BOXER. Mr. President, what is the order in terms of the time for the votes?

The PRESIDING OFFICER. Time is held until 4:30 and is equally divided.

Mrs. BOXER. Will there be a vote at 4:30?

The PRESIDING OFFICER. There will.

Mrs. BOXER. Thank you very much. There will be two votes, I understand.

Mr. LEAHY. Mr. President, I noted last week that Senate Republicans who have taken such pride in the number of judicial nominees being confirmed this year ignore how many were needlessly delayed from confirmation last year. There were 11 nominees left pending on the Senate floor, and another four nominees who had had hearings and could have been expedited, as we had done for many of President Bush's nominees, and all could and should have been confirmed before the end of last year. Instead, all had to be renominated, and we are still working through the resulting backlog. We are halfway through May, and the Senate has still not completed action on 4 of the 15 nominees who could and should have been confirmed last year.

William Orrick, who the Senate will finally consider today, is one of those nominees. He has now been reported twice with bipartisan support, and he has spent over 225 days waiting for his final, Senate confirmation vote. He was first reported last August. There was no reason he could not have been confirmed last year, especially considering that he is nominated to fill a judicial emergency vacancy.

William Orrick is currently Special Counsel at the law firm Coblentz, Patch, Duffy & Bass, LLP, where he previously served as a partner for over two decades. From 2009 to 2012, he served in the Department of Justice's Civil Division, first as Counselor, and subsequently, as Deputy Assistant Attorney General. The ABA Standing Committee on the Federal Judiciary unanimously rated William Orrick ''well qualified,'' its highest rating. He has the strong support of his home State Senators, Senator FEINSTEIN and Senator BOXER.

Regretably, Senate Republicans have broken from our traditions and have taken to opposing judicial nominees based on those nominees' efforts on behalf of clients. They did this when opposing nominees like Jeffrey Helmick, Paul Watford, and, most recently, Caitlin Halligan, and they are doing it, again, with William Orrick. They are opposing William Orrick because he worked on behalf of his client—the United States Government—on cases dealing with Federal preemption in immigration.

The criticisms of his supervision and advocacy on these immigration cases on behalf of the United States are unwarranted and, again, reflect a fundamental misunderstanding of our legal system. I have repeatedly noted that from John Adams to Chief Justice Roberts, that has never before been the standard by which we consider judicial nominees. Senate Republicans have adopted another double standard when it comes to President Obama's nominees.

Further, having reviewed his responses, I believe that the nominee has more than adequately responded to the questions presented to him. It is time to vote on his nomination and allow him to work on behalf of the American people in a judicial emergency district where the judges have been overwhelmed with cases.

Because Senate Republicans have delayed the confirmations of well-qualified nominees like William Orrick, we remain 20 confirmations behind the pace we set for President Bush's circuit and district nominees, and vacancies remain nearly twice as high as they were at this point during President Bush's second term. For all their self-congratulatory statements, they cannot refute the following: We are not even keeping up with attrition. Vacancies have increased, not decreased, since the start of this year.

President Obama's judicial nominees have faced unprecedented delays and obstruction by Senate Republicans. We have yet to finish the work that could and should have been completed last year. There are still 10 judicial nominees with bipartisan support being denied confirmation.

It is true that some vacancies do not have nominees. I wish Republican home State Senators would work with President Obama to fill these vacancies. As I stated last week when this issue arose in the Judiciary Committee, I am more than willing to work with Republican Senators and the administration to consider nominees for these vacancies. But it is disingenuous of Republican Senators not to work with President Obama to pick nominees and then blame the President for the lack of nominees. If Senators want new judgeships in their States, they should be working especially hard to ensure that all existing ones are filled. I take very seriously my responsibility to make recommendations when we have vacancies in Vermont, whether the President is a Democrat or a Republican, and I would hope that other Senators would do the same. After all, if there are not enough judges in our home States, it is our own constituents who suffer.

It is not enough for Senators to say that they are working on getting recommendations or they have appointed a commission to give them recommendations. Senators have to lead this effort in their home States, set firm deadlines, and get the President recommendations to fill these vacancies. In some places Federal judgeships have been vacant for 500 days or 1000 days or more without a recommendation.

I was interested to hear Senate Republicans argue that if Senators do not get recommendations in ''expeditiously enough,'' the President ''has the prerogative to nominate someone and then we have the responsibility to act on it.'' Before President Obama had made a single judicial nomination, all Senate Republicans sent him a letter threatening to filibuster his nominees if he did not consult Republican home State Senators. So the recent statement was a either complete reversal in position, or baiting a trap to then filibuster any nominees the President sends to us.

Moreover, the failure of some Republican Senators to help fill vacancies in their own States does not excuse their unwillingness to complete action on the consensus judicial nominees who are ready to be confirmed but whose confirmations are being needlessly delayed. Mark Barnett, Claire Kelly, William Orrick, Sheri Chappell, Michael McShane, Nitza Quinones Alejandro, Luis Restrepo, Jeffrey Schmehl, Kenneth Gonzales, and Gregory Phillips are awaiting confirmation and Sri Srinivasan, Ray Chen, and Jennifer Dorsey could have been reported to the Senate last week. So long as there is a backlog of nominees before the Senate, the fault for failing to confirm these nominees lies with Senate Republicans.

The Judicial Conference recently released their judgeship recommendations. Based upon the caseloads of our Federal courts, the Conference recommended the creation of 91 new judgeships. That is in addition to the 85 judgeships that are currently vacant. This means that the effective vacancy rate on the Federal bench is over 18 percent. A vacancy rate this high is harmful to the individuals and businesses that depend on our courts for speedy justice. The damage is even more acute in the busiest district courts, such as those in border states that have heavy immigration-related caseloads. Unfortunately, several of those district courts also have significant numbers of judicial vacancies, and I hope that Senators are working to find good nominees to fill those vacancies.

Senate Republicans have a long way to go to match the record of cooperation on consensus nominees that Senate Democrats established during the Bush administration. After today's votes, 9 more judicial nominees remain pending, and all were reported unanimously. All Senate Democrats are ready to vote to allow them all to get to work for the American people without further delay. We can make real progress if Senate Republicans would join us.

Mrs. FEINSTEIN. Mr. President, I rise today to strongly support the nomination of Bill Orrick to the Northern District of California.

Bill Orrick was raised in San Francisco, where his family has a long and distinguished pedigree in the legal community. I happen to have known the nominee's father, William Orrick, Jr., who was a highly-respected Federal judge in San Francisco. The firm Orrick, Herrington, & Sutcliffe—which his grandfather founded—is pristine in San Francisco. I strongly urge my colleagues to support Bill Orrick's nomination. He has proven throughout his career that he has the intellect, skill, and temperament to do an outstanding job on the Federal bench in San Francisco.

Mr. Orrick earned his bachelor's degree from Yale and his law degree from Boston College. He then represented low-income clients in Georgia for five years. After that, he came home to San Francisco, where he practiced commercial litigation for 25 years at Coblentz, Patch, Duffy, & Bass. He primarily practiced in the field of employment defense.

In 2009, he joined the Justice Department, where he worked in the Civil Division and oversaw the Office of Immigration Litigation. As an attorney at the Justice Department, Mr. Orrick's job has been to represent his client zealously and professionally—and he has done so.

The Office of Immigration Litigation is in the business of defending the government's position in cases in which an alien is seeking to prevent removal from this country. The office also defends the government in cases when an alien brings a challenge to the length or conditions of detention. That means that Orrick's primary task was to litigate against aliens in Federal court.

Mr. Orrick has also been called upon to represent the Department of Justice in other cases, including those challenging state immigration laws like those in Arizona and Alabama on Federal preemption grounds. In these cases and others, Mr. Orrick dutifully and faithfully executed his duty to advance the position of the United States Government.

Mr. Orrick's record speaks for itself. He is seasoned. He has over three decades of experience in legal practice, faithfully representing his private and governmental clients. He has been rated ''well qualified'' by the American Bar Association.

I will close with a few remarks on the confirmation process. Mr. Orrick's confirmation is a long time coming. He was first nominated nearly a year ago, and first approved by the Judiciary Committee on August 2, 2012 with the support of Senators Kyl and GRAHAM.

When the 112th Congress recessed, other nominees who were reported by the Judiciary Committee before the August recess were confirmed. Not Mr. Orrick. He had to be renominated. His nomination had to be reported by the Judiciary Committee again. His nomination has only now come to the floor—nearly a year after his first nomination.

This is a real shame. The Northern District of California is in a judicial emergency, as declared by the Judiciary Conference of the United States, as are all judicial districts in California. The Northern District has 675 weighted filings per judgeship, making its caseload 30 percent above the national average. A civil case takes nearly 3 years to get to trial—up nearly 50 percent from a year ago.

When well-qualified nominees like Bill Orrick are held up, judicial emergencies like those California continues to face year after year are only exacerbated.

I am very pleased Bill Orrick will be confirmed, and I thank my colleagues on the Republican side for agreeing to schedule a vote on his nomination. I simply believe—strongly—that he could and should have been confirmed sooner by this body.

I yield the floor.

Mrs. BOXER. This is a very good day for me because we not only had a great vote on our water resources bill, which is so important to this economy, to jobs, and businesses all across this great Nation, but finally we are getting a vote on an excellent nominee to be the U.S. district judge for the Northern District of California, William H. Orrick, III.

Mr. Orrick was approved by the Senate Judiciary Committee with bipartisan support, and his appointment to

the Northern District would fill a seat in an emergency district. We need to move on this nomination, and I am most grateful for getting this opportunity today.

The caseload in the Northern District is 24 percent above the national average, at 631 weighted filings per judgeship. Civil cases that go to trial in the Northern District now take over 34 months to get to trial, up from 21 months just a year ago. We know justice delayed is justice denied, so this is justice delayed. It is not good for our country. That is why I am so excited we are finally getting to this vote.

This is such a good nominee. He brings a depth of legal experience in both the public and private sectors, which will make him a tremendous asset to the Northern District Court.

Mr. Orrick received his bachelor's degree from Yale University, and he earned his law degree from Boston College. He graduated cum laude from both schools. After law school, he spent 5 years providing pro bono legal services for low-income clients in the State of Georgia.

Then Mr. Orrick returned home to the Bay Area, and he joined a very prominent San Francisco firm—Coblentz, Patch, Duffy, and Bass, where he spent 25 years as an associate partner and then the head of the firm's employment litigation practice.

In 2009 Mr. Orrick joined the Department of Justice as Deputy Assistant Attorney General in the Civil Division. His primary duty at the Justice Department was to oversee the Office of Immigration Litigation, representing the United States in all manners of immigration law.

Last year he returned to private practice in San Francisco. Mr. Orrick considers service to the community to be a hallmark of his legal career. He spent 11 years as chancellor and legal advisor to the Episcopal Diocese of California and 13 years working with the Good Samaritan Family Resource Center, a low-income housing nonprofit in San Francisco. This is a man who has given back over and over again.

At his law firm he supervised much of the firm's pro bono work, for which he received the San Francisco Bar Association's ''Outstanding Lawyer in Public Service'' Award.

The American Bar Association found that Mr. Orrick is ''unanimously well-qualified'' to be a Federal judge. Today is Bill Orrick's 60th birthday. I can think of no better gift than for us to finally act on this nomination.

I urge my colleagues to cast an ''aye'' vote. I think it is a vote you will be proud of in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I rise today in support of a nomination as well. One of the other votes we will be casting at 4 o'clock is on the nomination of Marilyn Tavenner of Virginia to be the head of the Centers for Medicare and Medicaid Services, CMS.

I am so excited that we are voting on this matter today. CMS is the largest line item in the Federal budget. It is larger than the Department of Defense because both Medicare and Medicaid are such significant budgetary items.

We have not had a confirmed Administrator of CMS in the United States since 2006. We have been operating this program on which tens of millions of vulnerable Americans rely on a daily basis with a succession of part-time, acting, interim Administrators. It will be good for the country and for the mission of CMS to confirm an Administrator. I am excited that we are taking that vote today.

A few words about the nominee Marilyn Tavenner. First is her experience: Marilyn is from a rural community in Southside, VA. She grew up and wanted to be a nurse. She started her career as a nurse and served at hospitals, first rural and then urban hospitals, in Virginia for many years.

Her leadership skills and traits were recognized, and she became a nursing supervisor, obtaining greater education along the way. At one point, she was working at a hospital in Virginia that lost their CEO, and as the board wrestled with who should be an interim CEO, whether they should do a search or bring someone in from the outside, it was suggested Marilyn might be the person to do it. She wasn't interim CEO for long before the board decided she was, in fact, the person who should run the hospital.

She then had a career of running that hospital, then multiple hospitals and eventually worked for the HCA hospital chain running an entire region of hospitals and eventually became a vice president for HCA running all of their outpatient surgery centers for all of the United States.

At that point, I reached out to Marilyn—I had been elected Governor of Virginia in 2005—and asked her to be my secretary of Health and Human Services. Marilyn performed in an exemplary way as a cabinet secretary in my administration from 2006 to 2010 and helped me tackle all manner of Health and Human Services challenges, some of which she had significant background in—nursing education, for example—and others that might have been new—cessation of youth smoking—and some that were not even on the health side but were in the human services portfolio that had not been her work—foster care and mental health reform. In all those areas, Marilyn proved herself to be very able.

She has been essentially the chief operating deputy at CMS since early 2010. She was the No. 2 at CMS to the Administrator nominee Donald Berwick—a nominee who was never confirmed by the Senate—and in that role she worked closely with Donald Berwick and did wonderful work within CMS through the very challenging time of drafting, passing, and now the implementation of the Affordable Care Act.

Marilyn is the right person for the job for three reasons: First, if you care about patients, then Marilyn is your person. Marilyn, through all of her work, whether as a nurse, a hospital administrator, a regional health care executive, a cabinet secretary or a CMS administrator, has never forgotten it is fundamentally about patients and that before we get to health care we have to care about health. Marilyn brings a nurse's attitude, and what a great thing it would be for the nursing profession to have a nurse as the agency director of the Centers for Medicaid and Medicare Services. She brings a nurse's mentality, and she will do that every day on the job. That is her first priority.

The second reason Marilyn would be a strong CMS Administrator is that she is an expert, frankly, at finding savings and finding ways to reduce and control costs. We all know in the country we spend too high a percentage of GDP on health care—18 to 19 percent of our GDP on health care. Other nations in the world—Switzerland and others—spend 11 or 12 percent. We have a system that produces some spectacular professionals and some procedures that are second to none in the world, but we don't live as healthy as other nations and some of our outcomes are not quite as strong and we spend too much. So one of the subjects we talk about on this floor all the time is budgetary issues and what are the right ways the Federal Government can find savings in our own programs.

But also if we do innovative things in Medicaid and Medicare that would save money, those also become examples that can be learned throughout the health care industry to help us find appropriate savings. When I was Governor and we were dealing with the national recession and we were having to make cuts, there was no one in my cabinet or no other senior official whom I had who worked with me who was more creative and compassionate about trying to find targeted ways to achieve savings as Marilyn Tavenner. She is a whiz at this and yet never sacrifices her focus on patient care, which was the primary attribute of hers I mentioned. So as we wrestle with Medicaid and Medicare and the growth of those budgetary items, and we need to find ways to try to deal with them, I couldn't think of a better person than Marilyn Tavenner to be in that position.

The last attribute of hers that I think is truly an amazing one and a reason I support her is that she is a creative person and is always driven by finding true results. I could tell numerous stories from my time as Governor of her efforts to successfully help us ban smoking in restaurants and bars to improve our health, her efforts to help us improve our foster care system outcomes, to train more nurses, and expand the number of physicians in the State, but the story I will tell is one that was a shame for Virginia, but Marilyn helped us solve it by being creative and helping us focus on results,

which is what we need at the national level.

Here is a conundrum about Virginia. When I was elected Governor, we were in the top 10 in the Nation in per capita income, but in infant mortality we were about 35th in the Nation. It just didn't seem like those two things matched up; a high-income State with a successful economy and a low unemployment rate should be doing better in infant mortality. That had occurred to Governors before me; that this just didn't make sense. Why would we not be a better State when it comes to the health of our newborns?

I gave Marilyn the challenge—because I didn't know the answer and I didn't know what to do—as my Health and Human Services secretary, to dramatically reduce our infant mortality rate. You can do everything else you want, but the No. 1 thing I want you to do during my single 4-year term as Governor is help us figure out a way to dramatically reduce our infant mortality rate.

Others had made the effort, and the other efforts hadn't produced any results. But largely through a creative and exhaustive analysis of data—why did we have a problem—Marilyn approached the challenge and figured out why we had the problem. She figured out the myths and the facts and separated the myths and put them aside. She devised a very targeted strategy for dealing with the particular reasons we had a problem and, lo and behold, within a very few years, this intractable challenge we had in Virginia of an unacceptably high infant mortality rate began to dramatically change, and the changes continue because the changes Marilyn put into the system are what no one would ever want to undo.

Marilyn's experience, her focus on patients from her background as a nurse, her spectacular success at smart cost cutting but then especially her proven capacity to be creative and innovative in reaching results merit our support for her. I am excited we will be casting this vote today. I think the fact the United States will have a confirmed CMS Administrator who can then take that confirmation and plow forward on important initiatives will be for the good of this country.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAINE. Mr. President, I ask unanimous consent that the time during all quorums before the votes be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise in opposition to Mr. Orrick's nomination to be a District Judge for the Northern District of California and I would like to take a few moments to explain to my colleagues why I will be voting no.

Before I discuss the nominee, however, I will update my colleagues on where we stand with judicial confirmations. Thus far, the Senate has confirmed 187 District and Circuit nominees; we have defeated two. That's 187–2, which is a .989 batting average. That is an outstanding record.

So far this year, the Senate has confirmed 16 nominees. Today, if Mr. Orrick is confirmed, we will have confirmed the 17th nominee. At this stage in President Bush's second term only four were confirmed. That's a record of 17 to 4. This President is being treated exceptionally fairly.

The President has recently submitted a few new nominations. I know I have been reminding him that we can't do anything about vacancies without him first sending up nominees. But again, even with the recent nominations 61 of 85 nominations still have no nominee. That's nearly three out of four vacancies, and for judicial emergencies, only 8 of 35 vacancies have a nominee. So I just wanted to set the record straight before we vote on this nominee.

Again, I will be voting ''no'' on Mr. Orrick's nomination. I was troubled by his intervention in Utah, Arizona, South Carolina, and Alabama. In those States he led the effort to strike down the statutes in those States addressing the Federal Government's failure to enforce immigration laws. We are in the middle of marking up a comprehensive immigration bill. It is clear that enforcement is a problem.

I, and some of my colleagues, would like to strengthen enforcement, but Mr. Orrick was out there leading the effort to maintain the weak status quo. I don't know why that should lead to a lifetime appointment on the Federal bench.

I was also disappointed by Mr. Orrick's responses to many of my questions at his hearing and in follow-up questions for the record. At his hearing, I asked him a number of questions that he said he could not answer at the hearing, but that he would familiarize himself with the issues. I offered to submit those questions in writing to provide Mr. Orrick the opportunity to answer them—a courtesy this Committee commonly extends to nominees in these circumstances.

After granting Mr. Orrick this courtesy, I was disappointed that he still failed to answer many of my questions. So I extended the courtesy a second time, offering Mr. Orrick the opportunity to provide a responsive answer to my earlier questions. Unfortunately, the ''answers'' he provided to my second set of questions were as non-responsive as the first.

Now, I understand that it is not unusual for nominees to claim they are unable to answer a particular question, but I must say that the degree of Mr. Orrick's non-responsiveness rose to a level well above what we typically see from nominees.

Moreover, just because a particular answer might be awkward for the administration that does not justify refusing to provide that answer.

Now, although there were a host of questions Mr. Orrick would not answer, I will provide just one example. In the hearing, I asked Mr. Orrick about a particular Ninth Circuit case and asked if it was controlling. This was in connection with a brief he filed opposing the Defense of Marriage Act. I thought he mischaracterized the precedent and wanted an explanation. At a minimum, I wanted to know if he had a basic knowledge of the precedent and recognized it as current law. He answered, ''I will follow controlling precedent wherever it exists.''

That is a clever answer, but of course, it doesn't answer the question. So in my written questions, I asked again if the Adams case was controlling precedent. He responded that he was reluctant to answer because a similar case could come before him.

This struck me as odd for two reasons. First, if confirmed, he would likely recuse himself from any case where he crafted a part of the Justice Department's policy or stance. And second, I wasn't asking for his personal views on the Adams case. I was trying to assess his legal ability. I want to know whether he will recognize that a particular case is controlling—even if he, or the administration for that matter, may not agree with it. That is what serving as a district court judge is all about: Applying controlling case law, whether or not you agree with the holding.

So I sent him a second set of questions for the record, and asked him again if Adams was controlling precedent. He still would not answer. The second time, Mr. Orrick agreed that he should recuse himself from such cases, but then reserved the right not to recuse himself. And, I still don't have an answer to my original question raised in the hearing: Does Mr. Orrick recognize Adams as controlling precedent in the Ninth Circuit?

Unfortunately, based on this and other aspects of Mr. Orrick's record that I find troubling, I cannot support his nomination.

Following graduation from Boston College Law School in 1979, Mr. Orrick began practicing law in Savannah, GA, at Georgia Legal Services, a general legal practice representing low-income individuals in litigation. In 1984, Mr.

Orrick moved to California to join the law firm of Coblentz, Patch, Duffy, & Bass, LLP. His practice with the firm initially focused on complex commercial litigation. After making partner in 1998, his practice broadened to include employment litigation. His clientele included both individuals and corporations.

During this same period, Mr. Orrick also served the Episcopal Bishop of California, essentially acting as outside general counsel. This included advising the Diocese on interpretation of church canons, the various rights of congregations leaving the Diocese, and clergy's duties to report child abuse. He received compensation for these services.

In June 2009, Mr. Orrick joined the Department of Justice as a counselor to the assistant attorney general for the Civil Division in Washington, DC. His responsibilities included ''matters related to the Freedom of Information Act, tobacco litigation, increasing affirmative consumer litigation brought by the Civil Division, analysis of amendments to the False Claims Act, litigation reports, national security cases, and efforts to increase access to justice, including expansion of the Civil Division's pro bono efforts.'' In September 2009, he started supervising immigration litigation within the Division.

In June 2010, Mr. Orrick was appointed deputy assistant attorney general in the Civil Division, Department of Justice. In this role, he oversees the Office of Immigration Litigation, which is comprised of over 300 lawyers. This office handles ''all federal appellate litigation arising from petitions for review from the immigration courts and roughly 50% of the civil United States District Court immigration matters, primarily class actions, habeas and mandamus petitions, and certain Bivens actions.'' He also participates on several coordinating task forces that oversee immigration and national security related issues.

Mr. Orrick reports that throughout his career he has represented private individuals, small businesses, and large corporations in litigation matters before State and Federal courts. He estimates that approximately 97 percent of his practice has been in the area of litigation and has tried 16 cases to verdict, judgment, or final decision as either sole or lead counsel.

The American Bar Association's Standing Committee on the Federal Judiciary gave him a Unanimous ''Well Qualified'' rating.

PEREZ NOMINATION

Mr. GRASSLEY. Mr. President, at this time I would like to discuss the President's nominee for Secretary of Labor, Tom Perez.

Mr. Perez is not unknown to the Senate or even to the country as a whole now that he has been Assistant Attorney General for a long time. His tenure at the Civil Rights Commission has been marked with controversy, and that is putting it mildly. He was confirmed to his current post as Civil Rights Division Assistant Attorney General by a vote of 72 to 22. I was among those who supported his nomination to lead the Civil Rights Division, but unfortunately, based on reasons I will outline, I have come to regret that vote.

There are a number of issues regarding Mr. Perez's record that should give my colleagues pause. Today I wish to focus on the investigation I have been conducting with my colleague in the House Mr. ISSA, chairman of the Oversight and Government Reform Committee, as well as Mr. GOODLATTE, chairman of the House Judiciary Committee.

I would like to share with my colleagues the role Mr. Perez played in the quid pro quo between the City of St. Paul, MN, and the Department of Justice here in Washington where the Department agreed not to join two False Claims Act cases in exchange for the City of St. Paul withdrawing its case from the Supreme Court in a case called Magner v. Gallagher. Mr. Perez's actions in this case are extremely troubling for a number of reasons. In other words, if an individual takes extraordinary action to get a city to withdraw a case that is already on the docket of the Supreme Court, that is pretty serious intervention.

First and foremost, at this point no one disputes the fact that Mr. Perez orchestrated the entire arrangement. He manipulated the Supreme Court docket so that his favored legal theory, called the disparate impact theory, would evade review by the High Court. In the process, Mr. Perez left a whistleblower twisting in the wind. Those are the facts, and even Mr. Perez doesn't dispute those facts.

The fact that Mr. Perez struck a deal that potentially squandered up to $200 million from taxpayers in order to preserve the disparate impact theory is, of course, extremely troubling in and of itself. In addition to the underlying quid pro quo, however, the evidence uncovered in our investigation revealed that Mr. Perez sought to cover up the fact that the exchange even took place.

Finally—and let me emphasize that this should concern all of my colleagues—when Mr. Perez testified under oath about this case both to congressional investigators and during his confirmation hearing, Mr. Perez told a different story.

The simple but unavoidable conclusion is that the story Mr. Perez told is simply not supported by the evidence, so I will start by reviewing the underlying quid pro quo.

In the fall of 2011, the Department of Justice was poised to join a False Claims Act lawsuit against the city of St. Paul. The career lawyers—when I use the words ''career lawyers,'' I mean these folks who are not political appointees. The career lawyers in the U.S. attorney's office of Minnesota were recommending the Department of Justice join this false claims case. The career lawyers, even in the civil division at main Justice, were recommending that Justice join the case. The career lawyers in the Department of Housing and Urban Development were also recommending the Department of Justice join in this false claims case. Why is that important? Because the government participating in a false claims case makes it a much stronger case than when the individual pursues it by themselves.

What I just described to my colleagues was all before Mr. Perez got involved. At about the same time the Supreme Court agreed to hear a case called Magner v. Gallagher. In Magner, the City of St. Paul was challenging the use of the ''disparate impact'' theory under the FAIR Housing Act. The disparate impact theory is a mechanism Mr. Perez and the civil rights division have been using in lawsuits against banks for their lending practices. If that theory were undermined by the Supreme Court, it would likely spell trouble for Mr. Perez's lawsuits against the banks.

So Mr. Perez approached the lawyers handling the Magner case and he cut a deal. The Department of Justice agreed not to join two false claims cases in exchange for the City of St. Paul withdrawing Magner from the Supreme Court. In early February 2012, Mr. Perez even flew to St. Paul to finalize the deal. The next week the Department of Justice declined the first false claims case, called the Newell case. The next day, the City of St. Paul withdrew the Magner case from the Supreme Court.

Now, there are a couple of aspects about this deal I wish to emphasize. First, as I mentioned, the evidence makes clear Mr. Perez took steps to cover up the fact that he had bartered away the false claims cases. Cover-ups aren't good in government. On January 10, 2012, Mr. Perez called the line attorney in the U.S. attorney's office regarding the declination memo in the Newell case. To remind my colleagues, Newell was the case the same career attorneys were strongly recommending the United States join before Mr. Perez got involved. By the time of this phone call in January 2012, Mr. Perez was well on his way toward orchestrating this quid pro quo I have described.

Mr. Perez then called the line attorney, Mr. Greg Brooker, and instructed him not to discuss the Magner case in the memo he prepared outlining the reasons for the decision not to join that false claims case. Here is what he said. This is a quote:

> Hey, Greg. This is Tom Perez calling you—excuse me, calling you at 9 o'clock on Tuesday. I got your message. The main thing I wanted to ask you, I spoke to some folks in the Civil Division yesterday and wanted to make sure that the declination memo that you sent to the Civil Division—and I am sure it probably already does this—but it doesn't make any mention of the Magner case. It is just a memo on the merits of the two cases that are under review in the qui tam context.

End of that voicemail.

Approximately 1 hour later, Mr. Perez sent Mr. Brooker a follow-up e-mail, writing:

I left you a detailed voice message. Call me if you can after you have a chance to review [the] voice mail.

Several hours later Mr. Perez sent another follow-up e-mail, writing:

Were you able to listen to my message?

Mr. Perez's voice mail was quite clear and obvious. He told Mr. Brooker:

Make sure that the declination memo . . . doesn't make any mention of the Magner case. It is just a memo on the merits of the two cases.

What could be more clear than that?

In fact, Mr. Perez himself sent an e-mail less than an hour later explaining that he had left a detailed voice mail for Mr. Brooker. Yet when congressional investigators asked Mr. Perez why he left a voice mail, he told an entirely different story. Here is what he told the investigators:

What I meant to communicate was, it is time to bring this to closure, and if the only issue that is standing in the way is how you talk about Magner, then don't talk about it.

Well, I hope my colleagues are listening and they say to themselves: Give me a break. This is plainly not what he said in his voice mail. Mr. Perez, I was born at night, but I wasn't born last night. He didn't say anything about being concerned with the delay. He said:

Make sure you don't mention Magner. It is just a memo on the merits.

His intent was crystal clear.

Mr. Perez also testified Mr. Brooker called him back the next day and refused to omit the discussion of the Magner case that was being withdrawn from the Supreme Court. According to Mr. Perez, he told Mr. Brooker during this call to ''follow the normal process.''

But, again, this story is not supported by the evidence.

One month later, after Mr. Perez flew to Minneapolis to personally seal the deal with the city, a line attorney in the civil division e-mailed his superior to outline ''additional facts'' about the deal.

Point 6 read:

USA-MN—

U.S. Attorney Minnesota. That is abbreviated here.

U.S. Attorney Minnesota considers it nonnegotiable that its office will include a discussion of the Supreme Court case and the policy issues in its declination memo.

If Mr. Perez's story were true and the issue was resolved on January 11, then why, 1 month later, would the U.S. attorney's office need to emphatically state it would not hide the fact that the exchange took place? Thank God for honest line attorneys, career attorneys.

As I mentioned, Mr. Perez flew to Minneapolis to finalize the deal on February 3, and one would think a deal of this magnitude would be memorialized in a detailed written agreement. After all, you can't even rent a car without signing a detailed agreement. But was this agreement written? No, it wasn't.

After Mr. Perez finalized the deal, the career attorney asked if there was going to be a written agreement. What was Mr. Perez's response? He said:

No, just oral discussions; word was your bond.

Once again, the people listening to this are saying to themselves: Can you believe that? Here is Mr. Perez. He has just orchestrated a deal where the United States declined to join a case worth up to $200 million to the Federal Treasury in exchange for the City of St. Paul withdrawing a case from the Supreme Court. And when the career lawyers asked if this deal will be written down, he says, No. Your word was your bond.

As everyone knows, the reason we make arrangements such as this in writing is so there is no disagreement down the road about what the parties agreed to. As it turns out, there was, in fact, a disagreement about the terms of this unwritten deal. The lawyer for the City of St. Paul, Mr. Lillehaug, told congressional investigators on January 9, approximately 1 month before the deal was finalized, Mr. Perez assured him that ''HUD would be helpful'' if the Newell case proceeded after the Department of Justice declined to intervene. Mr. Lillehaug also told investigators that on February 4, the day after they finalized the deal, Mr. Perez told him HUD had begun assembling information to assist the city in a motion to dismiss the Newell complaint on ''original source'' grounds. But, according to Mr. Lillehaug, this assistance disappeared after the lawyers in the civil division learned about it.

Let me tell my colleagues the significance of that. Mr. Perez represents the United States. Mr. Newell is bringing a case on behalf of the United States. Mr. Perez is talking to lawyers on the other side and he tells them, after the United States declines to join the case we will give you information to help you defeat Mr. Newell, who is bringing the case on behalf of the United States. Mr. Newell, the whistleblower, was left hanging out to dry by Mr. Perez. In effect, Mr. Perez is offering, in that statement, to give the other side information to help defeat his own client.

I recognize this is a significant allegation, and Mr. Perez was asked about it under oath. His response? Mr. Perez said:

No, I don't recall ever suggesting that.

So on the one hand is Mr. Lillehaug, who says Mr. Perez made this offer first in January and then again on February 4, but the assistance disappeared after the lawyers in the civil division caught wind of it.

On the other hand is Mr. Perez, who testified under oath: I don't recall ever having made that offer. Who should we believe? Well, the documents support Mr. Lillehaug's version of events.

On February 7, a line attorney sent an e-mail to the director of the civil fraud section and related a conversation the assistant U.S. attorney in Minnesota had with Mr. Lillehaug. According to Mr. Lillehaug, the line attorney wrote that there were two additional items that were part of the ''deal that is not a deal'' and one of those two items was this:

HUD will provide material to the City in support of their motion to dismiss the original source grounds.

Internal e-mails show that when the career lawyers learned of this promise, they strongly disagreed with it and they conveyed their concerns to Tony West, head of the civil division. During his transcribed interview, Mr. West testified that it would have been inappropriate to provide this material outside of the normal discovery channels. Mr. West said:

I just know that wasn't going to happen and it didn't happen.

In other words, this is simple: When lawyers at the civil division learned of this offer, they shut down that offer. So, the documentary evidence shows the events transpired exactly as Mr. Lillehaug said they did. Mr. Perez offered to provide the other side with information that would help them defeat the whistleblower, Mr. Newell, in his case, and that case was on behalf of the United States and the taxpayers, and possibly $200 million. Well, I imagine this is simply stunning, the lack of common sense exhibited, when the American taxpayers hear about this.

Mr. Perez represents the United States. Any lawyer would tell you it is highly inappropriate to offer to help the other side defeat their own client.

This brings me to my final couple points I want to highlight for my colleagues.

Even though the Department traded away Mr. Newell's case, Mr. Perez has defended his decision, in part, by claiming that Mr. Newell still had his ''day in court.'' What Mr. Perez omits from his story is that Mr. Newell's case was dismissed precisely because the United States was no longer a party to it.

After the United States declined to join the case, the judge dismissed Mr. Newell's case based upon the legal language ''public disclosure bar,'' finding he was not, again, the ''original source'' of the information to the government. I want to remind my colleagues that we recently amended the False Claims Act precisely to prevent an outcome like this. Specifically, that amendment made clear that the Justice Department can contest the ''original source'' dismissal even if it fails to intervene, as it did in this case.

So the Department did not merely decline to intervene, which is bad enough, but, in fact, it affirmatively chose to leave Mr. Newell all alone in this case that Mr. Newell filed for the benefit of the United States. Of course, that is the whole point. That is why it was so important for the City of St.

Paul to make sure the United States did not join the case. That is why the city was willing to trade away a strong case before the Supreme Court. The city knew that if the United States joined the action, the case would almost certainly go forward. Conversely, the city knew that if the United States did not join the case and chose not to contest the original source, it would likely get dismissed.

Think about that—$200 million possibly down the drain. The Department trades away a case worth millions of taxpayer dollars. They did it precisely because of the impact the decision would have on the litigation. They knew that as a result of their decision, the whistleblower would get dismissed based upon ''original source'' grounds, since they did not contest it. And not only that, Mr. Perez went so far as to offer to provide documents to the other side that would help them defeat Mr. Newell in his case on behalf of Mr. Perez's client. Again, that client was the United States. Yet, when the Congress starts asking questions, they have the guts to say: We didn't do anything improper because Mr. Newell still had his day in court. Well, the problem with that is that they cut the limbs out from under him.

This brings me to my last point, and that has to do with the strength of the case. Throughout our investigation, the Department has tried to defend Mr. Perez's actions by claiming the case was ''marginal'' or ''weak.'' Once again, the documents tell a far different story.

Before Mr. Perez got involved, the career lawyers—again, not political appointees but career lawyers—at the Department wrote a memo recommending intervention in the case. In that memo, they describe St. Paul's actions as ''a particularly egregious example of false certifications.'' In fact, the career lawyers in Minnesota felt so strongly about the case that they took the unusual step of flying here to Washington, DC, to meet with HUD officials. HUD, of course, agreed that the United States should intervene, but that was before Mr. Perez got involved in the case.

The documents make clear that career lawyers considered this a strong case, but the Department has claimed that Mike Hertz, the Department's expert on the False Claims Act, considered it a weak case. In fact, 2 weeks ago Mr. Perez testified before my colleagues in the Senate HELP Committee that Mr. Hertz ''had a very immediate and visceral reaction that it was a weak case.'' But what do the documents show? They tell a different story. Mr. Hertz knew about the case in November 2011. Two months later a Department official took notes of a meeting where the quid pro quo was discussed. That official wrote down Mr. Hertz's reaction. This official wrote:

> Mike—
>
> Referring to Mr. Hertz—
>
> Mike—Odd—Looks like buying off St. Paul. Should be whether there are legit reasons to decline as to past practice.

The next day that same official emailed the Associate Attorney General here in town and said:

> Mike Hertz brought up the St. Paul ''disparate impact'' case in which the SG [Solicitor General] just filed an amicus brief in the Supreme Court. He's concerned about the recommendation that we decline to intervene in two qui tam cases against St. Paul.

So you have these documents appearing to show that Mr. Hertz's primary concern was not the strength of the case, as Mr. Perez led Senate colleagues to believe; Mr. Hertz was concerned that the quid pro quo Mr. Perez ultimately arranged was, in fact, improper. And, again, in his words, it ''looks like buying off St. Paul.''

Just last week the Justice Department sent my staff a critical 33-page slide show about the Department's case against St. Paul. In that document, the career lawyers made their strong case for intervention, for the Justice Department to intervene with Newell to bring this case about. The Department failed to provide this critical document to the committees, and we only learned about this document not from the Department of Justice but from a recent interview we had with a HUD employee. Why do I say this is a critical document? Because this document makes abundantly clear that career lawyers did not view this case as ''marginal,'' where Mr. Perez wants you to believe that other people in the Department, experts on false claims, thought it was a ''marginal'' or ''weak'' case. And obviously he did not view it as a weak case, as Mr. Perez testified before the HELP Committee—far from it.

Here is how the career lawyers summed up the case in one of the final slides of this document. These are quotes:

> The City Repeatedly and Knowingly Misrepresented its Compliance with Section 3 to Obtain Federal Funds.
>
> Tentative conclusions:
>
> The City has long been aware of its obligations under section 3;
>
> The City repeatedly told HUD and others that it was in Compliance with Section 3;
>
> The City has failed to substantially comply with Section 3.

Does that sound like career lawyers describing a ''marginal'' or a ''weak'' case? Of course not. Yet that is what Mr. Perez told my colleagues on the HELP Committee. My colleagues are well aware of how I feel about the Whistleblower Protection Act, and my colleagues know how I feel about protecting whistleblowers who have the courage to step forward, often at great risk to their own careers. But this is about much more than the whistleblower who was left dangling by Mr. Perez. This is about the fact that Mr. Perez manipulated the rule of law in order to get a case removed from the Supreme Court docket. But most importantly, this is about the fact that when Congress started asking questions about this case and when Mr. Perez was called upon to offer his testimony under oath, he chose to tell an entirely different story. The unavoidable conclusion is that the story he told is flatly not supported by the facts.

We have to demand more. We have to demand that when individuals are called upon to answer questions before the Senate, that they shoot straight regardless of the consequences.

I do not believe Mr. Perez gave us the straight story when he was called upon to answer questions about this case, and for that reason, I recommend, first of all, that my colleagues study these issues. There is a lot in this that needs to be brought out about this nomination before we vote on it. This evidence I give is just part of the story.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to speak in support of the nomination of Marilyn Tavenner to serve as Administrator of the Centers for Medicare and Medicaid Services or CMS, one of the largest agencies ever in the history of the country. For a number of reasons, CMS has been without a confirmed Administrator since the fall of 2006.

CMS is the world's largest health insurer. It processes over a billion Medicare and Medicaid claims a year. It has a budget of nearly $1 trillion. It also provides services to over 100 million of our Nation's most vulnerable citizens receiving Medicare and Medicaid. So clearly this is a critical agency that needs a strong leader at the helm.

Thus far, from what I have seen, Ms. Tavenner has the qualifications to be that kind of a leader I believe her to be. She has clinical experience from being a nurse, executive experience from serving as a hospital administrator, and hands-on operational experience from her time as the secretary of health and human resources for the State of Virginia. That rare combination of skills will be essential when heading an agency as diverse as CMS. There is a reason she was voted out of the Senate Finance Committee on a voice vote and had the House majority leader come testify on her behalf.

Starting in 2010, she was appointed as the Deputy Administrator of CMS. Since November of 2011, she has served as the Acting Administrator. So far, she has shown a willingness to work with Members of both parties, which is a welcome development, particularly under this administration.

At a time when the Secretary of the Department of Health and Human Services is engaging in activities that are less than transparent and potentially illegal, it is even more important that an agency as vital as CMS be headed by someone with strong ethics and integrity.

Make no mistake, this agency's greatest challenges lie ahead. One of the biggest problems facing CMS in the near future is implementation of the

Federal- and State-based health insurance exchanges established under ObamaCare. These exchanges are supposed to be brought online later this year, but there are numerous obstacles that will have to be addressed. By most indications, it would take a miracle for the exchanges to be up and ready on time.

To date CMS has not been able to provide satisfactory answers to a number of questions posed by myself and other Members of Congress regarding the exchanges. For example, we have yet to see a breakdown of the budget for the federally facilitated exchange. Furthermore, we still know very little about the operational details of the exchanges and even less about how people will enroll. These are serious issues. With this system, you are asking American families to entrust the fate of their health care services to the empty words and deeds of an administration that has repeatedly shown a complete inability to be held accountable.

More importantly, with the recent revelations of potentially criminal behavior at the Internal Revenue Service, I am very concerned about trusting that agency's ability to work with CMS and HHS to deliver benefits for Americans through the exchanges.

Almost every day we see new indications that the health law is an unmitigated disaster. We are already seeing evidence that health insurance premium costs are continuing to rise and are projected to be, on average, 32 percent higher in the individual market. At the same time, according to numbers released yesterday by the Congressional Budget Office, by 2019 almost 14 million Americans who would have had employer-provided coverage will no longer have it.

Let me be very clear. ObamaCare is fundamentally flawed. The only real way to fix it is to repeal it and then start again. But until we can accomplish that goal, we need to make sure we are protecting our fellow citizens the best we can from all the negative effects of this law.

In addition to overseeing this massive new expansion of benefits, Ms. Tavenner will also be charged with helping to ensure the longevity and solvency of the existing Medicare trust fund, which is projected to go bankrupt in 2024. All told, between now and 2030, 76 million baby boomers will become eligible for Medicare. Even factoring in deaths over that period, the program will grow from approximately 47 million beneficiaries today to roughly 80 million beneficiaries in 2030.

Maintaining the solvency of the Medicare Program while continuing to provide care for our ever-increasing beneficiary base is going to require courageous solutions. I have had several conversations with Ms. Tavenner about the need for structural entitlement reforms to ensure that these programs are here for future generations. I sincerely hope we will continue to make progress on these critical issues.

Overseeing a massive bureaucracy such as the one at CMS is not a job for the faint of heart. I will be keeping a close eye on Ms. Tavenner as she takes the reins. If she is to be successful, she will have to realize she cannot do it alone. She will have to work with Members of Congress from both parties. I hope she will do so. I believe she will. Thus far I have reason to believe she will be one of the best leaders we can possibly have in the government. However, if it is under her leadership that CMS continues what has become a disappointing pattern in this administration—not responding to legitimate congressional inquiries and throwing promises of transparency by the wayside—I will use the full weight of my position as the ranking member on the Senate Finance Committee to hold her and others fully accountable. I do not think I am going to have to do that. I actually think she is that good.

I appreciate Ms. Tavenner's willingness to serve in this difficult position. While I still have many concerns about the policies of this administration and the direction CMS is heading, I plan to vote in favor of her confirmation because she has the ability and the potential to be a real leader and already has exemplified that in many ways. I encourage my colleagues to vote for her. I think Marilyn Tavenner is the right prescription at the right time to help with HHS and also with CMS which, as I said, is one of the largest agencies ever in the history of the world. She is a good woman. She is dedicated. She has the ability. I believe she will do a great job.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I want to, first of all, commend the Senator from Utah for his comments. We all know the Senator from Utah, like myself, has a real interest in making sure our government is more efficient and more effective in its operations, and know, as well, that the Senator from Utah has not always been necessarily supportive of health care reform, the Affordable Care Act. But I appreciate the comments of the Senator from Utah about Marilyn Tavenner.

I have known Marilyn Tavenner for 25 years. I think while we may disagree about the effectiveness of the Affordable Care Act, we do know one thing: We want CMS to be the most efficient, effective organization possible. I commend the Senator from Utah for his strong endorsement of Marilyn Tavenner. I think he spoke eloquently about her background. I am going to try to add a few comments, but I did not want to let him get away without my thanking him for his comments.

I rise today to join this bipartisan show of support for the President's nominee to lead the Centers for Medicare and Medicaid Services, Marilyn Tavenner. She comes to the floor this afternoon on a fairly unusual circumstance, considering some of the nominees we are considering. She came actually with a unanimous voice vote from the Senate Finance Committee. She is supported by a number of health care organizations, including the American Hospital Association, the SEIU, the American Nurses Association, just to name a few.

As I mentioned already, I have known Marilyn Tavenner for 25 years. She is the real deal. She will be a phenomenal choice to continue to lead CMS. Marilyn grew up in a small town in southside Virginia and worked her way through school. She began her health care career not as a hospital administrator or an executive, but she began on the front lines as an emergency room nurse.

Then through her ability, and her ability to relate to people and care, she rose to become CEO of a hospital and then a senior executive of a leading health care company. I know as Governor I called upon Marilyn on a repeated basis on health care issues that affected Virginia. Marilyn has always been committed to people and public service. She took that private sector knowledge and experience into the public sector even before her tenure with this administration when she joined my good friend, the junior Senator from Virginia TIM KAINE when he became Governor and served with his administration as the Virginia Secretary of Health.

Today, Marilyn has already served at the highest levels of CMS, where she has shown her ability to manage and operate one of the largest and most complex agencies in our whole government. By spending most of her career in the private sector, she knows the impact that regulations and rules have on the real world and understands the importance of not just achieving a policy goal but ensuring that it works in practice.

As we all know, passing a law like the ACA is a complicated process, particularly a law like this that has generated as much controversy. That means the role of the Administrator of CMS to be evenhanded, fact-based, effective, and efficient in implementing the dramatic transformation of the health care market that the ACA is going to provide will require a first class Administrator, somebody who understands how to get things done and somebody who is well-respected by both sides of the aisle. Marilyn Tavenner clearly fits that bill.

She is held in extraordinarily high esteem. We, again, heard the ranking member on the Finance Committee already speak in her support. She received unanimous support from the Finance Committee, but she is also held in extraordinarily high esteem by her peers. In fact, in February all of the previous living Senate-confirmed Administrators of the CMS—Democrats, Republicans, Independents, all of them who have run the agency in the past—sent a letter urging her confirmation,

noting that it was ''hard to imagine a candidate more worthy of bipartisan support.''

I look forward to voting with what I hope will be an overwhelming majority of my colleagues to confirm Marilyn for this very important role a little bit later this afternoon. I know I am about to give up my time and yield to the great new Senator from Massachusetts. I know she is going to be speaking about another nominee, someone with whom I have had the opportunity to visit a couple of times, for a role that may be almost as controversial as being head of CMS, being Administrator of EPA.

I want to say that in my conversations with Gina McCarthy she seems to bring a breadth of background of work at the State level, working under both Democratic and Republican administrations. I know the Senator from Massachusetts is going to speak to her qualifications, but as long as I am here I want to add my voice as well that I think Ms. McCarthy will be a great head of the EPA, and I look forward to joining my friend and colleague, the Senator from Massachusetts, in supporting her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

GINA MCCARTHY NOMINATION

Ms. WARREN. Mr. President, I want to start by thanking the senior Senator from Virginia both for advancing a nomination that we will vote on this afternoon and for his comments about Gina McCarthy. She is, as the Senator says, a quite remarkable person, and she will be a wonderful director of the Environmental Protection Agency. I very much appreciate the Senator's comments about her, and I know Ms. McCarthy does as well, and the people of Massachusetts do as well.

I rise today to do something very simple. I ask my colleagues to give a simple vote to the President's nominee to head the Environmental Protection Agency. This is not fancy or ambitious, it is just a basic principle of good government in our constitutional system.

When the Founders of our Republic came together to write the Constitution, they knew the President would need help in administering this great and expansive Nation. Without help, without a government that was staffed, justice would not be established, our common defense would be threatened, and the blessings of liberty we hoped to secure through our laws would go unfulfilled.

The Founders of our Republic gave to the President the task of nominating individuals to serve and gave us the responsibility to advise on and consent to these appointments. For more than 200 years this process has worked. Presidents over the years have nominated thousands of qualified men and women who were willing to serve in key executive branch positions.

The Senate has considered nominations in a timely fashion and taken up-or-down votes. Of course, there have been bumps along the way, but we have never seen anything like this. Time and again, Members of this body have resorted to procedural technicalities and flatout obstructionism to block qualified nominees.

At the moment, there are 85 judicial vacancies in the U.S. courts, some of which are classified as ''judicial emergencies.'' That is more than double the number of judicial vacancies at the comparable point during President George W. Bush's second term. Yet right now there are 10 nominees awaiting a vote in the Senate, and they have not gotten one.

But that is not all. The nomination of the Secretary of Defense was held up for weeks and then filibustered. The nominee for the Secretary of Labor, Tom Perez, has been held up on an obscure technical maneuver. Then, of course, there is the determined effort to block Richard Cordray to head the Consumer Financial Protection Bureau—not because he is unqualified; in fact, he has received praise from industry and consumer groups alike. Even the Republicans who blocked him have praised his fairness and his evenhandedness. No, Rich Cordray is blocked because some Members of this body do not like the agency he heads. They know they do not have the votes to get rid of it or to weaken it, so instead they are holding the Director's nomination hostage.

Now we get to Gina McCarthy. This past Thursday, the Senate Environment and Public Works Committee was scheduled to vote on Gina McCarthy's nomination to head the Environmental Protection Agency. Right before the scheduled vote, all the Republicans decided not to show up. Under Senate rules, that meant there was no quorum and thus the vote could not take place.

The President has done his job. He named an outstanding nominee for the Administrator of the Environmental Protection Agency, Gina McCarthy. Gina has dedicated her professional life to the protection of our public health and to the stewardship of our environment. She was confirmed to her previous position at the EPA as Assistant Administrator for Air and Radiation by voice vote without objection.

Just to be clear, this means most of the Members of this Chamber have already voted to approve her once before.

Gina also has a long record of working effectively across party lines. She served under Republican and Democratic Governors alike, including working for Gov. Mitt Romney, the most recent Republican Presidential nominee. Her record in Massachusetts was stellar, and she has done all of us in the Commonwealth proud through her service in Washington.

Gina herself has also done her job and more. She has answered a staggering 1,120 questions from the Environment and Public Works Committee. That is the largest number of questions ever asked of a nominee facing a Senate confirmation. To put this in some perspective, 4 years ago the last confirmed Administrator of the EPA, Lisa Jackson, was asked 157 questions during her nomination process.

When Congress convened in January, many of us, both veterans and newcomers, were concerned that this kind of obstructionism would persist in the new Congress. We pushed hard for changes to the filibuster rules. We understood passions on both sides of the issue, and we listened to our colleagues. Ultimately, the two sides reached a compromise, a compromise that many of us were concerned about, but it included a clear understanding that the Democrats would not make substantial changes to the filibuster and, in return, the Republicans would not abuse its use. But in the past 3 months, abuse has been piled on abuse. Republicans have prevented votes on judges, on agency heads, and on administration Secretaries.

This is wrong. Republicans can vote no on any nominee they choose, but blocking a vote is nothing more than obstructionism. Blocking the business of government, the business of protecting people from cheating credit card companies, from mercury in the water or from unfair labor practices must stop.

The President has done his job. Gina McCarthy has done her job. Now it is time for the Senate to do its job. Gina McCarthy deserves a vote.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Hampshire is recognized.

Mrs. SHAHEEN. I am here to join my colleague Senator WARREN to also express my frustration about what is happening with the nominees to these critical agencies that are being held up by our colleagues on the other side of the aisle. As Senator WARREN said very eloquently, last week the Republican members of the Senate Environment and Public Works Committee chose not to appear for the important business of considering the nomination of Gina McCarthy. They made this decision with only a few minutes' notice. As a result, this action prevented an already overdue vote from taking place as scheduled.

The refusal to allow a vote on such fundamental business is unacceptable. The EPA conducts vital work to safeguard public health and protect our environment. Yet the agency has been without permanent leadership for months. It is the Senate's duty to act in a timely manner on these kinds of vacancies, and it is clear from Ms. McCarthy's impressive and expansive record that this nominee has earned and deserves a vote.

I understand and I respect those Senators who feel they have to vote against a nominee for substantive reasons. However, this failure to even appear at last Thursday's meeting and take a vote shows an alarming level of disregard for the importance of permanent leadership at the EPA and for the

Senate's confirmation process. As Senator WARREN said, committee Republicans have already asked Ms. McCarthy to answer over 1,100 questions for the record, more than three times what any previous nominee for this position has faced. She has provided 234 pages of answers, and it is past time that the committee held a vote. We need to move forward on filling the position of EPA Administrator so the agency can resume addressing today's public health challenges in the most effective manner.

Simply put, the type of obstructionism we saw last week has no place in this Senate, no place in our government, particularly for a position as critical as this one. In addition to its work to reduce harmful pollution at the national level, the EPA plays a vital role in safeguarding public health in our local communities.

For example, in my State of New Hampshire, testing in 2009 revealed elevated levels of contaminants in the wells of homeowners living in the town of Raymond because of their proximity to a Superfund site. Following this discovery, we worked with the EPA, with the State Department of Environmental Services, and with the town of Raymond to find a solution that would address the health concerns because the families didn't have safe drinking water. With the EPA's support, the town has extended its water lines to ensure that these homeowners and their families can be provided access to safe clean drinking water.

I had the opportunity to view the progress of this construction project in person last year. I applaud the EPA for working with communities on vital local priorities such as this.

Communities across our country face public health challenges, and the EPA plays an important role in addressing these challenges. Even now we are working in New Hampshire in a similar situation where wells have been contaminated in the town of Atkinson.

We can't continue to delay the Senate's responsibilities to provide agencies such as the EPA with the leadership they need to operate. With 30 years of public service in a variety of roles, Ms. McCarthy has both the experience and the expertise to do the critical job of leading the EPA. Her expansive and lengthy career is rooted in working at the forefront of pressing environmental issues for leading New England Governors of both political parties.

Most recently, Gina McCarthy served in Connecticut's Department of Environmental Protection under former Republican Gov. Jodi Rell. Before that, Ms. McCarthy served five different Massachusetts Governors, including Michael Dukakis and Mitt Romney—the Republican Party's own nominee for President in last year's election.

These diverse work experiences on a broad range of environmental issues have provided Ms. McCarthy with the first-hand knowledge of environmental and public health challenges we face. They are evidence of her ability to work with people on both sides of the aisle to address the problems faced as we look at agencies such as the EPA.

Ms. McCarthy was confirmed by the Senate to her current EPA post with overwhelming bipartisan support in 2009. That makes the boycott last week even more shocking. In her current role as the Assistant Administrator for the Office of Air and Radiation, Ms. McCarthy has worked with environmental advocates and industry leaders to reduce harmful emissions that threaten clean air. These efforts are particularly significant for downwind regions such as in New England, where we serve as the tailpipe to the rest of the Nation and suffer the effects of pollution from coal-fired powerplants in the middle part of the country. I am sure the Chair understands this issue.

In recognition of her successful tenure, Ms. McCarthy has received widespread praise from a diverse group of industry leaders who recognize her ability to find common ground and compromise.

Coming from New Hampshire, which is the second most forested State in the Nation, I know New Hampshire's forest products industry will benefit from an EPA Administrator with a strong reputation for constructive dialog. Following Ms. McCarthy's nomination, Donna Harman of the American Forest and Paper Association described her by saying: ''She's very data- and fact-driven, and that's been helpful for us as well as the entire business community.''

Leaders in an array of other sectors have voiced similar appreciation for the way in which Ms. McCarthy values finding common ground. Heaven knows we can use some common ground here.

Robert Engel of the American Automotive Policy Council praised the care she takes in listening to stakeholders, saying:

> We look forward to continuing to work with Gina McCarthy. She has demonstrated a willingness to consider the views of those affected by the agency she has been nominated to lead, and to find practical solutions to issues facing the automobile industry.

These words describe a public servant who understands the importance of listening, understanding, and bringing stakeholders together.

I am confident Gina McCarthy will be an excellent leader of the EPA. She deserves fair consideration. She deserves a timely vote.

I am pleased we received news that there will be a rescheduled vote later this week. I urge my colleagues across the aisle to move forward in good faith and give fair consideration to this nominee. The EPA must have a permanent Administrator who is an advocate for protecting public health and providing valuable support to our Nation's communities.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, what is the parliamentary procedure?

The PRESIDING OFFICER. The Senate is considering the Tavenner nomination en bloc and at 4:30 p.m. unanimous consent to move to a vote.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I would like to speak on another matter, as well as on the Marilyn Tavenner matter. Frankly, my remarks will take more than 4 minutes, so to what degree we can get the Senate to postpone votes, we will be working on that as I am speaking.

THE INTERNAL REVENUE SERVICE

Mr. President, over the last 5 days, information that I can describe only as very troubling has emerged about a systematic practice by the IRS to target conservative groups seeking tax-exempt status.

According to a report released last night by the Inspector General for Tax Administration, the IRS developed and used inappropriate criteria to identify applications from organizations applying for tax-exempt status based ''upon their names or policy positions instead of indications of potential political campaign intervention.''

In addition, the 48-page report finds that ineffective management of the IRS allowed for this inappropriate practice to stay in place for more than 18 months, resulted in substantial delays in processing certain applications, and allowed unnecessary information requests to be issued.

While the inspector general report does not say the IRS was intentionally partisan, it did find that the agency's narrow focus of the criteria gives the appearance that the IRS was not impartial in conducting its mission.

These actions by the IRS, if true, are a clear breach of the public's trust. Targeting groups based on their political views is not only inappropriate, but it is intolerable, unacceptable, and cannot be allowed.

I intend to get to the bottom of what happened. The inspector general's report is just the beginning. There are still many unanswered questions. The Senate Finance Committee, which has congressional oversight over the IRS, has just begun what will be a thorough investigation.

Some are now using this issue to try to score political points. Some of my friends across the aisle are claiming the IRS was just doing what Democrats wanted in examining these conservative groups.

Let me clear up this misperception. I, for one, have never advocated targeting conservative groups. This is important, let me be clear. What I have called for in the past, especially in 2010, and continue to call for today is closer examination of any and all groups already granted or applying for tax-exempt status—let me say that again, any and all groups.

Since the Citizens United case decided by the Supreme Court, there has been a dramatic increase in political

organizations masquerading as social welfare groups. We need to make sure these groups are complying with IRS political activity rules.

Any group claiming tax-exempt status under section 501(c)(4) of the Internal Revenue Code needs to prove it is following the letter of the law.

As the New York Times noted yesterday, ''No one has an automatic right to this tax exemption. Those seeking one should expect close scrutiny from the government to ensure it is not evading taxes.''

While I expect the scrutiny of the IRS to be thorough, I also expect it to be administered equally across the board, on conservative or liberal organizations and any in between.

Americans expect the IRS to do its job without passion or prejudice. The IRS can't pick one group for closer examination and give the other a free pass. But that is apparently what they did here. That was the agency's big mistake, and now they have to answer for it.

The Senate Finance Committee has launched a formal bipartisan investigation. A team of investigators from my staff and the staff of Senator HATCH has begun compiling questions and seeking additional documents from the IRS. There seems to be some inconsistencies in the timeline regarding who knew what and when, and we will get to the bottom of it.

As part of the investigation, I went straight to the top and met with Acting Commissioner Steve Miller yesterday. It was a tough talk. I told Mr. MILLER the actions of the IRS were inexcusable and warned he is in for serious questioning from this committee and from others. I told Mr. MILLER the committee demanded nothing less than his complete cooperation and total transparency.

The Finance Committee will hold a hearing on Tuesday to examine this issue. There needs to be a full accounting of what happened at the IRS and who knew what, when, how long did this practice go on, and what other groups were flagged for additional scrutiny.

There is another important question that needs to be asked: Is there a fault in the Tax Code that may have contributed to the IRS taking such unacceptable steps? Do we need a better definition of what organizations qualify for tax exemption? Do we need to revisit the role tax-exempt organizations play in our political system? What part of the Tax Code has to be changed for us to guarantee this overreach never happens again? And there are many more questions.

This will be an issue we delve into in tax reform as well. Clearly, something is amiss for the IRS to behave the way it did. The actions of the IRS are unacceptable and people will be held accountable.

TAX REFORM

Mr. President, let me take a moment to turn briefly to a related topic. As some may know, the Senate Finance Committee has been working on comprehensive tax reform for the last 2 years. We have held more than 30 hearings and heard from hundreds of experts on how tax reform can simplify the system for families, spark economic growth, create jobs, and make U.S. businesses more competitive.

Last Thursday I teamed with House Ways and Means Committee Chairman DAVE CAMP to launch a Web site to get even more input directly from the American people. We launched taxreform.gov to give folks in Montana, in Michigan, and all across America an opportunity to weigh in on tax reform. Since the launch of the site less than a week ago, we have received thousands of ideas directly from the American people on how to improve the Code.

I want to thank all those who have shared their ideas and opinions, and I encourage more people to log on to taxreform.gov to let us know what they think of the Nation's tax system and what it should look like.

NOMINATION OF MARILYN TAVENNER

Mr. President, if I might, one other issue I want to address is the nomination of Marilyn Tavenner.

Marilyn Tavenner has been nominated to be Administrator for the Centers of Medicare and Medicaid Services, otherwise known as CMS. As head of CMS, Ms. Tavenner would be in charge of administering Medicare, Medicaid, and the Children's Health Insurance Program, among others.

Roughly one in three Americans relies on health coverage under the jurisdictions of CMS—one in three. This includes 50 million Medicare patients, 56 million Medicaid patients, and more than 5.5 million children in the Children's Health Insurance Program. In my home State of Montana, 167,000 seniors and 8,300 military retirees rely on Medicare alone.

Marilyn Tavenner is an experienced health care professional. She has proven herself to be a strong leader, and I believe she is the right woman to lead CMS, a view shared by my colleagues on both sides of the aisle.

Ms. Tavenner is a proud native Virginian and her congressional delegation, all of them, warmly introduced her—if they were all not there, in spirit—at a confirmation hearing before the Finance Committee last month. Democratic Senators MARK WARNER and TIM KAINE and Republican House majority leader ERIC CANTOR all spoke on her behalf. Here is what House majority leader CANTOR said:

> I don't think there is any secret that I differ with the Obama administration in a lot of matters in health care policy . . . but if there is anyone that I trust to try to navigate [these] challenges, it is Marilyn Tavenner.

Two weeks ago, the Finance Committee approved Ms. Tavenner's nomination with a unanimous vote. She has earned this broad support from both sides of the aisle and the confidence of many of us because of her demonstrated abilities.

She started as a nurse, quickly rose through the ranks to become a hospital administrator, served 4 years as Virginia's Secretary of Health and Human Resources before joining CMS in 2010, and she has served as acting administrator for the last year and a half. I am confident we will get a strong vote for this nomination because Marilyn Tavenner has a reputation for being a pragmatist and a person who doesn't give up.

One story I wish to share—and this is important—is of Marilyn working the night shift in the intensive care unit at Johnston-Willis Hospital in Richmond, VA, as a nurse. At 2 a.m. a rescue squad brought in a young woman to the emergency room. She had been in a terrible car accident and crashed through the windshield of her old Volkswagen bug. Badly injured and having suffered massive blood loss, she was pronounced dead. But Ms. Tavenner and the doctors went to work to revive her. The surgeon on call told reporters:

> We came up with a game plan, and it was right on target. We used about 60 units of blood. Marilyn was very supportive in everything . . . The patient ultimately walked out of the hospital.

That is Marilyn Tavenner. She doesn't give up. We need that type of leader at CMS, believe me. Her experience in health care is real, it is varied, and it will serve us well in this position.

One final note. As someone pointed out, CMS has operated without a confirmed administrator for several years, so I am glad we are moving forward with this nomination. We need a confirmed administrator, with all the work she has to do, especially implementing the Affordable Care Act. That was an essential bill that created good law. In a few months the health care marketplaces will be open for enrollment, and tax credits and subsidies will be available to help families and small businesses pay for health care. It is a critical time to have someone with Ms. Tavenner's experience confirmed and in charge at CMS. She has done a good job in the past, and she will do a good job in the future.

I urge my colleagues to support me in supporting her nomination.

● Mr. CASEY. Mr. President, I support the nomination of Marilyn Tavenner to be the Administrator of the Centers for Medicare and Medicaid Services, CMS. I strongly support her nomination and was sorry to miss today's vote. I voted for her confirmation in the Finance Committee and would have done so today as well.

It has been over 6 years since CMS has had a confirmed Administrator, and the agency will benefit from having someone with Ms. Tavenner's skills and expertise at the helm. Her experience as the Secretary of Health and Human Resources in Virginia and with the Hospital Corporation of America as well as the time she has already served

as Acting Administrator and Principal Deputy Administrator of CMS have prepared her well for the challenges and opportunities she will confront in this position.

I thank her for her willingness to serve at this important time, and I look forward to working with her in the months and years ahead.●

The PRESIDING OFFICER. Under the previous order, the question is: Will the Senate advise and consent to the nomination of William H. Orrick, III, of the District of Columbia, to be United States District Judge for the Northern District of California?

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. CORKER).

Further, if present and voting the Senator from Tennessee (Mr. CORKER) would have voted ''no.''

The PRESIDING OFFICER (Mr. BLUMENTHAL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 125 Ex.]

YEAS—56

| | | |
|---|---|---|
| Baldwin | Hagan | Murray |
| Baucus | Harkin | Nelson |
| Begich | Heinrich | Pryor |
| Bennet | Heitkamp | Reed |
| Blumenthal | Hirono | Reid |
| Boxer | Johnson (SD) | Rockefeller |
| Brown | Kaine | Sanders |
| Cantwell | King | Schatz |
| Cardin | Klobuchar | Schumer |
| Carper | Landrieu | Shaheen |
| Collins | Leahy | Stabenow |
| Coons | Levin | Tester |
| Cowan | Manchin | Udall (CO) |
| Donnelly | McCaskill | Udall (NM) |
| Durbin | Menendez | Warner |
| Feinstein | Merkley | Warren |
| Flake | Mikulski | Whitehouse |
| Franken | Murkowski | Wyden |
| Gillibrand | Murphy | |

NAYS—41

| | | |
|---|---|---|
| Alexander | Fischer | Moran |
| Ayotte | Graham | Paul |
| Barrasso | Grassley | Portman |
| Blunt | Hatch | Risch |
| Boozman | Heller | Roberts |
| Burr | Hoeven | Rubio |
| Chambliss | Inhofe | Scott |
| Coats | Isakson | Sessions |
| Coburn | Johanns | Shelby |
| Cochran | Johnson (WI) | Thune |
| Cornyn | Kirk | Toomey |
| Crapo | Lee | Vitter |
| Cruz | McCain | Wicker |
| Enzi | McConnell | |

NOT VOTING—3

| | | |
|---|---|---|
| Casey | Corker | Lautenberg |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote on the Tavenner nomination.

The question is, Will the Senate advise and consent to the nomination of Marilyn B. Tavenner, of Virginia, to be Administrator of the Centers for Medicare and Medicaid Services?

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The result was announced—yeas 91, nays 7, as follows:

[Rollcall Vote No. 126 Ex.]

YEAS—91

| | | |
|---|---|---|
| Alexander | Franken | Murphy |
| Ayotte | Gillibrand | Murray |
| Baldwin | Graham | Nelson |
| Barrasso | Grassley | Portman |
| Baucus | Hagan | Pryor |
| Begich | Harkin | Reed |
| Bennet | Hatch | Reid |
| Blumenthal | Heinrich | Roberts |
| Blunt | Heitkamp | Rockefeller |
| Boozman | Heller | Rubio |
| Boxer | Hirono | Sanders |
| Brown | Hoeven | Schatz |
| Burr | Inhofe | Schumer |
| Cantwell | Isakson | Scott |
| Cardin | Johanns | Sessions |
| Carper | Johnson (SD) | Shaheen |
| Chambliss | Kaine | Shelby |
| Coats | King | Stabenow |
| Coburn | Kirk | Tester |
| Cochran | Klobuchar | Thune |
| Collins | Landrieu | Toomey |
| Coons | Leahy | Udall (CO) |
| Corker | Levin | Udall (NM) |
| Cornyn | Manchin | Vitter |
| Cowan | McCain | Warner |
| Donnelly | McCaskill | Warren |
| Durbin | Menendez | Whitehouse |
| Enzi | Merkley | Wicker |
| Feinstein | Mikulski | Wyden |
| Fischer | Moran | |
| Flake | Murkowski | |

NAYS—7

| | | |
|---|---|---|
| Crapo | Lee | Risch |
| Cruz | McConnell | |
| Johnson (WI) | Paul | |

NOT VOTING—2

| | |
|---|---|
| Casey | Lautenberg |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

## AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2013—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 73, S. 954.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 73, S. 954, a bill to reauthorize agricultural programs through 2018.

The PRESIDING OFFICER. The Senator from Mississippi.

### DISTURBING BEHAVIOR

Mr. WICKER. Mr. President, I rise this evening to discuss a disturbing pattern of behavior, a culture of intimidation that continues to emerge from the Obama administration.

For the past few days, headline after headline has revealed one new controversy after another. In every case Americans are right to wonder what kind of leadership led to this and just how far this culture of intimidation goes.

Americans need to learn the extent to which this misconduct has occurred by the heavy hand of the executive branch of government.

The first indication was on Friday of last week, and it involved the Internal Revenue Service issuing an apology for targeting conservative groups seeking nonprofit status and treating conservative groups more harshly than other groups.

These groups were excessively scrutinized if they used the words ''patriot'' or ''tea party.'' As we would later learn from the inspector general report, not only were these groups targeted, but senior officials knew about it for at least a year and made no report to the Congress. It has also been confirmed that confidential information about some of these groups was leaked to the liberal nonprofit group ProPublica.

The whole situation disgraces the basic constitutional freedoms to which every American is entitled. It is appalling that Americans have been deliberately targeted for IRS scrutiny based on their political beliefs or affiliations. No American should fear arbitrary government harassment simply because of the expression of his or her views.

The administration needs to be held accountable for its failure to protect Americans. An apology is not sufficient in this instance. An internal inspector general investigation talking about mismanagement errors will not suffice in this instance. The acknowledgement that mistakes were made and that changes, indeed, need to be made will not, in and of itself, rebuild the public trust that has been broken.

Particularly troubling is that the IRS is not the only agency in which these types of abuses have occurred. Americans are also right to be outraged by the news that Health and Human Services Secretary Kathleen Sebelius has been fundraising among the industry people she regulates on behalf of the President's health care law.

As reported in the Washington Post on May 10, Secretary Sebelius ''has gone, hat in hand, to health industry officials, asking them to make large financial donations.''

Presumably these donations are being collected in order to pay for an advertising campaign in the media, including television. Further investigation is necessary to determine the extent to which these solicitations constitute a conflict of interest. It is curious that the Secretary of Health and Human Services is seeking support from the health industry now when these affected parties were largely ignored or in many cases intimidated during the debate on the President's health care law.

Meanwhile, questions remain about the administration's handling of the September 11, 2012, terrorist attack on the U.S. consulate in Benghazi that left four Americans dead, including Ambassador Chris Stevens. During his recent news conference, the President tried to deflect serious concerns about altered talking points by calling it a political ''sideshow.'' I do not think the American people are going to be convinced that it is a sideshow. The real sideshow is the President's attempt to distract from an unraveling narrative that began with the administration wrongly casting blame on an inflammatory YouTube video. Subsequent testimony from State Department whistleblowers, who came forward despite administration pressure, has only expanded the controversy surrounding the administration's apparent misrepresentation of the terrorist attack to the American people.

Let's not forget that it was President Obama who promised, after he took office, that his administration would be ''the most open and transparent in history.'' It is increasingly clear that the President's rhetoric does not match this reality.

Whether these scandals continue to make mainstream news, our questions and inquiries will not stop until we get answers. The administration's conflicting storylines and blame games are inexcusable in the wake of serious allegations. In America, those in power are not above the law, and those responsible must be held accountable. A Member of this body on the other side of the aisle asked publicly on the radio this morning: What does it take to get fired in this town? A good question coming from the other side of the aisle.

What we are continuing to see is a culture of intimidation, a pattern of big-government heavyhandedness and overreach by the administration. What is lacking is credibility and integrity from those elected to serve.

Each scandal is distinct in its grievances but not isolated in its impact. A New Yorker article published yesterday by Amy Davidson noted ''the Obama Administration's strange belief that if it can just find the right words, that reality will comply and bend to meet it—that its challenges are so extraordinary that the use of any exceptions built into normal processes should be regarded as unexceptional.''

Americans deserve direct, straightforward answers, and they deserve the facts. They deserve to know why the IRS deliberately targeted conservative groups and gave liberal groups a pass, why Secretary Sebelius solicited the health care industry to help implement ObamaCare, and why the administration downplayed the atrocities in Benghazi and pressured fact witnesses to stay silent. It time for the President and his inner circle to provide a full explanation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, good evening.

THE BUDGET

While I was waiting for a chance to say a few words on the floor, I was on the phone and had a conversation with someone who has run a couple of very successful companies in our country. I do not know if he is a Democrat or a Republican, but it was an interesting conversation. We talked about how the economy is coming along, and we talked about how the companies he is especially interested in are doing. We sort of looked ahead.

One of the things I asked is, what do you think we could be doing here, where we are working in our Nation's Capital in the U.S. Senate?

He pretty much said there are three things we need to do. He said: You need to answer maybe three questions for us. One, can you govern in a divided Washington, a divided Congress? He said: No. 2, can you be—can we be as a nation—fiscally responsible? And the third thing he said was, can you provide some certainty with respect to the Tax Code to actually know what taxes are going to look like, not just this week or this month or just this year, but how about having some certainty going forward?

I think there is a lot of wisdom in what he said. As some other folks have been talking about here on the floor today, when we were not passing the Water Resources Development Act, a good bipartisan bill, I think a responsible bill, an encouraging step, if you will, but in between we have had other people speak and talking about one side or the other moving forward on a budget. Someone talked about other issues that are in the news these days.

I want to follow up on some of the earlier conversations today with respect to demonstrating that we can govern, that we can be fiscally responsible and we can provide some certainty with respect to the Tax Code. Folks who might be listening in to what is going on in the Senate this afternoon may or may not know the way the budget process works. Obviously this is budget 101.

In my old role as State treasurer and Governor of Delaware—in Delaware we have two budgets. Not one but two budgets. We have an operating budget and we have a capital budget, a brick-and-mortar budget. The brick-and-mortar budget is for schools, K–12, sort of postsecondary education; infrastructure: roads, highways, bridges, prisons, that kind of thing. But we have an operating budget as well. Here we only have one. For, gosh, I want to say about 30—40 years, actually, the way we are supposed to run our finances as a country basically called for the President to submit a budget, usually in February, one budget not two but one budget. The Congress is expected to come in and sort of pivot off of that budget and create what we call a budget resolution. The Senate passes a budget resolution, the House does. The idea is to be able to do that sometime in April, and hopefully by the end of April agree between the House and Senate on that budget resolution.

People think a budget resolution is a budget. But it is not. It is a resolution, a framework for a budget. It is not actually signed by the President. It is something we work out. It provides a foundation on which to pass a number of maybe a dozen or so appropriations bills that cover everything from agriculture to transportation.

The budget resolution provides a framework for any revenue measures we might need to pass as well in order to get us closer to a balanced budget or to meet some kind of responsibilities for running our country. But the idea is for the Senate to pass a budget resolution, the House to pass a budget resolution, and we create a conference committee and work out our differences.

For the last 4 years, our friends in the Republican Party delighted in accusing the Democrats of never passing a budget. What they meant was we never passed a budget resolution, that framework. I think of the budget resolution as a skeleton. The skeleton is the bones, if you will. But we put the meat on the bones when we pass the dozen or so appropriations bills, and whatever revenue measures are needed. That is the meat on the bones. Then eventually we have a full budget.

Right now, as our colleagues know, we passed in the Senate a budget resolution several weeks ago. It called for deficit reduction. It did not balance the budget over the next 10 years, but it further reduced the budget deficit and put us on a path to stabilize our debt, and to get us on a trajectory where debt as a percentage of gross domestic product is starting to come down—not as much as I would like, probably not as much as the Presiding Officer would like, but to get us headed in the right direction. It was a 50/50 deal, 50 percent deficit reduction on the spending side, 50 percent on the revenue side.

Actually, ironically, the last time we had a budget—1998, 1999, 2000, 2001 in the Clinton administration—Erskine Bowles, then the President's Chief of Staff and a woman named Sylvia Matthews, now Sylvia Matthews Burwell who is our new OMB Director, worked along with the Republican House, Republican Senate to come up with a deficit reduction plan in 1997 that led to four balanced budgets in a row.

Their deal, worked out with Republicans, was a 50/50 deal. Fifty percent of the deficit reduction was on the spending side, 50 percent was on the revenue side. Anyway, this year the Senate passed a budget resolution, passed with all Democratic votes, no Republicans. It is a 50/50 deal, half of the deficit reduction on spending, half on the revenue side.

Over in the House, they have a different approach. The Republicans in the House argue, with some justification, that they get more deficit reduction accomplished. You might quibble with some of their assumptions. They assume the repeal of ObamaCare. They also assume that even though they are going to repeal it, the $1 trillion in deficit reduction that CBO, the Congressional Budget Office, says flows from ObamaCare over the next 10 years in the Affordable Care Act—even though they assume repealing ObamaCare, they still assume the $1 trillion in deficit reduction. I do not know if that is entirely consistent, but that is part of their assumption. So they end up with deficit reduction that is dependent solely on the spending side. No revenues, it is all on the spending side.

So they passed their budget resolution. We passed ours. They passed theirs with almost all Republican votes, we passed ours with all Democratic votes. When that happens, the idea is to say, here is the Senate budget resolution, here is the House budget resolution. Why don't we create a conference committee—I used to think of it as a compromise committee—where some of the Senators, Democrat and Republican, gather together and work out the differences between the two budget resolutions. That is what people sent us here to do.

The Presiding Officer knows I like to sometimes ask people who have been married a long time, what is the secret for being married a long time? I usually ask this to people who have been married 50, 60, or 70 years. I get some real funny answers. I got a great answer about a week ago. A couple has been married 55 years. I asked the wife and husband. I said to the wife: What is the secret to being married 55 years?

She looked at her husband, and she said, he will tell you that he can either be right or he can be happy, but he cannot be both. I thought that was pretty funny. He said something to the effect of, when you know you are wrong, admit it. When you know you are right, let it go. That is pretty good advice.

I think the best answer I ever heard to that question of what is the secret to being married a long time—I have heard this from a number of people. The answer is the two Cs, communicate and compromise. Think about that. The two Cs, communicate and compromise. I think that is not only the secret to an enduring union between two people, but I think it is also the secret to a vibrant democracy, communicate and compromise.

It is kind of ironic that our Republican friends, after beating us over the head for 4 years for not supposedly passing a budget—although if you looked at what we put in place, some of the legislation was law; we actually did have a budget. We had spending caps and directions to reduce spending in a lot of different categories. We saved in deficit reduction well over $1 trillion as a result.

But, ironically, the very people who criticized us for not passing a budget have now, here in the Senate, made it impossible for us to create that conference committee, a compromise committee between the House and the Senate, and take the next logical step of reconciling the differences between the Senate-passed budget resolution and the House's.

It is not going to be easy to do that, but we need to get started. If you think about the way we spend money—I want to commend the chair of the Budget Committee. She has had some very sad losses in her family. We extend our sympathy there. I want to commend the Senator and her committee for taking on a tough job, one of many tough jobs she has taken on, and to give us a budget resolution that we can go to conference with. I want to have a chance to do that.

I want to mention this and I will yield. We had a bunch of Realtors in from Delaware. They wanted to talk about the budget and how we are doing. I explained that if you think of the Federal budget, think of it as a pie, think of it like a pizza pie or a chocolate pie, but think of it as a pie. The way I explained this is, over half of that pie is entitlement program spending. That is things we are entitled to by virtue of our age, our station in life, our service, Medicare, Medicaid, Social Security, some of our veterans' benefits. But over half of the budget of that pie for spending, over half of it is entitlement spending and it is growing.

Another roughly 10 to 15 percent of that pie is interest on the debt. With the debt growing, interest on the debt—thank God the interest rates are low right now or that would go through the roof. Interest on the debt continues to maybe creep up. If you add those two together, it is about 70 percent of the pie we are thinking about.

That leaves another 30 percent. What is in the remaining 30 percent? The rest of the whole Federal Government. About half of that 30 percent is defense. About half of that 30 percent is everything else from agriculture to transportation and everything in between—law enforcement, courts, Federal prisons, the FBI, education, housing, environment. Everything else is in that 15 percent.

The difference between the Senate-passed budget resolution and the House-passed budget resolution is the House would make some changes in entitlement spending. We do some of that as well. We do more to try to reduce spending. But the real difference is what happens with that 15 percent of—we call it domestic discretionary spending. The other 15 percent in discretionary spending is defense.

But they would take, in their budget resolution in the House, that 15 percent over the next 10 years and take it down to roughly 5 percent—5 percent. That is everything in the Federal Government other than defense and entitlements and interest. That is everything else. That includes workforce development, starting with early childhood education programs, Head Start, all the way from kindergarten up to high school; programs especially promoting the education in STEM, science, technology, engineering and math, postsecondary education. It includes infrastructure; roads, highways, bridges, everything broadly defined in infrastructure. It includes investments in research and development that can create products and technologies that can be commercialized and sold all over the world. All of that stuff is the rest of 15 percent and it goes down to about 5 percent.

I do not think that is smart. I do not think that is smart for growing the economic pie because of things—the areas we need to invest in or look for. We need a world-class workforce. No. 2, we need terrific infrastructure, much better than our decaying infrastructure. The third thing we need is to invest in R&D that can be commercialized and turned into products.

In any event, we have a difference in priorities here. The Senate-passed budget resolution is not perfect, but I think it is a very good document and a good starting point. The Republicans have their ideas, some with merit, some not. But the next thing we need to do is we need to meet. We need to create that conference committee and we need to go to work and let the chair of the committee and her counterpart over here, Senator SESSIONS, do their job, along with their House counterparts. But they cannot do their job until Republicans in the Senate agree to form a conference committee and go to conference. We need that to happen. Rather than just talking about and pointing fingers at one another, we actually need to do that. We need to stop pointing fingers, join hands, and see if we cannot work this out.

I yield the floor again, with my thanks to Senator MURRAY for the leadership she continues to provide for all of us.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for up to 10 minute as in morning business, and following me, the Senator from Rhode Island will speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mrs. MURRAY. Mr. President, I want to thank the Senator from Delaware who spoke about the fact that we are

now 53 days since passing the Senate budget. We are pushing very hard as Democrats to keep this process moving and get our budget to a conference committee. I appreciate his coming out and explaining why that is so important. I agree with him.

We believe with all the urgent challenges we face today, there is every reason to get to work right away on a bipartisan budget deal. There is no reason to delay this until the next crisis. But we have come out here now seven times and asked for consent to go to conference to work on the budget with the House, and seven times the Senate Republicans have stood and said, no, we do not want to go to work on the budget.

Given how much Senate Republicans have talked about regular order over the last several years, we are rather surprised on this side that they are now resisting this very important next step in this bipartisan negotiation. By the way, it is not just Democrats who are saying they want to go to conference. There are quite a few Senate Republicans who are surprised, as we are, that they are not allowing us to go.

My colleague Senator MCCAIN said blocking conference is ''incomprehensible'' and ''insane.'' Senator CORKER said that to ''keep from appointing conferees is not consistent.'' Senator FLAKE said he ''would like to see a conference now.''

I sincerely hope the Republican leaders in the Senate will listen to the Members of their own party, because we have a lot of problems to solve and we have to get started. Our children today, young adults, need a world-class education to succeed in the global economy they are entering. Many of them are graduating in the next several weeks. Too many Americans are out of work yet or still underemployed. Our national infrastructure is quickly becoming an obstacle rather than an asset to our competitiveness.

We need to do more to responsibly tackle our long-term deficit and debt challenges and make our Tax Code work better for our middle class. The debate about all of those challenges couldn't be more important. We should start working toward a bipartisan budget deal that works for our families, our economy. We should do it as soon as possible and engage the American people in a thorough and responsible debate.

That is why I, frankly, was very disappointed to see that today, instead of meeting to discuss moving toward a bipartisan conference between the House and Senate, House Republicans are meeting to discuss what they will ask for in exchange for not tanking the economy a couple of months from now.

Instead of moving with us toward the middle and joining us at the table ready to compromise, they spent their afternoon debating what to write on a ransom note and saying if they don't get what they want, they are going to allow the United States to default. That is an unprecedented event that would devastate our entire economy.

I think a lot of families across our country are very concerned that House Republicans haven't learned any lessons at all from the past 2 years, and that we are looking at more brinkmanship, more governing by crisis, and more harm for our American families and our businesses.

House Republicans are even telling us they are willing to put foreign creditors before our seniors, our veterans, and our businesses and claiming that somehow this plan will protect the economy.

That is absurd. A default is a default. If the Federal Government pays its foreign creditors—but defaults on its obligations to our families and our communities—the results are going to be catastrophic. Rating agencies would rightly see that as a serious abdication of our responsibility. Our fragile economy would be seriously threatened, and people across the country would lose their faith again in our government's ability to function.

Fortunately, I hope and think it will not come to all of that. Republicans have been saying default would be a ''financial disaster'' for the global economy and ''you can't not raise the debt ceiling.'' A few months ago, Republicans acknowledged how dangerous it would be to play games with the debt limit and how politically damaging it would be to play politics with the potential economic calamity and dropped their demands.

What has changed since then? Why are Republicans once again issuing this empty threat that does nothing more than rattle the markets and increase uncertainty across our country. Maybe the House Republicans think since we won't hit the debt ceiling until later than we originally expected, there could be less pressure to get a deal and more opportunity for them to extract some kind of political concession.

That is exactly the wrong way to look at this because even if we know they are going to reverse course eventually, the Republican strategy of holding our economy hostage and creating this uncertainty again and trying to push us toward another crisis has terrible consequences. All of us remember the summer of 2011 when extreme elements in the Republican Party demanded economically damaging policies, leading to a downgrade of our Nation's credit.

Economic growth and job creation slowed to a halt, consumer confidence plummeted, and out of that summer came sequestration. That was a policy that was meant to serve only as a trigger and, in fact, was only implemented because Republicans were focused on protecting the wealthiest Americans and biggest corporations from paying even a penny more in taxes rather than working with us on a deal to prevent sequester.

Now what do we have? Sequestration. It is forcing families and communities across the country to cope with layoffs and cuts to services they count on, things such as childcare and public safety. Yesterday, we learned that DOD civilian employees, many of whom are veterans, by the way, are going to be furloughed.

We have to replace sequestration. We need to do it with a balanced and responsible deficit reduction plan, but we also have to stop lurching from crisis to crisis that allows those kinds of policies to be enacted. There is absolutely no reason to double down on an approach that has those kinds of effects on the families and communities we serve and on those who bravely served our country.

Contrary to what we are now, unfortunately, hearing from the House, I believe with more time to reach a fair and bipartisan agreement we have all the more reason for us to move to a conference quickly and get a budget agreement. Let's get to work. Our country's challenges—rather than a looming artificial deadline or crisis—should guide this debate, and it shouldn't be controversial. There are responsible Senate leaders on both sides of the aisle who agree.

I hope Senate Republicans will listen to members of their own party who are calling for a conference and bring us one step closer to negotiating a bipartisan budget deal in a responsible way instead of insisting that we run down the clock.

I know there are factions in our government that believe compromise is a dirty word and that getting a deal will not be easy, but I continue to believe it can and needs to be done because alongside those who refuse to compromise there are responsible leaders who came here to show Americans that their government works. It would be deeply irresponsible for the House to continue delaying a conference and for Senate Republicans to continue to cover for them, especially if they are doing it for political reasons or to keep the negotiations out of the public eye or to, what I have heard, avoid taking a few tough votes.

I urge Republican colleagues to reconsider their approach. Join us in a budget conference ready to compromise and work with us toward a bipartisan deal the American people deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma

Mr. INHOFE. Mr. President, it is my understanding that Senator REED is speaking next. I would like to ask that I be recognized as in morning business at the conclusion of his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. First, Mr. President, let me rise to commend Senator MURRAY for her extraordinary leadership on the Budget Committee and in so many other ways in the Senate. She did a remarkable job in bringing together a

budget that responds to the urgent need we see in the United States today to create jobs, to strengthen the economic recovery and, in fact, to provide more momentum to this recovery, much more.

In my State of Rhode Island, despite certain gains, we are still at roughly 9 percent unemployment. This is unacceptable. We have to do more.

The first step on that path is to move this budget to conference. That is what Senator MURRAY has spoken about, and that is what is so critical. Fifty-three days ago, under her leadership, the Senate passed a budget. The budget invested $100 billion in a targeted jobs and infrastructure package that would start creating new jobs quickly. And that is what my constituents need. Indeed, when I go back to Rhode Island that is what people are asking about: Where are the jobs?

The budget would begin, in this jobs and infrastructure package, to repair public roads, bridges, and help prepare workers for the 21st century. All of these things are essential to our present economic need for job creation, our future productivity, and our future ability to compete in an increasingly competitive global economy. Our budget path, as laid out by Senator MURRAY, would end the economically damaging sequester and make the tough and balanced choices we need for sound fiscal policies.

Now the House Republicans also passed a budget. The next step in regular order is to go to conference. Admittedly, the House Republican budget stands in stark contrast to our budget, and it is clear we have a lot of work to do to reach an agreement. For example, the House Republican budget calls for a total of $4.6 trillion in cuts, it voucherizes Medicare, it would leave the sequester in place, and it calls for tax cuts that benefit the wealthiest Americans.

I believe these and other choices in the House Republican budget would be a very bad deal for the people of Rhode Island. These are the kinds of differences that must be and can only be resolved effectively in conference. Again, the first step to do that is to appoint our conferees, to go to conference, and to begin the difficult discussions and negotiations to provide the American public the answers they are looking for.

So it is past time we move to conference with the House. And I hope there is a real chance that Senate and House Democrats can negotiate a bipartisan agreement with our Republican colleagues in the House of Representatives, and with our Republican colleagues in the Senate that will move the country forward.

Unfortunately, despite the insistence over months and months and months by Republicans in the House and in the Senate that we go to regular order, that we pass a budget—that was the biggest problem they were talking about for many months, last year and the year before. Now here we are looking for regular order, and they are looking the other way and block us from moving forward and conferencing the Senate and House budgets. That can't go on. We have to get to conference. We have to take the next step.

We can't delay. We have 11.7 million Americans out of work and looking for jobs. We have to address the sequester.

As Senator MURRAY just said, yesterday the Secretary of Defense announced hundreds of thousands of civilian personnel will be furloughed, civilian personnel that support from our military forces. That will not only disrupt their lives, which is the first great toll, but it will also disrupt the efficiency and the ability of the Department of Defense to fully and capably carry out its mission. These are critical issues.

We have to make sure, again, that the full faith and credit of the United States is not jeopardized by another manufactured crisis over the debt ceiling, which is once again on the horizon.

We have to deal very soon with all of these issues. The logical and appropriate step is to go to conference. We have a lot of work to do.

Let me also say I am encouraged that I have heard that Leader REID is prepared to call up for a vote the nomination of Richard Cordray to head the Consumer Financial Protection Bureau. This is critical because a well-regulated marketplace is not only good for consumers, it is good for companies. That is something that could add to this economic recovery, this certainty, this knowledge that consumers will have the information they need.

Also, I presume and hope that very soon we will have a vote with respect to the pending doubling of the student loan interest rate. Last year we avoided this by pushing it forward a year. We have another deadline facing us July 1. We have to make sure students don't face another crippling increase in interest rates they pay on student loans.

Student loans are a huge burden on the generations that are coming up. In fact, it could delay our economic progress by a decade or more as students can't buy homes and form households because they are saddled with the debt. So we have to work on that too. We just can't lurch from crisis to crisis.

The first thing to do, the immediate thing we should do, is to invoke regular order. Let's go ahead, let's go to conference. Let's start dealing with the issues that affect the people of America. Let's start serving their primary concerns—creating jobs and a stable economy—and doing that through regular order and the procedures that we have adopted and used for decades.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT—S. 954

Mr. REID. Mr. President, I ask unanimous consent that on Monday, May 20, at a time to be determined by me, after consultation with Senator MCCONNELL, the Senate proceed to the consideration of Calendar No. 73, S. 954.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Oklahoma.

IRAN SANCTIONS IMPLEMENTATION ACT

Mr. INHOFE. Mr. President, it is very rare that we have an opportunity to do something that is in the benefit of our country in terms of our protection. It doesn't cost anything. If anything, it makes money, and it is something I am going to share. It is a bill I introduced today, which is S. 965.

Let me give a little background to let you know why we are introducing this bill and why the Iran Sanctions Implementation Act of 2013 is significant.

First of all, it is imperative that we know, because most people don't understand this, that Iran's source of revenue comes from oil exports. This is something that one of our fine Senators has had as one of his efforts, to come up with something that is going to effectively embargo the country of Iran.

We have a lot of countries, for example, that we don't import anything from, but they do have a very large supply of oil. To date, Iran is exporting about 1.25 million barrels of oil. That amounts to somewhere in the neighborhood of $100 million a day or about $3 billion a month.

The influence of Iran is something throughout the Middle East, and it ranges from Yemen all the way to Sudan, to Hamas, to Hezbollah, to Lebanon, and, of course, to Syria. One of the concerns I have had for a long period of time is that Iran—one of the things the President did that I think we are going to live to regret is 4 years ago he did away with our ground-based interceptor in Poland. And when this happened, that was set up to knock down missiles that might be coming from the east into the United States.

We have 44 ground-based interceptors on the west coast, and I am comfortable we can knock down anything coming from that way, but from the east, we don't. It would take maybe one shot—it would have to be a fortunate one—from the west coast.

Anyway, the reason I bring this up and why it is pertinent to the legislation we are introducing right now is that our intelligence has shown us since 2007 that Iran is going to have the bomb—the weapon, the nuclear capability—and the delivery system to send something from Iran by 2015.

If we had stayed with our effort to have the radar in the Czech Republic and the ground-based interceptor in Poland, we would be well prepared to protect ourselves. However, that is not the case. So I look at Iran—and a lot of people don't agree with this; I may be the only one who will say this—as the greatest threat we have in the Middle East. We all talk about Syria and the problems taking place in Syria—the 70,000 people who have been the victims

of Assad's barbaric slaughter of his own people—but we know that Iran—the Iranian security and intelligence services—is propping up the Assad regime by advising and assisting the Syrian military forces, providing essential, lethal military supplies and progovernment military.

I am going to read something now that I just received to quantify how much Iran is doing to assist Syria. This was in the Economist magazine. It said:

> Iran reportedly sent $9 billion to Assad to see it through sanctions on Syria.

In other words, several countries, including us, had sanctions on Syria, and this is one reason we were sending money over there. That tells us our sanctions on Iran are not nearly as tight as they should be. And that was in the Economist. So it is very serious.

Lebanese Hezbollah, Iran's proxy, is participating in a direct combat role aligned with Iranian strategic interests in Syria, and we know Syria provides crucial access to Iranian proxies that include Hezbollah, Hamas, and the Palestinian Islamic jihad. Iran is continuing an extensive, expensive, and integrated effort to maintain Syria as a base for fomenting future regional instability.

Iran is all in in Syria, as evidenced by the frequent presence on the ground in Syria of Iranian force commander Major General Qassem Suleimani. Suleimani is on the U.S. Treasury and U.S. Security Council's watch lists for alleged involvement in terrorist activity and proliferation of nuclear missile technology. So this is how serious that situation is over there.

A subordinate of Suleimani, Brigadier General Hassan Shateri, was a senior Iranian commander who was killed in the Damascus countryside. The death of Iranian generals on Syrian soil is a strong indication of Iran's commitment to the regime.

Further, we know Iran has supplied Syria with ballistic missiles and chemical weapons, and the Assad regime in Syria, which is presently the greatest threat to stability in the Middle East, is being propped up by Iran. Iran is able to do this because it earns $3 billion a month in oil revenue. Now, if Iran—and this is a key point—did not have access to this money, its ability to influence the region would be significantly curtailed. In other words, they cannot pose a threat without their oil revenues.

So the reason we have the threat from and the problems we have in Syria is because of the money that is being sent to Syria, and the source of that money is oil revenue, and it shows that the effort we have made in Iran is not really enough because they have access to that many resources.

Fortunately, the international community has generally recognized this. Last year Senator KIRK of Illinois led the Senate in the consideration of sanctions against Iran's oil trade. At that time Iran exported 2½ million barrels of oil a day, and Senator KIRK sought an outright global embargo against Iranian oil. During the debate, however, many members of the international community stated they would not be able to wean themselves off of Iranian oil quickly enough to comply with the sanctions without causing a significant shock to oil prices and, in turn, their economies. So these are countries that would like to have complied with sanctions against Iran, but they felt it was not in their best interests to do so. So the sanctions were amended to require the international community to significantly reduce its reliance on Iranian oil.

That legislation passed through the Senate, and Iran's oil exports have since fallen by about half. So instead of the 2½ million barrels a day going out, it is down to 1¼ million—about half. This is a significant reduction, but with the Iranian regime intent on harming the United States and our allies, we have to do all we can to tighten sanctions and more fully isolate them.

Our Nation doesn't import oil from Iran, and we haven't for a number of years. We embargoed them a long time ago. But despite our abundant untapped natural resources, we remain the largest oil importer in the world, and so we have a strong role to play in making the Iran oil embargo as effective as possible.

Natural gas has always been a major U.S. energy resource, but it was just a few years ago that the energy industry believed the United States was on the verge of becoming a major natural gas importer. Permits were issued and facilities were under construction to handle the massive amounts of natural gas we were expecting to import to meet the domestic energy demand. Then came the development of two critical technologies. One is horizontal drilling, and the other is, of course, something we have known about for a long time—hydraulic fracturing.

Hydraulic fracturing was actually developed in the State of Oklahoma—in Duncan, OK, where I will actually be this coming weekend—way back in 1949. By the way, it is very safe. There has never been a confirmed case of groundwater contamination using hydraulic fracturing. But when all this came about, all of a sudden we had a huge boom here in the United States. This is all on private land. I want to make that very clear. Because the oil and gas industry developed and perfected these methods, which are environmentally safe, we are now able to economically reach oil and natural gas in places we never thought would be possible, and production has skyrocketed.

Harold Hamm, who I think arguably is the most successful independent oil operator in America today, is from Oklahoma. He happens to be up in North Dakota right now, but he has been at the forefront of these technologies and has used them to unlock the Bakken shale formation in North Dakota. And that is where he is actually at this time.

Before these practices were used there, oil development was expected to remain just a memory of the past, but with these technologies, he has turned North Dakota into one of the greatest economic success stories in the Nation. The change has been remarkable, and it occurred nearly overnight. North Dakota has grown its oil production by 300 percent, to 660,000 barrels of oil a day in just 4 years. The unemployment rate in North Dakota is 3.3 percent. Normally, we say 4 percent unemployment is full employment. Well, they are actually below full employment. His biggest problem right now is finding people to work. A driver in the oilfields makes $100,000 a year. This is what is happening in North Dakota.

The promise of shale oil and gas development has spread well beyond North Dakota in recent years. It is happening in my State of Oklahoma, in Pennsylvania.

Let's put this chart up here. That is significant. I can remember until recently people were thinking everything has to be in the oil belt. All the oil production has to be west of the Mississippi. But look at it now. This is in the lower 48 States. The shale plays that are taking place now are in places, yes, of course, where we would expect it, in Oklahoma, but look up here. That is in Pennsylvania. That is up there at Marcellus. And we have opportunities all over. So it is completely all over the country, not just in the western part of the United States. Where oil and gas activities have historically been isolated to just a few regions of the country, such as Oklahoma and Texas, they are now all over the country. Because of these great domestic resources, I believe we can achieve domestic independence in a matter of months.

The use of hydraulic fracturing and horizontal drilling has caused domestic energy production to soar over the last few years. Production is now over 7 million barrels a day—40 percent higher than it was in 2008. But, as the Congressional Research Service recently confirmed, all of this production is on State and private land—none of it on Federal land. In fact, on Federal land, in spite of the boom that has been taking place, production has actually been reduced because of President Obama's war on fossil fuels. Production has actually been reduced on Federal lands, and that is kind of embarrassing because we can see on the second chart that a significant amount of our Nation's oil and gas resources are on Federal land, which are all but completely off limits.

This chart shows the Federal lands. They are not producing on any of these Federal lands, but look at the potential that is there and what we could do. It is incredible to look at. You can look at all of this land in the Montana west, in Alaska, offshore. The yellow land is

the Bureau of Land Management land, the orange is the Fish and Wildlife land, the light green is the Forest Service land, the dark green is the National Park Service, and the light blue is the Department of Defense. All of the Outer Continental Shelf is managed by the Federal Government, and oil is under many of these places, but the vast majority of it is locked up by the Obama administration and no one can get to it.

We know the resources are there. They are massive. Everyone has agreed it is there. The Institute of Energy Research recently issued a report based on the most recent, though outdated, government data about these off-limit lands and showed that if we enacted policies that allowed aggressive development of these Federal resources, the process would generate $14.4 trillion in economic activity and would create 2½ million jobs and reduce the deficit by $2.7 trillion, all over the next 40 years.

Why is this land locked up? One answer is because of President Obama. He has allowed his alliance with the environmental left to run roughshod over issues as important as encouraging stability in the Middle East through a full isolation of Iran.

If the President would lead, the United States, acting independently, without any assistance from any other nation, could singlehandedly offset all of Iran's oil exports by simply expanding our own domestic production on Federal lands.

This is why I have introduced this Iran Sanctions Implementation Act of 2013. My bill would require the President to establish Iranian oil replacement zones on Federal lands so that the production from these zones will reach the 1¼ million barrels of oil a day. This amount, 1.25 million barrels a day, is what Iran is exporting at the current time.

Here is the point. The reason we are talking about coming up with a very small amount is, if the President wants to continue his war on fossil fuels, that is fine, if he doesn't want to develop our potential public lands. But if he could take a very small amount, such as 1.25 million barrels of oil a day—and do it anywhere, give him the discretion as to where he wants to do this—it could be here if he wants to do it out in the West, or ANWR up in Alaska, it could be over there or offshore on the east coast. By the way, that is off the shore of Virginia, and Virginia wants to be able to develop that land.

This is enough oil to fully offset all current Iranian oil exports. If the President unlocks our energy potential and allows the production of an additional 1.25 million barrels a day in the United States, we would reduce our imports by the same amount. If we are not importing this oil to the United States, then other nations—these are the nations that are currently importing it from Iran—would be able to import it from those places where we no longer would have to.

There are friendly countries—Saudi Arabia, Kuwait—where we are actually importing oil. But they would be able to sell their oil to the other countries, our friends, such as Japan and other countries.

What we are saying is we have an opportunity here. When you look at these areas, you can see why it should be pretty easy for the administration to allow us to open one of these areas. The first one would be ANWR, this right up in Alaska. You can see four potential areas, the first being ANWR. The U.S. Geological Survey reported, in a 1998 study, the latest comprehensive study of its kind, that the oil reserves there are up to 16 million barrels of oil per day.

Imagine what we are talking about there. We are only talking about coming with 1.25 million barrels to offset the amount other countries are importing from Iran, to stop them from doing it. It doesn't require the President to make this area an Iranian oil replacement zone, but it would allow him to do it. This would provide enough oil to offset Iranian oil exports for about 12,000 days or about 35 years.

The second is the Rocky Mountain West—parts of Wyoming, parts of Utah, and parts of Colorado. In 2005 the RAND Corporation estimated that oil shale reserves in this area could be as high as 1.8 trillion barrels of oil.

The third is the Utica shale in Pennsylvania. Pennsylvania—I hear a lot about the Marcellus up there. We are talking about oil now. We are not talking about natural gas. We are talking about oil. But USGS estimated in 2011 that the reserves in this region are up to 940 million barrels of unconventional oil.

The fourth area is the Outer Continental Shelf. I mentioned North Carolina and Virginia. Their legislatures have all encouraged their production. They have a lot they can benefit from. Of course nationally—in national security we have a lot to benefit from, too.

With all those areas, if we stop the flow of oil from Iran, then we can stop the machine that finances Iran's nuclear weapons program. Many say that getting oil from the Rocky Mountains, Alaska, Outer Continental Shelf, will take years. By then Iran will not be a problem. But it doesn't take years to get it out.

I mentioned a while ago Harold Hamm, the person who is the biggest independent in the country. I called him up because I was going to be on a major television show one night and I knew they were going to challenge me. The President has always said it doesn't do any good to open up public lands because if you do that it could take 10 years before that could reach the economy. I asked him, I said: Harold Hamm, make sure you give me an accurate response to what I am going to ask you because I am going to use your name on national TV. Make sure you are accurate. If you had a rig set up right now, off limits on public land, in New Mexico, how long would it take you to lift the first barrel of oil and get it into the economy?

He said, without a flinch: Seventy days.

I said: Seventy days? We are talking about 10 weeks, not 10 years.

So he described what would happen each day. You could do it in 10 weeks. We are talking about all of this could take place in 10 weeks.

By the way, I have to say no one has challenged me on this ever since I used his name and his speculation a few weeks ago.

I know this is a little bit complicated, but there is another reason. The reason I think the President would be willing to do something like this is we are not asking him to lift the restrictions on all of the public land. It would be great if he did that. Just think, we would be totally independent of any other country for our ability to develop our own energy. But we are saying find a zone where we can actually pick up an additional 1.25 million barrels a day. We can take that away from where we are currently importing it from friendly countries and allow them to export it to nations that are currently buying oil from Iran.

I think we have made it very clear that if you want to do something that is going to have the effect of stability in the Middle East, you have to get rid of Iran. As I said before, Iran is a direct threat to the United States once they reach what our intelligence says is going to be a nuclear capability and a delivery capability by 2015.

Over and above that, today we could stop them because 70 percent of their revenue comes from oil exports. We could stop the exports altogether with this legislation. That is something I certainly hope the President will look at. We are not asking for hundreds and hundreds of millions of barrels a day to be released from our Federal sources. We are asking only for 1.5 million barrels a day. On top of that, we don't have any obligation with this legislation to go any further. This would be something he could do that would provide stability in the Middle East and would keep Iran from funding the terrorist activity that is currently taking place by Asad in Syria.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Connecticut.

## MORNING BUSINESS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FOOD ALLERGY AWARENESS WEEK

Mr. DURBIN. Mr. President, Food Allergy Awareness Week recognizes how

serious and how wide spread food allergies are in this country. One in every 13 children in the United States is affected by a life-threatening food allergy. According to the Centers for Disease Control and Prevention, food allergy reactions send someone to the emergency room every 3 minutes.

The rising prevalence of food allergies is an important public health issue that is already felt in schools, restaurants, and workplaces across the country. According to the National Institutes of Allergy and Infectious Disease, food allergies cause 30,000 cases of anaphylaxis and more than 200 deaths every year. We need to support research to develop new therapies and understanding to ultimately prevent and cure food allergies.

As the number of kids living with dangerous and in some cases deadly food allergy attacks at school has increased, some States and cities have responded by improving access to epinephrine auto-injectors as an important strategy to respond safely and quickly when students experience anaphylaxis. While many children with known food allergies are permitted to bring their epinephrine auto-injectors to school, 25 percent of epinephrine administrations in schools involve individuals without a previously known allergy. Many students who will need epinephrine have no history of food allergies and therefore do not carry epinephrine. Further, schools provide a setting where children are exposed to new foods that may trigger severe allergy attacks. Therefore, the decision for schools to stock their own epinephrine can be lifesaving.

I commend the state of Illinois for being a leader in this fight and passing legislation in 2011 to allow schools to stock emergency epinephrine auto-injectors. Last Congress, I worked with my colleague, Senator KIRK, to introduce legislation that would encourage states to require schools to stock epinephrine and to allow trained designated personnel to administer epinephrine in an emergency.

My hope is that Food Allergy Awareness Week can help the public to appreciate the extent of the problem and, importantly, the severity of the disease. It is a health threat that affects every race, age, income group and geographic area, and is growing at a frightening pace. What the public increasingly needs to understand is that this is not simply an inconvenient condition. As the tragic deaths of children each year show, it is frequently a life-threatening disease. Food Allergy Awareness Week is a first step to a better understanding and a greater commitment to our response.

## BROTHERHOOD OF LOCOMOTIVE ENGINEERS 150TH ANNIVERSARY

Mr. DURBIN. Mr. President, I rise today to recognize a group of American workers celebrating an impressive anniversary this month.

On July 1, 1862, President Abraham Lincoln signed the Pacific Railroad Act into law and set the Nation on a course to complete the transcontinental railroad.

Less than a year later, in 1863, the Brotherhood of Locomotive Engineers and Trainmen was founded to represent the thousands of individuals working to build one of the largest infrastructure projects in the history of this country.

In the century and a half since, the rail industry has served as the lifeblood of rural America, a critical player in our Nation's transportation network, and as one of the largest private employers in the United States.

My home State of Illinois, both then and now, has relied heavily on strong rail infrastructure to propel us forward. From my hometown of East St. Louis and across our State, railroads have written our history.

As one of the first States in the union to embrace freight rail and rail travel, we saw Chicago grow, spoke by spoke and mile after magnificent mile, into the metropolis it is today. And with more lines of track radiating in more directions than anywhere else in the Nation, it's hard to imagine our great city without its railroads.

Even today, we are continuing our long tradition with the construction of a high-speed rail network that is both innovative and important to Illinois' economy and future competitiveness. But without the workers who construct, operate and maintain it, that high-speed network likely would not be possible.

One hundred-fifty years after its birth, the Brotherhood's 55,000 active and retired members continue to devote their lives to the rail industry and improving the American transportation system.

That's an impressive achievement, and I hope my colleagues will join me in recognizing their hard work as the Brotherhood of Locomotive Engineers and Trainmen's celebrates its 150th anniversary. Thank you and congratulations.

## VOTE EXPLANATION

Ms. WARREN. Madam President, during the period of April 15, 2013 through April 24, 2013, I was unavoidably absent from the following votes as a result of events related to the tragic terrorist bombings in Boston, MA—roll call votes 96, 104, 105, 106, 108, 109, and 110. Had I been present, I would have voted yes on vote 96 on the nomination of Beverly Reid O'Connell of California, to be U.S. District Judge for the Central District of California; no on vote 104 on Amendment No. 717 to S. 649, the Safe Communities, Safe Schools Act of 2013; yes on vote 105 on Amendment No. 730 to S. 649, the Safe Communities, Safe Schools Act of 2013; yes on vote 106 on the nomination of Derrick Kahala Watson, of Hawaii, to be United States District Judge for the District of Hawaii; yes on vote 108 on the nomination of Jane Kelly, of Iowa, to be United States Circuit Judge for the Eighth Circuit; yes on vote 109 on the nomination of Sylvia Mathews Burwell, of West Virginia, to be Director of the Office of Management and Budget; and yes on vote 110 on adoption of the Motion to Proceed to S. 743, the Marketplace Fairness Act.

## VOTE EXPLANATION

Mr. NELSON. Mr. President, I was necessarily absent for votes on amendments to the Water Resources Development Act on Tuesday, May 14, 2013, and Wednesday, May 15, 2013. Had I been present, I would have voted against amendment No. 868 and amendment 815. I would have voted to in favor of amendment 889.

## RETIREMENT OF AIR FORCE SECRETARY MICHAEL DONLEY

Mr. MCCAIN. Mr. President, today I honor an outstanding leader and public servant. After over 30 years of service to our Nation both in and out of uniform, Secretary Michael Donley is retiring from his current position as Secretary of the U.S. Air Force. On this occasion, I believe it is fitting to recognize Secretary Donley's years of service to our great Nation.

Mr. Donley has over 30 years of experience in the national security community, including service in the Senate, White House, and the Pentagon, as well as in the private sector. Mr. Donley served in the U.S. Army from 1972 to 1975 with the XVIIIth Airborne Corps and 5th Special Forces Group, Airborne. He was also a professional staff member on the Senate Armed Services Committee.

Mr. Donley supported two Presidents and five National Security Advisers during his service at the National Security Council from 1984 to 1989. He conceived and organized the President's Blue Ribbon Commission on Defense Management, coordinated White House policy on the Goldwater-Nichols DOD Reorganization Act of 1986, and wrote the national security strategy for President Reagan's second term. Prior to assuming his current position, Mr. Donley served as the Director of Administration and Management in the Office of the Secretary of Defense.

Air Force Secretary Michael Donley will retire from public service June 21, after nearly 5 years in the position. Prior to his confirmation as the Secretary of the Air Force, he served as Acting Secretary—making him the longest serving Secretary of the Air Force in the service's history.

Secretary Michael Donley's leadership will be missed throughout the government. I join many past and present members of the Senate Armed Services Committee in my gratitude to Secretary Donley for his outstanding leadership and his unwavering support of servicemembers. Secretary Donley's

service has enabled the Air Force to continue to fly, fight, and win in air, space, and cyberspace. I wish him fair winds and following seas.

## RECOGNIZING THE 65TH INFANTRY REGIMENT

Mr. NELSON. Mr President, today I wish to recognize and honor the achievements of the 65th Infantry Regiment known as the ''Borinqueneers'' for their contribution to the defense of our great Nation.

The Borinqueneers were a segregated Puerto Rican Army unit which served our Nation with great distinction during World War I, World War II, and the Korean war. The Borinqueneers served our Nation with valor during a period of history in which their own nation's sovereignty was dependent upon the United States.

The Borinqueneers earned 10 Distinguished Service Crosses, 256 Silver Stars, 606 Bronze Stars, and 2,771 Purple Hearts. Six hundred and seventy Borinqueneers gave the ultimate sacrifice for both Puerto Rico and the United States.

After watching the Borinqueneers in action during his visit to Tokyo, General Douglas MacArthur wrote the following,

The Puerto Ricans forming the ranks of the gallant 65th Infantry Regiment give daily proof on the battlefields of Korea of their courage, determination and resolute will to victory, their invincible loyalty to the United States and their fervent devotion to those immutable principles of human relations which the Americans of the Continent and of Puerto Rico have in common. They are writing a brilliant record of heroism in battle and I am indeed proud to have them under my command. I wish that we could count on many more like them.

I would also like to honor the men and women of Puerto Rico, who wear the uniform of the United States military to this day and continue the legacy of the Borinqueneers. The Borinqueneers have brought great credit upon themselves, the U.S. Army, Puerto Rico, and the United States of America.

## TRIBUTE TO PEGGY EVANS

Mrs. FEINSTEIN. Mr. President, I rise today to recognize the dedicated career and service to the Congress and the Nation of Ms. Margaret ''Peggy'' Evans, who is retiring at the end of this month after over 22 years of service in both the executive and legislative branches of our government. She has dedicated most of her life to helping keep our Nation and its citizens secure, and we honor her for her service.

Peggy is leaving the Senate as the budget director of the Senate Select Committee on Intelligence. During her 4 years on the committee, Peggy has been integral to the development and passage of four annual intelligence authorizations bills, including three within a span of 15 months. She oversaw the committee's budget staff in drafting the classified annexes to the bills, worked collaboratively with the intelligence community agencies and the Office of Management and Budget, and negotiated legislation with other Senate and House committees.

Through her time with the committee, Peggy brought new and creative proposals to the committee and was a fierce advocate for programs that she believed would provide greater effectiveness or efficiency to the intelligence community. She also worked very closely with our committee's Technical Advisory Group, our science and technical advisors, especially in the group's review of imagery satellites, which will no doubt come to be seen as being ahead of its time.

Prior to coming to Capitol Hill, Ms. Evans had served 13 years at the Central Intelligence Agency. Reflecting her many skills, she worked in both the analysis and the operations side of the CIA and also led covert action programs. Although we may not disclose the details, Peggy spent much of her CIA career countering terrorist groups and the proliferation of weapons of mass destruction.

Her next national security assignment was in the White House Office of Management and Budget. During her 5 years in that job, Peggy rose from a budget examiner to be Acting Deputy Associate Director for National Security—the President's senior civil servant adviser on the national security budget.

During her time in the private sector, Peggy has also founded and led two companies, one that builds environmentally sustainable homes and one that provides environmental consulting services to homeowners, builders, and facilities managers. These companies earned numerous Energy Star and Green Home Choice Awards.

She is a renaissance woman, skilled in public and private life, and the committee wishes her continued success in her professional endeavors as she returns to private life.

But Peggy's devotion to the Nation's security is matched by her dedication to her family. Peggy and her husband Roger Ney have raised six children and guided them through college and into the start of their careers. With her retirement, she will have more time to spend with them and with her hobbies of reading, pottery, soccer, memorizing arcana from the ''Lord of the Rings,'' designing homes, and spending time at the beach.

I am pleased to have the opportunity to publicly thank Peggy and to note my appreciation for her dedicated and dignified efforts. We will miss your insight and experience and your commitment to pursuing the right policies to protect our Nation.

## SALUTING OUR VETERANS

Mr. MANCHIN. Mr. President, I am filled with so much pride every time I meet our military veterans who come to the Nation's capital to visit the memorials built to honor them and to commemorate the wars in which they served so courageously.

Today, 31 veterans from West Virginia, representing three generations of warriors, are here to see the memorials that commemorate their sacrifice and valor and for a special ceremony honoring World War II veterans.

And on the occasion of their visit, I want to express my deepest gratitude to these special men who helped keep America free and made the world safer for liberty-loving people across our country and beyond our borders.

I also want to say how much I appreciate the Honor Flight Network, which, since 2005, has arranged for World War II, Korea and Vietnam veterans from all over the country to visit the memorials in Washington—free of any cost to the veterans.

In West Virginia, the driving forces behind the Honor Flight Network are the Denver Foundation and Little Buddy Radio, located in Princeton. These nonprofits were founded by Bob Denver—also known as ''Gilligan'' from the iconic television show ''Gilligan's Island''—and his wife, Dreama, a West Virginia native.

But it was Charlie Thomas Richardson, the Operations Manager at Little Buddy Radio, who got the ball rolling in West Virginia. He introduced the Honor Flight Network to our State, building on the organization established in 2005 by Earl Morse, a physician assistant and retired Air Force Captain in Springfield, OH, to honor the veterans he had cared for.

The 31 veterans from West Virginia visiting Washington today came from Pocahontas, Raleigh, Greenbrier, Mercer, Giles, Wyoming, Nicholas, Fayette and Marion counties.

They range in age from 63 to 94. And while their step has slowed, their spirit is keen, their pride is undiminished, and their patriotism is unbridled.

Eleven served in World War II, one in World War II and Korea, 10 in Korea, one in Korea and Vietnam, four in Vietnam, and two in all three wars.

Two other veterans are serving as escorts for the group, along with three high school ROTC cadets.

These brave West Virginians served this great country in a wide variety of ways—as a B–24 pilot over Italy in World War II; in a heavy mortar company at ''Heartbreak Ridge'' in Korea; as a helicopter door gunner in Vietnam.

They stitched up wounds in hospitals; they assembled bombs; they inspected combat aircraft; they operated radios and radars; they cooked; and they built roads through jungles and bridges over rivers.

They won the Bronze Star, the Soldier's Medal, the Purple Heart and

Presidential Citations. Some were lieutenants, some sergeants, some corporals. Some served abroad, some stateside.

But they all served this great country. No matter the war, no matter the rank, no matter the duty, everyone of them answered America's call. In our time of need, they stepped forward and said, ''I'll do it—I'll protect this country.''

These heroic West Virginians came to Washington to tour our beautiful Capitol, the World War II Memorial, the Korean War Memorial and the Vietnam War Memorial.

But the tour of the World War II Memorial is a little different than in the past. On the third Always Free Honor Flight in less than a year, the visit will include a special ceremony called ''Flags of Our Heroes'' to honor World War II veterans who passed away before they could ever see their memorial.

Sadly, we are losing World War II veterans at the rate of approximately 800 per day—members of what we have come to recognize, and rightly so, as the ''Greatest Generation.''

This generation of Americans was united by a common purpose and by common values—duty, honor, courage, service, integrity, love of family and country. And their triumph over tyranny will be remembered forever.

The ''Flags of Our Heroes'' ceremony involves taking a photograph of an American flag with a family photo of the deceased veteran in front of the Memorial. The photo and an Honor Flight certificate will then be presented to the family—a way to show this Nation's respect and regard for their hero.

This is such a fitting gesture because, at the northern end of the World War II Memorial, the words of General George Marshall are inscribed, and they are well worth remembering every time we salute our veterans and every time this Nation prepares for war: ''Our flag will be recognized throughout the world as a symbol of freedom on the one hand and overwhelming force on the other.''

May it ever be so, and may God bless the United States of America and all the men and women who keep us free.

## NATIONAL POLICE WEEK

Ms. WARREN. Mr. President, today, we honor the service of our brave men and women in the law enforcement community. As we look around at American flags flying at half-staff today, we remember those we have lost. In the years since President John F. Kennedy designated May 15th Peace Officers Memorial Day, and the week in which that date falls National Police Week, tens of thousands of people from departments throughout the United States and agencies around the world have come to Washington, DC., to mark this day.

As they say, there is no such thing as an off-duty police officer. Our men and women in law enforcement work tirelessly to protect our communities. While it is often in emergencies that we remark at their courage and perseverance, we know that they remain vigilant every day. Especially this year, as our community recovers from the cowardly and despicable terrorist attack in Boston last month, we acknowledge the hazards that our police officers face and the sacrifices that they make in the service of their communities. We remember Sean Collier and pay respect to his family, to his friends, and to his brothers and sisters in the police force.

The members of our law enforcement community have earned our respect, gratitude, and support. In Massachusetts, we honor Andrew J. Tufts, Frederick G. Mercer, John W. Powers, James A. Callahan Sr., Ryan Tvelia, Kevin E. Ambrose, Jose Torres, John P. Gibbons III, and Peter James Kneeland. They are among 321 law enforcement heroes who died in the line of duty, whose names have been engraved this spring on the National Law Enforcement Officers Memorial here in Washington, DC.

As we take this moment to thank our police officers for all that they do every day, we are also reminded that we must continue to work in Congress to make sure that our agencies have the resources they need in their important work protecting our communities.

## VETERANS' OUTREACH ACT OF 2013

Mr. SANDERS. Mr. President, as the chairman of the Senate Veterans' Affairs Committee, I have pledged to improve outreach activities to better inform our Nation's over 22 million veterans of the benefits to which they are entitled.

Legislation I introduced last week, the Veterans' Outreach Act of 2013, would authorize the Department of Veterans Affairs to carry out a 2-year demonstration project to award grants to State and local government programs and nonprofit organizations to improve the coordination and collaboration of veterans' health care and benefit services across Federal, State, and local assets. By providing State and local government programs and nonprofit organizations the opportunity to submit a grant proposal with stated goals and objectives, VA would be able to better leverage the countless services across the Nation that support veterans and their family members. Finally and most importantly, my legislation would require recipients to submit outcomes data back to VA in order to document a recipient's ability to increase awareness, efficiency, and effectiveness of Federal, State, and local outreach activities; enhance the availability of Federal, State, and local resources for veterans; and strengthen the overall culture of community-based support within a given community across our great Nation. With this 2-year demonstration project, VA will be able to examine what outreach activities work and reassess its outreach strategy accordingly.

Last month I was in Brooklyn, NY, where I met two combat veterans from the wars in Iraq and Afghanistan. One was a U.S. Marine Corps captain and the other was a sergeant in the U.S. Army. Both were receiving health care at VA and struggling to pay for their copays. Similarly, both were unaware of their eligibility to receive 5 years of free health care at VA following their most recent discharged from Active-Duty. Most displeasing was the lack of understanding of this very same health care benefit by senior VA officials who accompanied me that day. If senior VA officials are unaware of such a principal health care benefit available to combat veterans of the Iraq and Afghanistan wars, much more remains to be done inside and outside of VA to ensure veterans of all eras are informed and understand the benefits and services they are entitled.

I urge my colleagues to ask veterans across their State and see how many understand all of the benefits and services available to them. For instance, countless veterans across this Nation remain unaware that some of them may be entitled to one-time dental care if they apply at VA within 180 days of separation from Active Duty. Little known benefits like this, can go a long way in placing our newest generation of veterans on sound footing following their exit from military service. Other veterans may be eligible for no-cost or low-cost health care and medications if they meet eligibility requirements for VA health care. To claim this coverage they must enroll at their local Department of Veterans Affairs medical center. These uncertainties surrounding VA health care eligibility will most certainly be compounded by the additional health care options that become available as we approach implementation of the Affordable Care Act. Veterans need to know and understand their options.

The men and women who have sacrificed so much in defense of this country deserve to know about the benefits and care to which they are entitled, and it is VA's job to make sure they know. Simply knowing about benefits in certain instances is not enough. If VA is trying to reach rural veterans, knowing where and when a mobile vet center will visit your community is critical. If VA is trying to reach more and more veterans in the community, knowing when and where the local medical center or community-based outpatient clinic will hold events and activities can drive up the number of veterans in attendance. Furthermore, VA needs to do more to proactively identify outreach efforts that work locally while leveraging the countless services supporting veterans that are made available by organizations all across the country.

Highly able and willing organizations and agencies are already providing

quality social services and outreach into communities across the Nation. Some of these organizations report a lack of coordination and collaboration with local VA facilities. Additionally, many small nonprofits and local organizations sometimes lack the additional resources needed to strategically develop guidance and partnerships with and across Federal, State, and local assets. More effective and localized outreach will better address the community-based needs of today's veterans and do so in a cost-efficient way.

This legislation goes beyond authorizing VA to issue grants. This legislation would also allow VA to enter into cooperative agreements and arrangements with various State agencies to carry out, improve, or enhance outreach activities for veterans. Simply put, if a State is already supporting our Nation's veterans, then this legislation would allow VA to reinforce the bond between Federal and State resources to ensure local veterans outreach activities are streamlined and cost-avoidances identified.

One thing is undeniable, and that is that VA should be making every effort to ensure veterans are aware of the benefits and services afforded to them. I recently held a committee hearing where we heard about some of the progress the Department has made in addressing the important issue of outreach. We also heard from community-based organizations that are coordinating and collaborating across Federal, State, and local levels to leverage resources in order to provide cost-effective programs. But what struck me the most was the steadfastness with which each of these community-based organizations identifies veterans and links them to the Federal, State, and local benefits and services they are entitled.

Widely available information and a clear understanding of the information are two basic components of effective outreach. If our Nation's veterans are to take full advantage of the benefits and service they have earned, effective outreach is indispensable. When our Nation's over 22 million veterans are able to take advantage of these benefits and services, they more often than not are placed on a positive path toward an encouraging future.

Mr. President, we have made a solemn commitment to aid veterans after they leave military service. We can only honor this commitment if veterans and their families are aware of the benefits and services available to them. This legislation would strengthen VA's outreach and support the organizations and agencies that seek to stand shoulder to shoulder with VA in support of our nation's heroes.

## ADDITIONAL STATEMENTS

### TRIBUTE TO MICHAEL HARTER, PH.D., M.S. ED.

• Mr. HELLER. Mr. President, today I wish to recognize Dr. Michael Harter, senior provost and chief executive officer of Touro University's Western Division. After more than three decades of dedication to excellence in higher education, Dr. Harter is retiring. My home State of Nevada has benefited tremendously from Dr. Harter's contributions as a researcher, educator and advocate. As he enters retirement, Dr. Harter leaves an inspiring legacy of leadership that will be long felt in the lives and careers of the countless medical professionals he helped to educate.

Since 2004, Dr. Michael Harter has shown exceptional commitment as the administrative and academic head of Touro University's Western Division, including its Nevada campus. He not only helped to establish Touro University Nevada, but his leadership and vision has also contributed to Touro's development as one of the fastest growing medical schools in the region. Despite significant challenges associated with rising costs and a difficult economic climate, Dr. Harter has shown remarkable perseverance and commitment, and he has enhanced Touro University's reputation as an institution.

Prior to his tenure at Touro University, Dr. Harter served as vice dean of the University of Nevada School of Medicine, and he was also the founding executive director of Family Development Programs, Inc. of Ohio. In addition to his educational experience, Dr. Harter has served Nevada's medical profession and health care community as a passionate and dedicated advocate, and has received numerous recognitions and awards for his service. The Nevada State legislature recently recognized Dr. Harter for his ''dedication and contributions to the elevation of the educational system in Nevada to the highest caliber.''

I want to acknowledge and thank Dr. Michael Harter for his many years of dedicated service as an educator, researcher, administrator, and community advocate. I ask my colleagues to join me in congratulating Dr. Harter on his retirement, and in wishing him many successful and fulfilling years to come.•

### REMEMBERING DANIELLE DUNLAP

• Mr. ISAKSON. Mr. President, I wish to honor in the RECORD Miss Danielle Dunlap of Atlanta, GA. A few weeks ago, I was very saddened to learn of the passing of this 25-year-old Peace Corps volunteer, who was known as ''Dani'' by her overseas community. Danielle was stationed in Ghana when her life was cut tragically short by illness. Like so many of our Peace Corps volunteers, she was a role model who dedicated her life to serving others. During her time in Ghana, Danielle touched the lives of individuals and families in Ghana by working with them to improve their lives in the areas of nutrition, HIV/AIDS, malaria, and sanitation. Her colleagues in Ghana said that she was proud of her role as a volunteer trainer, helping to mentor newly arriving volunteers in the projects to which she was so devoted.

Born in Germany, Danielle's love for all things international began long before her days as a Peace Corps volunteer. She studied abroad in South Korea and Haiti, where she learned Korean and Spanish.

Danielle was clearly a bright and gifted individual. She graduated from Brown University in 2010 with a bachelor's degree in neuroscience. She tutored young students at the Academy at Harvard Square in Cambridge, MA, and she was a swim instructor for students with asthma.

Danielle Dunlap was a model of service and character, and it is Americans such as her who make this country great. The Nation mourns the loss of an incredible individual at such a young age, and my heart and my prayers go out to Danielle's family and friends.•

### RECOGNIZING KELO-TV

• Mr. JOHNSON of South Dakota. Mr. President, today I wish to honor KELO-TV, a South Dakota institution, for 60 years of excellence in broadcasting. Since 1953, South Dakotans have turned to KELO for reliable news and information about their local communities.

Theater promoter Joe L. Floyd had a vision of providing all South Dakotans, even those in the most isolated parts of our State, with access to television programming. Volatile weather and vast distances made this no easy feat. Tornadoes caused towers to collapse in the early years, but the dedicated KELO team always restored service promptly.

On May 19, 1953, KELO-TV made its inaugural broadcast and South Dakota's first television station was born. Dave Dedrick signed KELO on the air for the first time. ''Serving the mighty Sioux Empire, this is KELO-TV Channel 11 Sioux Falls,'' he boomed. Dedrick became the face of the network, not only as the station's longtime weatherman but as Captain 11, a fictional character in KELO's hugely popular afterschool children's program. Captain 11 ran for nearly 42 years, making it America's longest running children's program.

KELO has always grown with the times and strived to bring the latest technological innovations to their viewers. In 1955, KELO began to broadcast the news live from the second floor of the Hollywood Theater building. KELO aired the first live telecast of a sporting event in South Dakota in 1957. In 1968, KELO pushed the envelope yet again by becoming the first station in the area to broadcast live and in color. Every step of the way, KELO has gone to great lengths to provide the best programming for all South Dakotans. In 1991, as soon as the technology became available, KELO began to closed-caption of many of their programs to better serve deaf and hearing-

impaired viewers. In 1997, KELO installed the first live Doppler radar network in South Dakota. This innovation was crucial in providing South Dakotans with the most accurate storm forecasts so they could protect themselves and their families. In 2003, HDTV came to KELOLAND and in 2009, KELO made the transition to a digital-only signal.

KELO has garnered national recognition for superior news coverage and their commitment to the community. The National Association of Broadcasters, NAB, honored KELO with the ''Friend in Need'' Service to America Award in 1999 for exceptional coverage of the devastating tornado that ripped through Spencer, SD. Not only did KELO's advance coverage save lives, but money raised from their telethon helped victims to rebuild the town. In 2000, KELO received a national Emmy Award for its ''Tradition of Caring'' public service campaign. Employees at the station starred in public service announcements to raise awareness for local organizations in need. The program continues to highlight organizations across South Dakota to this day. In 2004, KELO was honored with the Edward R. Murrow Award, one of the most prestigious awards in the industry, for coverage of the 2003 tornado outbreak known as ''Tornado Tuesday.''

Over 60 years of broadcasting KELO has earned the public's trust through a dedication to journalistic excellence. South Dakotans rely on KELO to stay connected to their communities. Whether it be news, sports, or weather, KELO delivers the information that South Dakotans need most. It is a great honor to recognize KELO-TV for 60 years of community partnership, and I wish them many years of continued success.●

## MESSAGES FROM THE HOUSE

At 11:34 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 180. An act to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

H.R. 1580. An act to affirm the policy of the United States regarding Internet governance.

The message also announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 10. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

## ENROLLED BILL SIGNED

At 1:34 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 360. An act to award posthumously a Congressional Gold Medal to Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley to commemorate the lives they lost 50 years ago in the bombing of the Sixteenth Street Baptist Church, where these 4 little Black girls' ultimate sacrifice served as a catalyst for the Civil Rights Movement.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1580. An act to affirm the policy of the United States regarding Internet governance; to the Committee on Commerce, Science, and Transportation.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 953. A bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for undergraduate Federal Direct Stafford Loans, to modify required distribution rules for pension plans, to limit earnings stripping by expatriated entities, to provide for modifications related to the Oil Spill Liability Trust Fund, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1498. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Tuscaloosa Dragon Boat Races; Black Warrior River; Tuscaloosa, AL'' ((RIN1625–AA08) (Docket No. USCG–2013–0190)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1499. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Miscellaneous Amendments (RRR)'' (RIN2137–AE78) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1500. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Harmonization with the United Nations Recommendations on the Transport of Dangerous Goods: Model Regulations, International Maritime Dangerous Goods Code, and the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air'' (RIN2137–AE83) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1501. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Revision of Maximum and Minimum Civil Penalties'' (RIN2137–AE96) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1502. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Miscellaneous Petitions for Rulemaking (RRR)'' (RIN2137–AE79) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1503. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Harmonization with International Standards (RRR)'' (RIN2137–AE87) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1504. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; 12th Annual Saltwater Classic; Port Canaveral Harbor; Port Canaveral, FL'' ((RIN1625–AA00) (Docket No. USCG–2013–0200)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1505. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; XA The Experimental Agency Fireworks, Pier 34, East River, NY'' ((RIN1625–AA00) (Docket No. USCG–2013–0208)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1506. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Fireworks Displays in Captain of the Port Long Island Sound Zone'' ((RIN1625–AA00) (Docket No. USCG–2013–0227)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1507. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Atlantic Intracoastal Waterway; Wrightsville Beach, NC'' ((RIN1625–AA00) (Docket No. USCG–2012–1082)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1508. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled

''Safety Zone; Corp. Event Finale UHC, St. Thomas Harbor; St. Thomas, U.S.V.I.'' ((RIN1625–AA00) (Docket No. USCG–2013–0086)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1509. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Blue Water Resort and Casino West Coast Nationals; Parker, AZ'' ((RIN1625–AA00) (Docket No. USCG–2013–0095)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1510. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; V.I. Carnival Finale, St. Thomas Harbor; St. Thomas, U.S.V.I.'' ((RIN1625–AA00) (Docket No. USCG–2013–0085)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1511. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Annual Fireworks Events in the Captain of the Port Buffalo Zone'' ((RIN1625–AA00) (Docket No. USCG–2012–1084)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1512. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Pasquotank River; Elizabeth City, NC'' ((RIN1625–AA00) (Docket No. USCG–2013–0259)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1513. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations: Moss Point Rockin' the Riverfront Festival; Robertson Lake and O'Leary Lake; Moss Point, MS'' ((RIN1625–AA08) (Docket No. USCG–2013–0015)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1514. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations: West Palm Beach Triathlon Championship, Intracoastal Waterway; West Palm Beach, FL'' ((RIN1625–AA08) (Docket No. USCG–2012–0552)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1515. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations: Third Annual Space Coast Super Boat Grand Prix, Atlantic Ocean; Cocoa Beach, FL'' ((RIN1625–AA08) (Docket No. USCG–2013–0071)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1516. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation: Hebda Cup Rowing Regatta, Trenton Channel; Detroit River, Wyandotte, MI'' ((RIN1625–AA08) (Docket No. USCG–2013–0211)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1517. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; North Carolina Cut, Atlantic Intracoastal Waterway, Wrightsville Beach, NC'' ((RIN1625–AA09) (Docket No. USCG–2013–0197)) received during adjournment of the Senate in the Office of the President of the Senate on May 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1518. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Matters Incorporated by Reference'' (RIN2127–AL25) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1519. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Organization and Delegation of Duties'' (RIN2127–AL44) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1520. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Self-Reporting of Out-of-State Convictions'' (RIN2126–AB43) received during adjournment of the Senate in the Office of the President of the Senate on May 2, 2013; to the Committee on Commerce, Science, and Transportation.

EC–1521. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''2012 Annual Progress Report on the National Strategy for Transportation Security''; to the Committee on Commerce, Science, and Transportation.

EC–1522. A communication from the Acting Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Secretary, Department of Homeland Security, received in the Office of the President of the Senate on May 13, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–1523. A communication from the Acting Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary, National Protection and Programs Directorate, Department of Homeland Security, received in the Office of the President of the Senate on May 13, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–1524. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–124 ''Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–1525. A communication from the Acting Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Residential, Business, and Wind and Solar Resource Leases on Indian Land'' (RIN1076–AE73) received during adjournment of the Senate in the Office of the President of the Senate on May 10, 2013; to the Committee on Indian Affairs.

EC–1526. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, ''Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 2007 and 2008''; to the Committee on Indian Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself and Mr. CASEY):

S. 955. A bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PAUL:

S. 956. A bill to permanently suspend application of certain agricultural price support authority; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENNET (for himself, Mr. BURR, Mr. HARKIN, Mr. ALEXANDER, and Mr. ISAKSON):

S. 957. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the pharmaceutical distribution supply chain; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of Colorado (for himself, Mr. BLUNT, Mr. BENNET, Mr. VITTER, Ms. BALDWIN, and Mr. BEGICH):

S. 958. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. ALEXANDER, Mr. ROBERTS, Mr. FRANKEN, and Ms. MIKULSKI):

S. 959. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to compounding drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself and Mr. CORKER):

S. 960. A bill to foster stability in Syria, and for other purposes; to the Committee on Foreign Relations.

By Mr. BLUNT:

S. 961. A bill to improve access to emergency medical services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELLER (for himself, Mr. INHOFE, Mr. VITTER, and Mr. RUBIO):

S. 962. A bill to prohibit amounts made available by the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 from being transferred to the Internal Revenue Service for implementation of such Acts; to the Committee on Finance.

By Mr. COBURN (for himself, Mr. BURR, Mr. GRAHAM, Mr. ISAKSON, and Mr. BARRASSO):

S. 963. A bill preventing an unrealistic future Medicaid augmentation plan; to the Committee on Finance.

By Mrs. MCCASKILL (for herself and Ms. KLOBUCHAR):

S. 964. A bill to require a comprehensive review of the adequacy of the training, qualifications, and experience of the Department of Defense personnel responsible for sexual assault prevention and response for the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. INHOFE (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. WICKER, Mr. RISCH, Mr. BOOZMAN, Mr. BURR, Mr. HOEVEN, Mr. COATS, Mr. HATCH, and Mr. LEE):

S. 965. A bill to eliminate oil exports from Iran by expanding domestic production; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Mr. ENZI):

S. 966. A bill to amend the Internal Revenue Code of 1986 to increase participation in medical flexible spending arrangements; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself, Mr. HOEVEN, Mr. WHITEHOUSE, Mr. BEGICH, Ms. HEITKAMP, Ms. MURKOWSKI, and Mrs. BOXER):

S. Res. 142. A resolution designating May 15, 2013, as ''National MPS Awareness Day''; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 13

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 13, a bill to authorize the Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, to award grants on a competitive basis to public and private entities to provide qualified sexual risk avoidance education to youth and their parents.

S. 22

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 22, a bill to establish background check procedures for gun shows.

S. 170

At the request of Ms. MURKOWSKI, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 170, a bill to recognize the heritage of recreational fishing, hunting, and recreational shooting on Federal public land and ensure continued opportunities for those activities.

S. 294

At the request of Mr. TESTER, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 294, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

S. 309

At the request of Mr. HARKIN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Hawaii (Mr. SCHATZ), the Senator from Louisiana (Mr. VITTER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. ISAKSON), the Senator from North Carolina (Mr. BURR), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Nebraska (Mrs. FISCHER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Colorado (Mr. UDALL), the Senator from Texas (Mr. CORNYN) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 309, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 313

At the request of Mr. CASEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 351

At the request of Mr. CORNYN, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 351, a bill to repeal the provisions of the Patient Protection and Affordable Care Act of providing for the Independent Payment Advisory Board.

S. 367

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 367, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 403

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 403, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 460

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 460, a bill to provide for an increase in the Federal minimum wage.

S. 512

At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 512, a bill to amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented and high-ability learners by empowering the Nation's teachers, and for other purposes.

S. 557

At the request of Mrs. HAGAN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 557, a bill to amend title XVIII of the Social Security Act to improve access to medication therapy management under part D of the Medicare program.

S. 603

At the request of Mr. BARRASSO, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 603, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 653

At the request of Mr. BLUNT, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 653, a bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 654

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 655

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 655, a bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide grants for Urban Jobs Programs, and for other purposes.

S. 700

At the request of Mr. KAINE, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 700, a bill to ensure that the education and training provided members of the Armed Forces and veterans better assists members and veterans in obtaining civilian certifications and licenses, and for other purposes.

S. 731

At the request of Mr. MANCHIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 731, a bill to require the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency to conduct an empirical impact study on proposed rules relating to the International Basel III agreement on general risk-based capital requirements, as they apply to community banks.

S. 734

At the request of Mr. NELSON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 734, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit

Plan by veterans' dependency and indemnity compensation.

S. 761

At the request of Mrs. SHAHEEN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 761, a bill to promote energy savings in residential and commercial buildings and industry, and for other purposes.

S. 762

At the request of Mr. THUNE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 762, a bill to amend the Food and Nutrition Act of 2008 to improve the supplemental nutrition assistance program.

S. 783

At the request of Mr. WYDEN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Arizona (Mr. FLAKE) were added as cosponsors of S. 783, a bill to amend the Helium Act to improve helium stewardship, and for other purposes.

S. 789

At the request of Mr. BAUCUS, the names of the Senator from Massachusetts (Ms. WARREN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 789, a bill to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 813

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 813, a bill to require that Peace Corps volunteers be subject to the same limitations regarding coverage of abortion services as employees of the Peace Corps with respect to coverage of such services, and for other purposes.

S. 815

At the request of Mr. MERKLEY, the names of the Senator from Alaska (Mr. BEGICH), the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 815, a bill to prohibit the employment discrimination on the basis of sexual orientation or gender identity.

S. 820

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 820, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. 865

At the request of Mr. WHITEHOUSE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 865, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 871

At the request of Mrs. MURRAY, the names of the Senator from Texas (Mr. CORNYN), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Ms. HIRONO) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 871, a bill to amend title 10, United States Code, to enhance assistance for victims of sexual assault committed by members of the Armed Forces, and for other purposes.

S. 892

At the request of Mr. KIRK, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 892, a bill to amend the Iran Threat Reduction and Syria Human Rights Act of 2012 to impose sanctions with respect to certain transactions in foreign currencies, and for other purposes.

S. 897

At the request of Ms. WARREN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 897, a bill to prevent the doubling of the interest rate for Federal subsidized student loans for the 2013–2014 academic year by providing funds for such loans through the Federal Reserve System, to ensure that such loans are available at interest rates that are equivalent to the interest rates at which the Federal Government provides loans to banks through the discount window operated by the Federal Reserve System, and for other purposes.

S. 917

At the request of Mr. CARDIN, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Kansas (Mr. MORAN) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 917, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

S. 937

At the request of Mr. FLAKE, the names of the Senator from South Carolina (Mr. SCOTT) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 937, a bill to prohibit the Internal Revenue Service from applying disproportionate scrutiny to applicants for tax-exempt status based on ideology, and for other purposes.

S. 941

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 941, a bill to amend title 18, United States Code, to prevent discriminatory misconduct against taxpayers by Federal officers and employees, and for other purposes.

S. 942

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 942, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 947

At the request of Mrs. HAGAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 947, a bill to ensure access to certain information for financial services industry regulators, and for other purposes.

S. 953

At the request of Mr. REED, the names of the Senator from Michigan (Ms. STABENOW), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Virginia (Mr. KAINE), the Senator from Massachusetts (Ms. WARREN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 953, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for undergraduate Federal Direct Stafford Loans, to modify required distribution rules for pension plans, to limit earnings stripping by expatriated entities, to provide for modifications related to the Oil Spill Liability Trust Fund, and for other purposes.

S. RES. 75

At the request of Mr. KIRK, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. Res. 75, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

AMENDMENT NO. 866

At the request of Mr. MERKLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 866 proposed to S. 601, a bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself and Mr. ENZI):

S. 966. A bill to amend the Internal Revenue Code of 1986 to increase participation in medical flexible spending arrangements; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise to introduce the Medical FSA Improvement Act of 2013. I wish to thank my friend and colleague, Senator ENZI, for joining me in this effort. Our bill would amend the Internal Revenue Code to allow employees who use health flexible spending arrangements, FSAs, to cash out any remaining balance in their account at the end of a plan year. This provision replaces current IRS policy in which any unspent FSA funds revert to the employer at the end of the plan year for activities related to plan administration.

FSAs are an important benefit for all workers as they allow employees to set

aside pre-tax dollars to pay for out-of-pocket health care expenditures, including dental and vision services. Many families count on their FSAs to help cover their monthly expenses for prescription drugs, co-pays for doctors' visits, children's dental care, and medical equipment and supplies for disabled family members.

In an economy where every penny counts, it just does not make sense for employees who may have overestimated their anticipated yearly out-of-pocket health care expenditures at the beginning of a plan year to be penalized by having to forfeit unspent funds to their employer at the end of a plan year. It also leads to wasteful spending when employees try to avoid forfeiting their FSA balances by rushing at the end of a plan year to purchase unnecessary health-related items, such as multiple pairs of eyeglasses.

One-third of the Federal workforce currently use FSAs, as do millions of State, county and local public employees, and workers in private industry. We should encourage employees to put money into FSAs to help defray their out-of-pocket health care costs, to use these funds wisely, and not have them fear losing hard-earned money at the end of a plan year just because their health care expenditures may be less than anticipated.

I urge my colleagues to support this bipartisan legislation, which will help America's working families better manage their personal finances.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 142—DESIGNATING MAY 15, 2013, AS ''NATIONAL MPS AWARENESS DAY''

Mr. GRAHAM (for himself, Mr. HOEVEN, Mr. WHITEHOUSE, Mr. BEGICH, Ms. HEITKAMP, Ms. MURKOWSKI, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 142

Whereas mucopolysaccharidosis (referred to in this resolution as ''MPS'') are a group of genetically determined lysosomal storage diseases that render the human body incapable of producing certain enzymes needed to break down complex carbohydrates;

Whereas MPS diseases cause complex carbohydrates to be stored in almost every cell in the body and progressively cause cellular damage;

Whereas the cellular damage caused by MPS—

(1) adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system; and

(2) often results in intellectual disabilities, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas symptoms of MPS are usually not apparent at birth;

Whereas, without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas research has resulted in the development of limited treatments for some MPS diseases;

Whereas promising advancements in the pursuit of treatments for additional MPS diseases are underway as of the date of agreement to this resolution;

Whereas, despite the creation of new remedies, the blood-brain barrier continues to be a significant impediment to effectively treating the brain, which prevents the treatment of many of the symptoms of MPS;

Whereas the quality of life of the individuals afflicted with MPS, and the treatments available to those individuals, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS diseases;

Whereas the lack of awareness about MPS diseases extends to individuals within the medical community;

Whereas the cellular damage that is caused by MPS makes MPS a model for the study of many other degenerative genetic diseases; and

Whereas the development of effective therapies and a potential cure for MPS diseases can be accomplished by increased awareness, research, data collection, and information distribution: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 15, 2013, as ''National MPS Awareness Day''; and

(2) supports the goals and ideals of ''National MPS Awareness Day''.

## NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, ''Offshore Profit Shifting and the U.S. Tax Code—Part 2.'' The Subcommittee will continue its examination of the structures and methods employed by multinational corporations to shift profits offshore and how such activities are affected by the Internal Revenue Code and related regulations. Witnesses will include representatives from the Department of the Treasury, the Internal Revenue Service, representatives of a multinational corporation, and tax experts. A witness list will be available Friday, May 17, 2013.

The Subcommittee hearing has been scheduled for Tuesday, May 21, 2013, at 9:30 a.m., in room 106 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224–9505.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 15, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, ''The Road Ahead: Advanced Vehicle Technology and Its Implications.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 15, 2013, at 9 a.m., to hold a hearing entitled, ''U.S. Policy Toward Iran.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 15, 2013, at 9:30 a.m. to conduct a hearing entitled ''Performance Management and Congressional Oversight: 380 Recommendations to Reduce Overlap and Duplication to Make Washington More Efficient.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 15, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 15, 2013, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on May 15, 2013, at 10 a.m. in room SR–418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL SECURITY AND INTERNATIONAL TRADE AND FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on National Security and International Trade and Finance be authorized to meet during the session of the Senate on May 15, 2013, at 2 p.m., to conduct a hearing entitled ''Improving Cross Border Resolution to Better Protect Taxpayers and the Economy.''

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL MPS AWARENESS DAY

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 142, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

A resolution (S. Res. 142) designating May 15, 2013, as ''National MPS Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BLUMENTHAL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 142) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## ORDERS FOR THURSDAY, MAY 16, 2013

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Thursday, May 16, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to executive session to consider Calendar No. 91, the nomination of Ernest J. Moniz, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. BLUMENTHAL. There will be a rollcall vote at approximately 2 p.m. on confirmation of the Moniz nomination.

## ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BLUMENTHAL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Thursday, May 16, 2013, at 11 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate May 15, 2013:

### THE JUDICIARY

WILLIAM H. ORRICK, III, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARILYN B. TAVENNER, OF VIRGINIA, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES.

# EXTENSIONS OF REMARKS

## HONORING GARRETT O. SMITH

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. HENSARLING. Mr. Speaker, it is my honor today to recognize Master Chief Petty Officer Garrett O. Smith for his service to our country. Master Chief Petty Officer Smith served in the United States Navy from 1942 to 1969.

Master Chief Smith was assigned to the U.S.S. *Sperry* (AS–12), a submarine tender, in September of 1942. Later, in March of 1947, Officer Smith graduated from the Electrician ''B'' School in Washington, DC, and transferred to Goat Island, California. In May of 1954, Master Chief Smith was reassigned to the Naval Inspectors Office at Quincy, Massachusetts. Officer Smith's last assignment began in January of 1968 aboard the U.S.S. *Observation Island* (E–AG–154) Polaris/Poseidon test and development ship. On December 1, 1969, Master Chief Smith retired from the United States Navy.

Humbly, I echo the words of President Ronald Reagan, ''We will always remember. We will always be proud. We will always be prepared, so we will always be free.'' And humbly, I offer my sincere gratitude to Officer Smith for his service and acts of bravery that allow us the freedoms we enjoy today.

## MAVERICK SWENSON

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Maverick Swenson for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Maverick Swenson is an 8th grader at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Maverick Swenson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Maverick Swenson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all of his future accomplishments.

## HONORING MINISTER TIMOTHY MILES FOWLER

### HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. JOHNSON of Georgia. Mr. Speaker, I present the following U.S. Citizin of Distinction.

Whereas, we are gathered to celebrate the life of Minister Timothy Miles Fowler, a cornerstone in the DeKalb County community; and

Whereas, Timothy Miles Fowler was born in Decatur, Georgia, educated in the DeKalb County Public Schools and was a Minister at Big Miller Grove Missionary Baptist Church; and

Whereas, he was a young man who believed and lived a life for God, Country, Community and Family; and

Whereas, Minister Fowler gave of himself, his time, his talent and his life with unwavering commitment to his family and community; and

Whereas, he was a husband, a father, a son, a brother and a friend; he was a man who enjoyed life, savoring the moments with Iris, his wife and life partner and their three children, Timothy Tymere, Iana Allysa and Cameron Timothy; and

Whereas, the U.S. Representative of the Fourth District of Georgia recognizes Minister Timothy Miles Fowler as a citizen of great worth and so noted distinction; now therefore, I, Henry C. ''Hank'' Johnson, Jr., do hereby attest to the 113th Congress that Minister Timothy Miles Fowler is deemed worthy and deserving of this ''Congressional Honor'' by declaring Minister Timothy Miles Fowler U.S. Citizen of Distinction Extension of Remarks in the 4th Congressional District of Georgia.

Proclaimed, this 27th day of April, 2013.

## CELEBRATING THE LIFE OF HARLEM'S MATRIARCH MS. FANNIE E. PENNINGTON

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. RANGEL. Mr. Speaker, I rise today to celebrate the life of Harlem's Matriarch Ms. Fannie E. Pennington, who passed away on Wednesday, February 13 at the age of 99 years old.

On Friday, February 22, the village Harlem joined together at Abyssinian Baptist Church to celebrate the amazing and historic life of Fannie E. Pennington who was a faithful and dedicated servant to the Lord and to our Nation. Great women like our wonderful Fannie Pennington are precious gifts we temporarily have in this world, but their assistance, contributions and accomplishments are far remembered and everlasting.

Our beloved Fannie lived a full spiritual life—a life well spent and dedicated to the uplifting of African Americans and women. Daughter of Matthew Mark and Hattie Harris, and a descendant of the Balanta Fula Tribes of Guinea, Fannie and her late sister Amelia were baptized and christened into the family of the historic Abyssinian Baptist Church by the Reverend Adam Clayton Powell, Sr.

At Abyssinian, Fannie Pennington became one of the most devoted members, serving on the Progressive Ladies Usher Board, the Welcome and Hospitality Committee, which was once known as the Adam Clayton Powell Overseas Club. Ms. Fannie Pennington greeted and hosted historic world figures and American Icons such as Haile Selassie, Mary McCloud Bethune, Dr. Martin Luther King, Jr. and Malcolm X.

Many of our friends will remember Fannie as a vivacious and beautiful personality, who tended bar in several of Harlem's elite dining institutions and establishments. She was also an official representative of the Barmaid Charity Organization, which raised money to send inner city kids to summer camp. I will remember Fannie for her loyalty and support to Adam Clayton Powell, Jr., her years of service to the New York City Board of Elections and the Frederick E. Samuel Community Democratic Club, where she spent her life's work registering young people to vote.

Mr. Speaker, as we celebrate the 150th Anniversary of the Emancipation Proclamation, the 50th Anniversary of the March on Washington and the 100th Birthday of Rosa Parks, let us also celebrate the 99 years of our beloved Fannie E. Pennington.

## HONORING TERRY EDWARD MASSEY

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. HENSARLING. Mr. Speaker, it is my honor today to recognize Corporal Terry Edward Massey. Corporal Massey served in the United States Marine Corps from 1943 to 1946.

A few months after his 18th birthday, he enlisted in the United States Marine Corps on November 4, 1943. Corporal Massey served in the 26th Marine Regiment, 5th Marine Division during the Battle of Iwo Jima. After landing at Iwo Jima, Corporal Massey helped a wounded fellow Marine take cover in a shell hole. Near the end of the battle, Corporal Massey said, ''Surviving Iwo Jima without getting injured was like walking through rain without getting wet.''

During his years of service, Corporal Massey received a Presidential Unit Citation, Asiatic–Pacific Campaign Medal with Star, World War II Victory Medal, Navy Occupation Service Medal (Japan), China Liberation Ribbon, and Marine Corps Sharpshooter Badge. He was discharged on May 10, 1946. Now at age 87, Fmr. Corporal Massey still remembers

his M1 Rifle number: 1434919 and serial number: 919497. He remains a true patriot whose fervent prayer is that his grandchildren and great–grandchildren will be able to grow up and live in the America he has always known and fought to protect.

Humbly, I echo the words of President Ronald Reagan, ''We will always remember. We will always be proud. We will always be prepared, so we will always be free.'' And humbly, I offer my sincere gratitude to Corporal Massey for his service and acts of bravery that allow us the freedoms we enjoy today.

## IN RECOGNITION OF NATIONAL PEACE OFFICERS MEMORIAL DAY

### HON. PATRICK MURPHY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. MURPHY of Florida. Mr. Speaker, I rise today to honor and pay tribute to all those who serve and who have served as peace officers to protect and serve our great nation. Today is the day we demonstrate our respect for the men and women and all that they do for us and our country. We especially honor those who sacrificed everything and lost their lives in the line of duty. On this day we remember all those who don a uniform signifying the protection of our country's citizens by means of defending the laws of our nation.

Since October 1, 1962 when President John F. Kennedy signed a special law, May 15 has been National Peace Officers Memorial Day, and the week containing May 15 has been recognized as National Police Week. This is a time when Americans are given a chance to honor the extraordinary service given year after year by our police forces. Although people sometimes forget those in uniform, we must recognize this day to understand the length these officers go to in order to do their job and serve our communities. These officers are special because they have taken the initiative to sacrifice their own safety for the safety of others. They exhibit bravery and courage every day to keep our communities safe, to preserve and protect our laws and our constitution in their line of duty. It is important they know that they have the full support of the United States Congress and the American people.

We must commemorate the dedicated law enforcement officers who serve our communities, states and country. This being said, I would like to take this opportunity to remember our own Sergeant Gary Morales, who was shot and killed in the line of duty at the age of 35 on Thursday February 28, 2013 in Fort Pierce, Florida. He was a selfless hero, like all those who have lost their lives during service. The motto of police week, ''Never Alone, Never Forgotten,'' must be observed and remembered not only today, but every day. Sergeant Morales—you will never be forgotten.

Peace Officers Memorial Day gives us all the opportunity to thank those in our community who do so much for us. This day, as well as National Police Week, pays tribute to the local, State, and Federal law enforcement officers who serve and protect us with courage and dedication. This opportunity to thank those around us also allows for the coming together of communities. These observances remind us all of the ongoing need to be vigilant against all forms of crime and violence. The service of these brave men and women must not go unrecognized and I would like to extend my personal thanks to all those who serve.

## IN SUPPORT OF H.R. 527, THE RESPONSIBLE HELIUM ADMINISTRATION AND STEWARDSHIP ACT

### HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on April 26, 2013 the House of Representatives passed H.R. 527—the Responsible Helium Administration and Stewardship Act. During that roll call, I inadvertently voted against the bill. I rise today in support of H.R. 527.

The Responsible Helium Administration and Stewardship Act is a common sense plan to sell helium from the Federal Helium Reserve in a responsible manner to prevent a global shortage, protect jobs and the economy, and ensure a fairer return for taxpayers. This bill provides a positive alternative to authorizing a continuation of the current program. H.R. 527 prevents an extremely small number of companies from controlling a significant segment of the U.S. economy that relies on helium.

The three phase system carefully outlined in this legislation is strongly supported by my colleagues and the administration. Additionally, the Bureau of Land Management (BLM) has said it can implement this legislation without a lengthy rulemaking process. Transparency and the prevention of collusion are central components of this legislation, allowing all users to know for how much the BLM helium is being sold, creating a stable price environment. This legislation and the three phase program will ensure that there remains a stable, predictable supply of helium for the U.S. economy, as well as continuing to provide taxpayers a fair return on this supply of helium.

## HONORING DR. EVANGELIST BERTHA RACKLEY WILLIAMS

### HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, reaching the age of 85 years is a remarkable milestone; and

Whereas, Dr. Evangelist Bertha Rackley Williams was born on March 25, 1928, in Abbeville, Georgia, and is celebrating that milestone; and

Whereas, Evangelist Williams has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Evangelist Williams is celebrating her 85th Birthday with her family members, church members and friends here in Georgia on April 14, 2013, she celebrates a life of blessings; as a mother, friend, a servant and a leader; and

Whereas, the Lord has been her Shepherd throughout her life and she prays daily and is leading by example a blessed life; an advocate, faithful Evangelist of the gospel and a community leader; and

Whereas, we are honored that she is celebrating the milestone of her 85th birthday in Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Dr. Evangelist Bertha Rackley Williams for an exemplary life which is an inspiration to all,

Now therefore, I, HENRY C. ''HANK'' JOHNSON, Jr. do hereby proclaim April 14, 2013 as Dr. Evangelist Bertha Rackley Williams Day in the 4th Congressional District of Georgia.

Proclaimed, this 14th day of April, 2013.

## HONORING VAN ZANDT COUNTY'S 165TH ANNIVERSARY

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. HENSARLING. Mr. Speaker, today I would like to recognize Van Zandt County, Texas on their 165th anniversary.

Van Zandt County was first established by the Texas legislature on March 20, 1848, when it was taken from part of Henderson County. Sabine Lake (Jordan's Saline) was the first county seat. There court was first held in a log-built courthouse during December of 1848. The county seat was later moved to Canton after Wood County was carved out of Van Zandt County in 1850. The county's namesake is Republic of Texas leader Isaac Van Zandt.

The area provides numerous opportunities for enjoying the outdoors and great East Texas food. Local attractions include Lake Tawakoni, the famous First Monday Trade Days in Canton, Salt Festival and Rodeo held in Grand Saline, Van Oil Festival, Edom Festival of the Arts, Ben Wheeler Fall Feral Hog Festival, Wills Point Bluebird Festival, Edgewood Heritage Festival, and countless other events and activities throughout the year that attract visitors from across the state and country.

It is my privilege and honor to represent the citizens of Van Zandt County in the United States House of Representatives.

## HONORING TEN VETERANS FROM OREGON

### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. WALDEN. Mr. Speaker, I rise to recognize the 10 veterans from Oregon who will be visiting their memorials this Friday in Washington, D.C. On behalf of a grateful state and country, we welcome these heroes to the nation's capital.

The veterans who fought in World War II are Francis Lake, U.S. Army; Loyal Miller, U.S. Army; Earnest Walston, U.S. Army; and Henry Hemholtz, U.S.Navy. Malcolm Grizwold, U.S. Army fought in the Korean War. The veterans who fought in the Viet Nam War are

Leroy Ellis, U.S. Army; David Gibons, U.S. Army; Larson Kalama, U.S. Army; Janice Smith, U.S. Army; and Michael Williams, U.S. Navy.

These 10 heroes join more than 98,000 veterans from across the country who, since 2005, have journeyed from their home states to Washington, D.C. to reflect at the memorials built in honor of our nation's veterans.

Mr. Speaker, each of us is humbled by the courage of these soldiers, sailors, and Marines who put themselves in harm's way for our country and way of life. As a nation, we can never fully repay the debt of gratitude owed to them for their honor, commitment, and sacrifice in defense of the freedoms we have today.

My colleagues, please join me in thanking these veterans and the volunteers for their exemplary dedication and service to this great country. I especially want to recognize and thank Michael Williams for his tireless work in organizing this group visit to Washington, D.C.

## RECOGNIZING MR. JOE COX

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. COSTA. Mr. Speaker, I rise today to recognize Mr. Joe Cox for his many years of dedication to the Los Banos Future Farmers of America (FFA) as they celebrate the 50th Anniversary of their win at the FFA Nationals Contest. His commitment to young participants of the FFA program as well as many other community activities, make Joe Cox most deserving of this honor.

Joe Cox was born in Booneville, Arkansas in 1925. During the Great Depression, his family—including his two sisters, parents and grandmother—decided to leave Arkansas. They traveled across the country for two years, camping along the way, until they made it to Reedley, California.

Once the family settled in Reedley, Joe was able to return to school. Joe's family moved around the Reedley area, wherever there was work for his father. During one year, his family moved eight times. Even though his life was at times unstable, he was inspired by his father's commitment to working hard and supporting his family. This lifestyle also sparked his devotion to his life in education and his empathy for students who had to overcome obstacles.

As Joe graduated high school and World War II ensued, Joe decided to enlist in the Navy. He was assigned to the radio operators training after just five weeks of basic training. After his education was complete, Joe volunteered to serve on submarines. Out of one hundred volunteers, Joe was chosen as one of five to attend submarine school. He was assigned to a tender ship, the U.S.S. *Orion*, and the U.S.S. *Batfish*, which patrolled off the coasts of Japan.

When the war was over and he was discharged, Joe joined his brother-in-law in the farming business. After farming for several years, Joe decided that he wanted to continue his education. He attended Reedley College and then California Polytechnic State University (Cal Poly) in San Luis Obispo. Joe was in his first quarter at Cal Poly, when he was called to serve in the Korean War. After two years, he was able to return to Cal Poly and complete his degree and teaching credential.

Joe began his teaching career as an Ag Science teacher with Los Banos High School in 1955. He went on to become the Agriculture Department Chair, which he turned into a highly respected program. In the spring of 1963, Joe coached the Los Banos High School FFA team to a first place finish at the state dairy judging contest, and then went on to win the National title in Waterloo, Iowa.

Joe continued to take summer classes to further his knowledge in the education field. He earned a master's degree in education from Cal Poly in 1957. Then in 1981, he earned his doctoral degree in education from the University of Southern California. Joe shifted his career into administration when he took the role of Assistant Principal at Los Banos High School in 1963 and Principal in 1969. One of Joe's assignments was to focus on adult education, which eventually led him to a position at the new Merced College Los Banos campus to run the evening programs. In 1982, he took the position of Principal at the junior high in Los Banos where he stayed until his retirement in 1988.

During his retirement, Joe has done more than many people do in a lifetime. He served for 12 years on the Los Banos Unified School Board. In addition, he served as President of the Los Banos Golden Agers, District Governor in Rotary, Chair of the California Seniors Legislature and most recently National President of the U.S. Submarine Veterans of World War II. The City of Los Banos recently acknowledged his longtime service to the community by inducting him into the Los Banos High History-Society Hall of Fame.

Mr. Speaker, it is with great respect that I ask my colleagues in the House of Representatives to recognize the leadership and commitment Mr. Cox has shown to Los Banos and the Future Farmers of America. He personifies a man of principle and integrity. Joe Cox is a role model for all of us, and it is with great pride that I recognize him for everything he does for our community.

## HAZLETON PATROLMAN ERNESTO ''NESTY'' VALENTE

### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. BARLETTA. Mr. Speaker, I rise to honor Hazleton, Pennsylvania Patrolman Ernesto ''Nesty'' Valente, who passed away on May 15, 1938, while serving in the line of duty.

Mr. Valente met his untimely death while escorting an automobile carrying John Sotack, age 8, through the congested city business district to the hospital. While attempting to ensure quick passage of the automobile through the intersection at Broad and Wyoming streets, Mr. Valente was propelled from the running board of the vehicle when the driver applied the brakes. Despite the best efforts of his fellow patrolman and medical professionals, he perished shortly after at the State Hospital.

At the time of his death, Mr. Valente was one of the oldest members of the Hazleton Police Department in the line of service, having been appointed on April 21, 1921. He was considered to be an outstanding traffic officer and served the city of Hazleton with distinction. A husband and father of two daughters, Mr. Valente was also appointed as a member of the Lodge No. 18, Fraternal Order of Police and a member of the Most Precious Blood Church.

Mr. Speaker, for his dedication and sacrifice to keep the citizens of Hazleton, Pennsylvania safe, I commend Patrolman Ernesto ''Nesty'' Valente.

## CONGRATULATING SAINTS CONSTANTINE AND HELEN GREEK ORTHODOX CHURCH ON ITS 100TH ANNIVERSARY

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. VISCLOSKY. Mr. Speaker, as a member of the American Hellenic Educational Progressive Association (AHEPA), Chapter 78, it is with great pleasure and enthusiasm that I congratulate Saints Constantine and Helen Greek Orthodox Church in Merrillville, Indiana, as its members celebrate the 100th anniversary of the founding of the parish. Father Ted Poteres, along with Parish Council President JoAnn Massow and the congregation, will commemorate this momentous milestone with a celebratory reception on Saturday, May 18, 2013, at the Saints Constantine and Helen Cultural Center in Merrillville, Indiana. Northwest Indiana is especially grateful for the unshakable faith, boundless wisdom, and exemplary service of Father Poteres, a truly outstanding religious leader. I also wish to acknowledge the presence of His Eminence Metropolitan Iakovos and all the other committed religious leaders who have joined in this celebration.

The founding of Saints Constantine and Helen began when a group of immigrants joined together with the goal of preserving Greek culture and religious tradition for the many Greek families that were moving into the Northwest Indiana region. In 1913, the first worship services were held in a rented store building in Gary, Indiana, making Saints Constantine and Helen the first Greek church in the City of Gary. The name was chosen to signify the importance of Saint Constantine, the Roman emperor who, during the fourth century, permitted the freedom of practicing Christianity, as well as Saint Helen, Saint Constantine's mother, in their fight for the sustentation of their religious beliefs and Greek heritage. The church continued to gain support, and as a result of the congregation's dedicated and unwavering efforts, on Easter Sunday of 1919, Saints Constantine and Helen opened their first church building in Gary.

The church has continually been blessed with extraordinary religious leaders, none more exemplary than Father Ted. And we all recall the appointment of Father Evagoras Constantinides as pastor of Saints Helen and Constantine in 1969. Under his leadership, the Hellenic Cultural Center and the Saints Constantine and Helen Cathedral were constructed in Merrillville, Indiana. Father Ev served as pastor for 26 years and was held in the highest regard by church leaders internationally, by his congregation, and by the entire Northwest Indiana community. Father

Evagoras's passing at a time when we are celebrating the parish's 100th anniversary seems to me to be more than coincidental. I believe it evidences his knowledge that he could join our God firm in his absolute faith in Father Poteres's spiritual leadership, the Parish Council's commitment to future generations, and every parishioner's dedication to preserving their religious beliefs and the incomparable Hellenic culture and values we all hold so dear.

The leaders and parishioners of Saints Constantine and Helen Greek Orthodox Church touch the lives of countless individuals through their compassionate service, especially to those most in need. Over the years, the church has come to the aid of so many people through the church's Helping Hand Fund, which provides financial assistance to those in need. The church also facilitates the Ross Township Food Pantry, which fed approximately 20,000 people during the last year.

Mr. Speaker, I am a strong advocate for the promotion of the ideals and morals of Hellenism throughout all of Northwest Indiana. I ask that you and my other distinguished colleagues join me in honoring Saints Constantine and Helen Greek Orthodox Church as the congregation celebrates its 100th anniversary. The church leaders and parishioners have dedicated themselves to upholding Greek Orthodox traditions and spiritual beliefs. For their commitment to service, and for touching the lives of countless individuals, they are worthy of the highest praise.

## MEGAN RHOADS

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Megan Rhoads for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Megan Rhoads is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Megan Rhoads is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Megan Rhoads for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

## TRIBUTE TO BARBARA NUNN McCARTHY

### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. JOHNSON of Georgia. Mr. Speaker, I present the following U.S. Citizen of Distinction.

Whereas, our lives have been touched by the life of this one woman who has given of herself in order for others to stand; and

Whereas, Barbara Nunn McCarthy was a community leader, making history as the first woman to serve on the Rockdale County Board of Commissioners; and

Whereas, she provided leadership and service to so many community institutions including the Rockdale United Way, the County Extension Service, the C. E. Steele Community Center, Rockdale Retired Educators Association, Habitat for Humanity, the Rockdale Coalition for Children and Families and the Conyers Rotary Club; and

Whereas, Mrs. McCarthy never asked for fame or fortune, nor found a job too small or too big; she gave of herself, her time and her many talents by demonstrating unwavering commitment to protecting and serving the citizens of Rockdale County; and

Whereas, she was a wife, a mother, a sister, an aunt, a teacher and a friend; she was also a woman of great integrity who throughout her life remained true to uplifting and serving; and

Whereas, the U.S. Representative of the Fourth District of Georgia recognizes Barbara Nunn McCarthy as a citizen of great worth and so noted distinction; now therefore, I, HENRY C. "HANK" JOHNSON do hereby attest to the 113th Congress that she is deemed worthy and deserving of this "Congressional Honor" by declaring Barbara Nunn McCarthy, U.S. Citizen of Distinction in the 4th Congressional District of Georgia.

Proclaimed, this 30th day of March, 2013.

## IN CELEBRATION OF DABNEY N. MONTGOMERY'S 90TH BIRTHDAY "OUR NONAGENARIAN HERO"

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. RANGEL. Mr. Speaker, I rise today to honor, recognize, and celebrate the 90th Birthday of Mr. Dabney N. Montgomery, a member of the ground crew of the Tuskegee Airmen, who later served as a bodyguard for Martin Luther King during the historic 1965 march from Selma to Montgomery, Alabama.

Dabney N. Montgomery was born in Selma, Alabama on April 18, 1923, to Dred and Lula Anderson Montgomery. Mr. Montgomery was drafted into the Army Air Corps (now the United States Air Force), during World War II and served in the 1051st Quartermaster Company of the 96th Air Service Group, attached to the 332nd Air Fighter Group, as a ground crewman with the Tuskegee Airmen in Southern Italy, from 1943 to 1945. He was awarded a Good Conduct Medal, the WWII Victory Medal, the European African Middle Eastern Service Medal with two Bronze Stars, a Service Award, the Honorable Service Medal, and a Basic Driver and Mechanic Medal. In 1946, he enrolled into Livingstone College, Salisbury, North Carolina, and received a B.A. degree in Religious Education, in May 1949. He served as a Charter Member of the Sphinx Club and was one of the first to be admitted into the Gamma Mu Chapter of the Alpha Phi Alpha [AΦA] Fraternity.

In June 1955, he joined Mother African Methodist Episcopal Zion Church (the oldest Black Church in the State of New York, organized in 1796), Harlem, New York. He immediately began to serve as Sunday School Teacher and, in early 1970, was appointed Director of Youth (serving until 1999). In July 1996, he authored a Resolution to the General Conference of the A.M.E. Zion Church Denomination, proposing that 'The Day of Pentecost' be incorporated in their Book of Discipline. It now stands as a day of celebration throughout all A.M.E. Zion Churches.

He served and presently serves in many capacities such as General Chairperson of Mother Zion's Bicentennial Anniversary in October 1996, charter member of the past organization at 159 West 136th Street Parsonage Building Fund of Mother Zion, the W.H. & O.M.S where he served as member/chaplain, Class no. 4 member, Board of Stewards, Board of Directors of James Varick Community Center, and the Lay Council. He is Mother Zion's Church Historian and conducts church tours. In 1999, the Church was featured in a PBS documentary entitled, "A Walk through Harlem," hosted by Barry Lewis and David Hartman in which Mr. Montgomery cites the history of Mother Zion Church.

On Sunday, March 5, 2006, the men's committee bestowed upon him a double honor with the Paul Robeson Award of Excellence and with architectural plans for the future structure of the Church archives and museum to be named the Dabney N. Montgomery Art Gallery and Exhibition Hall. Mr. Montgomery was an activist in the course of the Civil Rights Movement and marched with the late Reverend Dr. Martin Luther King, Jr. throughout the 50+ mile March from Selma to Montgomery, Alabama, March 21–25, 1965. He served as one of Dr. King's bodyguards. On April 11, 2006, President George W. Bush signed a bill into law to award all original Tuskegee Airmen the 'United States Congressional Gold Medal of Honor;' it was awarded on Thursday, March 29, 2007, under the Capitol Dome here in Washington, D.C.

In December 2006, he was selected by the Livingstone College National Alumni Association to receive the prestigious Outstanding Alumni Award. It was presented on February 2, 2007 by the National Alumni Council of the United Negro College Fund in Nashville, Tennessee. On February 4, 2010, he was inducted into the United Negro College Fund "Share Your Love" and Service in Celebration of Livingstone College Leaders Hall of Fame. These distinguished awards recognize Alumni who have made significant contributions to their alma mater, community, and the United Negro College Fund.

On August 7, 2007, he was asked to serve as a member of The HistoryMakers, a Chicago-based organization that has the largest archival collection of both well-known and unsung African American HistoryMakers. Their purpose is to capture the stories of accomplished African Americans across all walks of life and to use video and new technologies to create an accessible digital collection to serve as a resource for students, teachers, scholars, documentary producers and the media. The HistoryMakers' stories are stories of success against the odds, of achievement in the face of adversity, and of inspiration. They are America's missing stories.

On Saturday, June 27, 2009 the Livingstone College National Alumni Association, Brooklyn, Queens and Long Island Chapter presented to

Dabney N. Montgomery the Joseph Charles Price Award, "In Recognition of Outstanding Achievements That Serve as a Tribute to Our Beloved Founder."

Mr. Montgomery is involved in the Harlem community and is a member of Manhattan Community Board No. 10, where he serves on two sub-committees: Parks and Recreation, and the Executive Committee. As a member of the Parks and Recreation Committee, he wrote a base letter to the Parks Department of the City of New York, as a proposal to recognize Central Park West (at 85th and 86th Streets) as the historical site of African American settlers in the early 1820s, which was then Seneca Village. Mother Zion was, for a short time, located there. The settlers were evicted in 1857 under the City's 'eminent domain' project. A permanent sign now stands marking the site. He is chaplain of the West 136th Street Block Association.

Words cannot express my gratitude to Dabney, whose devotion to our community is remarkable and his service and commitment to our Nation has known no bounds. Mr. Speaker, as we celebrate 150th Anniversary of the Emancipation Proclamation, the 150th Anniversary of the Union League Club, the 100th Anniversary of the founding of the 369th "Harlem Hellfighters Regiment" and the 100th Birthday of Rosa Parks, I ask my distinguished colleagues to join me in celebrating the 90th Birthday of Dabney N. Montgomery, an outstanding veteran, hero, civil rights activist and public servant.

## MICAH ELAZIER

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Micah Elazier for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Micah Elazier is an 11th grader at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Micah Elazier is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Micah Elazier for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

## TRIBUTE TO PATERNE AGBOHESSOU

### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service; and

Whereas, Mr. Paterne Agbohessou has answered that call by giving of himself as an educator at E.L. Bouie Sr., Traditional Theme Elementary School, and as a beloved son, mentor and friend; and

Whereas, Mr. Agbohessou has been chosen as the 2013 Teacher of the Year, representing E.L. Bouie Sr., Traditional Theme Elementary School; and

Whereas, this tenacious man has shared his time and talents for the betterment of our community and our nation through his tireless works, motivational speeches and words of wisdom; and

Whereas, Mr. Agbohessou is a courageous man and a fearless leader who has shared his vision, talents and passion to help ensure that our children receive an education that is relevant not only for today, but well into the future, as he truly understands that our children are the future; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mr. Paterne Agbohessou for his leadership and service for our District and in recognition of this singular honor as 2013 Teacher of the Year at E.L. Bouie Sr., Traditional Theme Elementary School; now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim March 15, 2013 as Mr. Paterne Agbohessou Day in the 4th Congressional District.

Proclaimed, this 15th day of March, 2013.

## IN HONOR OF DR. PETER A. KURZBERG OF BRAINTREE, MA

### HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. LYNCH. Mr. Speaker, I rise today in honor of Dr. Peter A. Kurzberg in recognition of his outstanding contribution to public education and his twenty-two years of leadership in the Braintree, MA School District.

Peter was born and raised in Springfield, MA. The son of Holocaust survivors, he was the first generation of his family born in the United States. He graduated from Classical High School in 1965. Subsequently, he earned a Bachelor of Arts degree in Early Childhood Education and Child Development from Goddard College.

Peter began his teaching career as a special needs teacher in East Hartford, CT, where he also served as Vice-President of the East Hartford Education Association. He continued his education while teaching and received his Master of Science degree in Special Education from Central Connecticut State College. After five years of teaching, Peter attended the University of Iowa where he earned his Education Specialist degree (Ed.S) in Special Education and his Doctorate (Ph.D) in Educational Administration.

While attending graduate school in Iowa, Peter worked as a special education consultant and secured his administrative position as Coordinator of Special Education for the Grant Wood Area Education Agency assigned to Iowa City.

Mister Speaker, Peter returned to Massachusetts in 1981 as the Director of Special Needs and later the Director of Instructional Programs for the Freetown-Lakeville Public Schools where he served for five years. Subsequently, he was hired as Assistant Superintendent for the Barnstable Public Schools and served in that capacity until 1991 when he assumed the position of Superintendent of the Braintree Public Schools. He has served with distinction for twenty-two years.

During his career, Peter has served as president of both the Old Colony and South Shore Superintendents Roundtable. He is a current member of the Executive Committee of the Massachusetts Association of School Superintendents, and he has served as Chairman of the Board for the South Shore Educational Collaborative. He is a past President of the Braintree Rotary Club and is currently the President of Temple B'Nai Shalom in Braintree.

Mr. Speaker, Peter has had the good fortune to be married to Karen for thirty years, and they are the proud parents of two sons, Marc and Daniel.

Mr. Speaker, it is my distinct honor to take the floor of the House today to join with Dr. Peter A. Kurzberg's family, friends, and contemporaries to thank him for forty-two years of dedicated service to public education, and especially express our gratitude for twenty-two years of inspired leadership of the Braintree Public Schools.

## NEKO FAVELA

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Neko Favela for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Neko Favela is an 11th grader at Jefferson High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Neko Favela is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Neko Favela for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all of his future accomplishments.

## HONORING REVEREND DR. RICHARD B. HAYNES

### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through Pastoral leadership and service; and

Whereas, Reverend Dr. Richard B. Haynes has given of himself to lead Salem Baptist Church these past twenty-five years; and

Whereas, Reverend Dr. Richard B. Haynes under the guidance of God has pioneered and sustained Salem Baptist Church as an instrument in our community that betters the spiritual, physical and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God has shared his time and talents for the betterment of our community for the past twenty five (25) years by preaching the gospel, singing the gospel and living the gospel; and

Whereas, Reverend Dr. Richard B. Haynes is a spiritual warrior, a man of compassion, a man of great courage, a fearless leader and a servant to all, but most of all a visionary who has shared with not only Salem Baptist Church, but with Gwinnett County and the world his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Reverend Dr. Richard B. Haynes for his leadership and service for our District as he celebrates his 25th Pastoral anniversary; now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim March 10, 2013 as Reverend Dr. Richard B. Haynes Day in the 4th Congressional District of Georgia.

Proclaimed, this 10th day of March, 2013.

## NOE URIAS

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Noe Urias for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Noe Urias is a 12th grader at Warren Tech North and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Noe Urias is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Noe Urias for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all of his future accomplishments.

## HONORING THE CEDAR GROVE AMBULANCE AND RESCUE SQUAD'S 75TH ANNIVERSARY

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Cedar Grove Ambulance and Rescue Squad, located in Cedar Grove, Essex County, New Jersey, which is celebrating its 75th Anniversary.

The need for a rescue squad in Cedar Grove was realized in 1938. When a resident of Cedar Grove was in need of immediate help, and the only rescue squad available was in the nearby Township of Verona. It was May, 1938, that a group of firemen formed the Cedar Grove Rescue Squad, with the express purpose of providing emergency medical care and rescue services to those in need. The Rescue Squad was based in Center Fire Company #1, and was the sole provider of emergency medical care to the residents of Cedar Grove for thirteen years.

In 1951, the Township of Cedar Grove faced a dramatic upsurge in emergency calls, causing eight Auxiliary Policemen and eight residents to form the Cedar Grove Ambulance Unit. The Unit was based out of the Municipal Building. In the following years, the Township continued to grow, as did the number of emergency calls. The need for more volunteers, vehicles, and space was patent. In 1962, the Ambulance Unit moved its headquarters to the intersection of Cedar Street and Ridge Road, and in 1965, the Rescue Squad moved to its headquarters at Pompton Avenue and Myrtle Avenue. The two organizations worked together to provide care and services to the residents of Cedar Grove, with the Rescue Squad handling on-scene work and the Ambulance Unit providing transportation to the hospital.

In the early eighties, new state regulations and the overwhelming amount of calls led to merger negotiations between the Rescue Squad and Ambulance Unit. In 1982, the merger resulted in the Cedar Grove Ambulance and Rescue Squad. Today, the squad has over sixty members that handle over 1,600 calls annually. They have three ambulances in operation, and a heavy-duty rescue truck equipped with the latest in rescue and medical equipment. The members, a remarkable group of men and women, remain dedicated to serving the residents of Cedar Grove, and providing the best care in emergency situations.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Cedar Grove Ambulance and Rescue Squad as they celebrate their 75th Anniversary.

## HONORING POLLY MERIWETHER LEWIS

### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. JOHNSON of Georgia. Mr. Speaker, I present the following U.S. Citizen of Distinction.

Whereas, our lives have been touched by the life of this one woman, who gave of herself in order for others to stand; and

Whereas, Ms. Polly Meriwether Lewis' work is present in DeKalb County, Georgia for all to see, being an advocate for the youth, the elderly, the poor and ordinary citizens; and

Whereas, this remarkable woman gave of herself, her time, her talent and her life; never asking for fame or fortune but only to uplift those in need; and

Whereas, Ms. Polly Meriwether Lewis led by doing behind the scenes, as well as front and center for the state of Georgia, DeKalb County, the YMCA, her beloved church, Greater Travelers Rest Baptist and for her beloved Alpha Kappa Alpha Sorority, Inc.; and

Whereas, this virtuous Proverbs 31 woman was a mother, a daughter and a friend; she was a warrior, a matriarch, and a woman of great integrity; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to bestow a Congressional recognition on Ms. Polly Meriwether Lewis for her leadership, friendship and service to all of the citizens in Georgia and throughout the Nation;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby attest to the 113th Congress that Ms. Polly Meriwether Lewis of DeKalb County, Georgia is deemed worthy and deserving of this "Congressional Honor": Ms. Polly Meriwether Lewis, U.S. Citizen of Distinction in the 4th Congressional District of Georgia.

Proclaimed, this 7th day of March, 2013.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $16,760,961,851,934.60. We've added $6,134,084,803,021.52 to our debt in 4 years. This is $6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

## NATIONAL POLICE WEEK

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. POE of Texas. Mr. Speaker, this week we honor our local, state and federal law enforcement officers by recognizing National Police Week. From May 13–17, communities across the nation will hold ceremonies, honoring the peace officers who protect them and remembering those who lost their lives in the line of duty. We take one week a year to thank them for their service, but we are grateful year-round.

Peace officers have protected Americans for the last 221 years, but our nation has celebrated their service and remembered their sacrifices since 1962 when President John F. Kennedy first proclaimed May 15 as National Peace Officers Memorial Day.

Nearly one million peace officers serve our communities selflessly nationwide. Every day, these brave men and women put on their uniform, pin on their badge and put themselves in harm's way. Their daily job is to protect our communities, our lives and our property. When the outlaws—the drug dealers, child molesters, wife beaters, robbers, bandits, murderers and street terrorists—threaten our communities, peace officers are the first ones to track them down. With their service, comes risk and

sacrifice. We remember the 120 officers who paid the ultimate sacrifice with their lives last year while in the line of duty.

Peace officers separate us from the outlaws. They separate anarchy from law and order. They help bring justice to crime victims, and peace to communities that crime has affected. We must support our peace officers because they support us, the home-front. And that's just the way it is.

## MAYRA BARRERA

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Mayra Barrera for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Mayra Barrera is a 12th grader at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Mayra Barrera is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Mayra Barrera for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

## IN RECOGNITION OF THE DEEDS AND SERVICES OF ALICE M. BENOIT

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. RANGEL. Mr. Speaker, I rise today to honor, recognize, and invoke the memory of Alice M. Benoit, a nurse that traveled around the world, from Libya, to Mexico, and finally to D.C. where she settled as a nurse at the Rayburn House Office Building giving 25 years of excellent service.

Alice M. Benoit was born in St. John's, Newfoundland and immigrated to the United States in 1945 in order to "see the world". Pursuant to that dream, she joined the Army Nurse Corps where she assisted in healing our soldiers in U.S. bases in Libya and in 1948 was granted U.S. citizenship. She also served as head nurse at the U.S. embassy in Mexico City and afterwards she worked in Texas, Alabama, and Florida.

Later on she found herself on Capitol Hill looking for employment. She had an interview with the Attending Physician's office and landed a job at the Rayburn House Office Building in 1967. During her tenure on the Hill, she provided health services to Members of Congress, staff members, and the American people who came to visit the Capitol every day. Former Representative Tom Downey (D–NY) remembered that Alice not only provided medical services, but she also provided a "soothing word to people when they needed it". She was known to be "terrifically confident and competent."

After serving 25 years on Capitol Hill, she received a Letter of Commendation for her extended service from Dr. Robert C. J. Krasner, the Former Attending Physician of the Capitol. Soon afterwards she retired in February 1992 with plans to travel with her husband, Eugene Benoit, and "read a few good books". In April 19, 2013 Alice passed away from pneumonia at an assisted-living facility in Melbourne, Florida.

## TRIBUTE TO CLARENCE NATHANIEL HOLT

### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. JOHNSON of Georgia. Mr. Speaker, I present the following U.S. Citizen of Distinction.

Whereas, we are gathered to celebrate the life of Mr. Clarence Nathaniel Holt, a cornerstone in the Providence community; and

Whereas, Mr. Clarence Nathaniel Holt was born in Nashville, Tennessee, educated in the Davidson County Public Schools and was a longtime member of Lake Providence Missionary Baptist Church; and

Whereas, he was a member of the "Greatest Generation" having served our nation with honor in the U.S. Army during World War II; and

Whereas, Mr. Holt gave of himself, his time, his talent and his life with unwavering commitment to his family and community; and

Whereas, he was a husband, a father, a grandfather, a neighbor and a friend; he was a man who enjoyed life, savoring the moments with Jennie, his wife and life partner of sixty-two (62) years and their three children, Clarence, Kathy and Charles; and

Whereas, the U.S. Representative of the Fourth District of Georgia recognizes Mr. Clarence Nathaniel Holt as a citizen of great worth and so noted distinction; now therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby attest to the 113th Congress that Mr. Clarence Nathaniel Holt is deemed worthy and deserving of this "Congressional Honor" by declaring Mr. Clarence Nathaniel Holt, U.S. Citizen of Distinction in the 4th Congressional District of Georgia.

Proclaimed, this 7th day of February, 2013.

## MERCEDES FIGUEROA

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Mercedes Figueroa for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Mercedes Figueroa is an 8th grader at Wheat Ridge 5–8 and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Mercedes Figueroa is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Mercedes Figueroa for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

## HONORING THE MENTAL HEALTH ASSOCIATION OF MORRIS COUNTY'S 60TH ANNIVERSARY

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Mental Health Association of Morris County; located in the Borough of Mountain Lakes, New Jersey, which is celebrating its 60th Anniversary.

The Mental Health Association of Morris County is a local chapter of the New Jersey Division of the National Mental Health Association, now known as Mental Health America. In earlier days of mental health treatment, asylums often restrained the mentally ill with chains and shackles. With the advent of better understanding came more humane treatments, and the cruel practice was halted. In the early 1950s, Mental Health America issued a call to asylums across the country for their discarded fetters. On April 13, 1956, the McShane Bell Foundry in Baltimore, Maryland, recast these into the Mental Health Bell, to be a sign of hope for improving mental health and achieving victory over mental illnesses. The bell, now the symbol of Mental Health America, serves as a powerful reminder of the invisible chains of misunderstanding and discrimination that continue to bind people with mental illnesses.

The Mental Health Association of Morris County was incorporated in 1953, when a small number of people in recovery from mental illness and their families decided to bring the advocacy organization local, for a better mental health system of care. The mission of this organization is to promote mental health and to support and empower people in recovery from mental illness through effective services, education, and advocacy. Within the community of Morris County, the Mental Health Association provides services to those who are most devastated by mental illness, giving them hope for recovery. They employ peer workers who have gone through similar struggles to help coach the next generation of mentally ill. The organization aids those in need transition from homelessness to housing, and from psychiatric hospitals to the community. Additionally, the Mental Health Association of Morris County serves as advocates of community education, improvement of services, policies, and resources, and promotes self help.

The goal of independence for those suffering, both financially and in conducting their lives, is an important aspect of promoting wellness. Financial support and counseling allows mentally ill people to live independently in their permanent housing opportunities where they might otherwise end up in expensive institutional or jail facilities. Their Peer-to-

Peer Support Line, staffed by those recovering from mental illness, also provides cost-efficient access to counselors if the mentally ill person is suffering from a psychiatric emergency. These services reach over 3,000 people per year. The Mental Health Association of Morris County has a staff of 85, a volunteer Board of Directors, and over 100 volunteers working to achieve this mission, on a budget of only $6 million. They are a lead county agency in promoting recovery and wellness from people with mental illness and their families. They continue to embody a just and humane approach to promoting integration into a community in which all people with mental illness are accorded respect, dignity, and the opportunity to achieve their full potential, free from stigma and discrimination.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Mental Health Association of Morris County as they celebrate their 60th Anniversary.

## TRIBUTE TO HONOR FLIGHT OF OREGON

### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. WALDEN. Mr. Speaker, I rise to recognize the 50 World War II veterans from Oregon who will be visiting their memorial this Friday in Washington, D.C. through Honor Flight of Eastern Oregon. On behalf of a grateful state and country, we welcome these heroes to the nation's capital.

The veterans on this flight from Oregon are as follows: Lloyd Harry Bigler, U.S. Air Force; Gordon L. Case, U.S. Air Force; Marion Elza Hill, U.S. Air Force; Robert Verdell Lance, U.S. Air Force; Glenn M. Lee, U.S. Air Force; James Minturn, U.S. Air Force; Arthur H. Moon, U.S. Air Force; Earl Thompson, U.S. Air Force; Charles M. Williams, U.S. Air Force; Richard K. Blackwell, U.S. Army; Lawrence Bloom, U.S. Army/U.S. Navy; Merle J. Cooper, U.S. Army; Ambrose Denfeld, U.S. Army; Robert F. Dougherty, U.S. Army/U.S. Air Force; Jack E. Lawrence, U.S. Army; Frank James Mackey, U.S. Army; Jack Marsh, U.S. Army; William Ross Maslen, U.S. Army; Joanna S. Painter, U.S. Army; Frank M. Rinella, U.S. Army/U.S. Navy; James Souza, U.S. Army; Harvey Wieprecht, U.S. Army; Charles Johnson, U.S. Coast Guard; Eldon Lewis Cedergreen, U.S. Marine Corps; Richard J. Courson, U.S. Marine Corps; Milton R. Emerson, U.S. Marine Corps; Harold G. Lowry, U.S. Marine Corps; Arthur Edward Tinker, U.S. Marine Corps; Harold E. Wyman, U.S. Marine Corps; Francis H. Bagley, U.S. Navy; Everett H. Belcher, U.S. Navy; Kenneth Ray Book, U.S. Navy; John C. Drake, U.S. Navy; Richard E. Ernst, U.S. Navy; Galen L. Goodale, U.S. Navy; Elmer LeRoy Grady, U.S. Navy; Leroy J. Hennrich, U.S. Navy; Leland P. Johnson, U.S. Navy; Vernon O. Keiper, U.S. Navy; Andrew Doyle Knox, U.S. Navy; Richard A. Leibham, U.S. Navy; James Frederick Leitch, U.S. Navy; Erwin A. Marsh, U.S. Navy; Richard Guy Miller, U.S. Navy; Addison Parry, U.S. Navy; Walter Prosser, U.S. Navy; Chester Leroy Smith, U.S. Navy; John E. Van Laning, U.S. Navy; Robert J. Wyatt, U.S. Navy; Alice Maxine Tatone, U.S. Navy WAVE.

These 50 heroes join more than 98,000 veterans from across the country who, since 2005, have journeyed from their home states to Washington, D.C. to reflect at the memorials built in honor of our nation's veterans.

Mr. Speaker, each of us is humbled by the courage of these soldiers, sailors, airmen, and Marines who put themselves in harm's way for our country and way of life. As a nation, we can never fully repay the debt of gratitude owed to them for their honor, commitment, and sacrifice in defense of the freedoms we have today.

My colleagues, please join me in thanking these veterans and the volunteers of Honor Flight of Oregon for their exemplary dedication and service to this great country. I especially want to recognize and thank Dick and Erik Tobiason for their tireless work with Honor Flight of Eastern Oregon.

## NICK HALL

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Nick Hall for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Nick Hall is an 8th grader at North Arvada Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Nick Hall is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Nick Hall for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all of his future accomplishments.

## HONORING REV. DR. NOEL BATTLE AND MARTHA HALL BATTLE

### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, on January 26, 1933, a tenacious man of God, Reverend Dr. Noel Battle was born in Union Point, Georgia; and

Whereas, on February 14, 1937, a virtuous woman of God, Martha Hall Battle was born in Greensboro, Georgia; and

Whereas, they both were raised in Georgia and they married on August 31, 1958, at the Springfield Baptist Church in Greensboro, Georgia; their union was blessed with four children, thirteen grandchildren and five great-grandchildren; and

Whereas, this phenomenal Proverbs 31 woman and this stellar man of God have shared their time and talents as inspirational pillars in our district, being citizens of great worth, fearless leaders and servants to all by always advancing the lives of others; and

Whereas, this year we celebrate a couple that is blessed with a happy life, devoted to God, family and community; and

Whereas, the works of Reverend and Mrs. Battle have and continue to enhance the lives of citizens in our district and beyond, we pause to acknowledge their unyielding service, for they are truly cornerstones in DeKalb County, Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Reverend and Mrs. Battle on their accomplishments this year and to wish them well and recognize them for their exemplary lives which are an inspiration to all; now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim February 23, 2013 as Reverend Dr. Noel Battle and Mrs. Martha Battle Day in the 4th Congressional District of Georgia.

Proclaimed, this 23rd day of February, 2013.

## MORGAN JEWELL

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Morgan Jewell for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Morgan Jewell is an 11th grader at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Morgan Jewell is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Morgan Jewell for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

## TRIBUTE TO MARY GLENN

### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. JOHNSON of Georgia. Mr. Speaker, I present the following U.S. Citizen of Distinction.

Whereas, our lives have been touched by the life of this one woman . . . who has given of herself in order for others to stand; and

Whereas, Ms. Mary Glenn's work is present in DeKalb County, Georgia, for all to see, being an advocate for the youth, the elderly, the poor and ordinary citizens like you and me; and

Whereas, this remarkable woman gave of herself, her time, her talent and her life; she never asked for fame or fortune to uplift those in need, she just wanted to do what was right; and

Whereas, Ms. Mary Glenn led by doing behind the scenes, front and center for the state of Georgia, DeKalb County, her church, Ebenezer Baptist Church and for her beloved sorority, Delta Sigma Theta Sorority, Inc.; this virtuous Proverbs 31 woman was a mother, grandmother, a daughter and a friend; she was our warrior, our matriarch, a woman of great integrity who remained true to the uplifting of our district until her end; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to bestow a Congressional recognition on Ms. Mary Glenn for her leadership, friendship and service to all of the citizens in Georgia and throughout the Nation; a citizen of great worth and so noted distinction; now therefore, I, HENRY C. ''HANK'' JOHNSON, Jr., do hereby attest to the 113th Congress that Ms. Mary Glenn of DeKalb County, Georgia is deemed worthy and deserving of this ''Congressional Honor'': Ms. Mary Glenn, U.S. Citizen of Distinction in the 4th Congressional District.

Proclaimed, this 9th day of February, 2013.

## REMEMBERING AND HONORING THE LIFE OF MARY JUDITH HONISEK

### HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. KING of New York. Mr. Speaker, I rise today to acknowledge the passing of Mary Judith Honisek of Connellsville, Pennsylvania who died on April 30th at the age of 97.

Mrs. Honisek was definitely a woman before her time. A graduate of Seton Hill College, she was a World War II veteran, serving as a Captain in the United States Medical Corps in England and France.

Mrs. Honisek was the mother of two daughters, Judith and Jane, and the grandmother of David and Gregory. She was active in her parish, Immaculate Conception Roman Catholic Church, and was an endless source of knowledge and advice for friends and family members including my wife Rosemary who was her niece.

Mary Judith Honisek was beloved by all who were privileged to know her. May she rest in peace.

## HONORING LORRAINE GOBERT

### HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, twenty seven years ago a virtuous woman of God accepted her calling to serve in the Internal Revenue Service in Houston, Texas; and

Whereas, Ms. Lorraine Gobert began her career with the IRS as a W–4 Clerk in 1986 and today retires as a member of the Taxpayer Advocate Service Team in Atlanta, Georgia; and

Whereas, this phenomenal woman has shared her time and talents, giving the citizens of our District a friend to help those in need, a fearless leader and a servant to all who wants to insure that the system works for everyone; and

Whereas, Ms. Lorraine Gobert is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Lorraine Gobert on her retirement from the Internal Revenue Service and to wish her well in her new endeavors; now therefore, I, HENRY C. ''HANK'' JOHNSON, Jr., do hereby proclaim January 30, 2013 as Ms. Lorraine Gobert Day in the 4th Congressional District.

Proclaimed, this 30th day of January, 2013.

## NUVIA RAMIREZ

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Nuvia Ramirez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Nuvia Ramirez is an 8th grader at Wheat Ridge 5–8 and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Nuvia Ramirez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Nuvia Ramirez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

## IN HONOR OF THE VILLAGE PROJECT

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. FARR. Mr. Speaker, I rise today to congratulate the Village Project for five years of exemplary service. Founded in 2008, the Village Project sought to fill the gap in mental health and family counseling services geared toward the African American community on the Monterey Peninsula in particular and the broader Monterey Bay Area as a whole.

The Village Project was born from the efforts and love of many people. But it was Mel and Regina Mason who truly made it happen. They designed the project and spent countless hours in chasing down all the myriad of clinical, fiscal, administrative, and other details that turned the idea of the Village Project into a reality. Indeed, it is their love and dedication to the people of the Monterey Bay region that infuse every aspect of the Village Project and has made it such a success in its short history.

The Village Project provides culturally-appropriate services to the African American population in order to address that community's unmet needs. While it focuses on African Americans, the Village Project is dedicated to providing services to anyone who needs them. It offers mental health counseling, a parenting program, several academic support groups for youth, as well as support for community-building.

Mel Mason, who serves as the organization's executive director and primary counselor, ensures that the Village Project works in partnership with community organizations, schools, faith-based institutions, and other agencies to collectively support children and families of all cultures. It is a true measure of its broad base of support that the organization's board is a who's who of community leaders who see many of the goals of their own work realized in the efforts of the Village Project.

Mr. Speaker, I know I speak for the whole House in congratulating the Village Project on its five year anniversary, expressing our gratitude for all of the good accomplished in that time, and our best wishes for the years of community service to come.

## IN RECOGNITION OF THE LIFE OF REVEREND NIMROD REYNOLDS

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. ROGERS of Alabama. Mr. Speaker, I respectfully ask for the House's attention today to honor the late Reverend Nimrod Reynolds.

Reverend Nimrod Reynolds was born on April 30th, 1931, to the late Shelly and Bessie Reynolds of Chambers County, Alabama. In 1957, he married the late Luenell (Todd) Reynolds. Together they had two children, Tammye Quinnell and Andre' deKoven.

In 1949, Nimrod graduated from Chambers County High School and in 1954 he graduated with a Bachelor of Arts from Clark College in Atlanta, Georgia. Three years later, Nimrod received his Masters Degree from the International Theological Seminary. He continued his education, and in 1993, received his Doctorate of Ministry from Wesleyan Theological Seminary in Washington, D.C.

In fall of 1958, he became pastor of First Baptist Church in Union Springs, Alabama, and in 1960, he began preaching at 17th Street Missionary Baptist Church in Anniston, Alabama. After the bus bombing in Anniston, Reverend Reynolds founded the Calhoun County Improvement Association. His dedication to Civil Rights continued and in 1967 he and his two children integrated Tenth Street Elementary School.

In 1969, he was appointed to the national board of the SCLC. In 1976, Reverend Reynolds was elected as the first black president of the Anniston City Board of Education. In 2012, he was recognized by both the University of Alabama and the Alabama Black Achievers for his work in civil rights.

Please join me in celebrating Reverend Reynolds' achievements in the Third District of Alabama and in honoring his legacy of civic engagement.

## PUERTO RICO STATUS LEGISLATION

### HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Ms. VELÁZQUEZ. Mr. Speaker, if we are to fairly resolve the issue of Puerto Rico's status, we must find a framework for true self-determination. The ''Puerto Rico Status Resolution Act'' being introduced today fails that test in every aspect: it denies Puerto Ricans a true vehicle for self-determination and fabricates a superficial majority in favor of statehood.

I think it is critical that my colleagues understand how flawed the process was for the plebiscite held in November of 2012. By rigging the process, architects of this vote effectively ensured that the outcome would be a result they desired.

It should be recognized that votes cast in favor of statehood did not exceed 44 percent—a number that has remained relatively flat for two decades. It is important to note that 26 percent of voters cast blank ballots during this part of the vote. These votes should be considered votes against statehood as casting a blank ballot is part of traditional form of objecting to an unfair process in Puerto Rican political history. Indeed, during this referendum, the Commonwealth Party adopted a resolution asking voters to protest the process by casting blank ballots. In short, even with this unfair and flawed process, 55 percent of Puerto Rican voters cast ballots unsupportive of statehood.

Despite these numbers, the bill being proposed today continues to perpetuate this unfair political gamesmanship, seeking to promote statehood at the exclusion of other potential political solutions.

Mr. Speaker, rather than inserting ourselves into the political status debate for Puerto Rico, Congress should be exploring ways to raise the quality of life for the 3.6 million American citizens who reside in Puerto Rico. By fostering economic development there, encouraging outside investment and spurring economic opportunity, we can help all Puerto Ricans enjoy a better life—while enhancing the economy of the mainland United States. Investments in education and infrastructure can make Puerto Rico a better place to live, while providing a solid foundation for future generations. Preserving the islands' natural beauty and addressing environmental justice issues is also vitally important.

These are the issues we should be tackling, rather than requiring Puerto Ricans to participate in a flawed process aimed at promoting the political goals of a minority of voters. The ultimate solution for Puerto Rico's future will be realized by creating economic opportunity and justice, investing in growth and infrastructure, not through unfair processes that seek to foreclose one option in favor of statehood.

I submit a Concurrent Resolution recently considered by the Commonwealth of Puerto Rico's legislature.

## IN HONOR OF MADISON CENTRAL INDIANS BASKETBALL TEAM

### HON. ANDY BARR

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. BARR. Mr. Speaker, I rise with great pride to recognize a group of young men from Madison County in Kentucky's Sixth Congressional District, who tirelessly worked this season to accomplish what athletes across our great Commonwealth of Kentucky often dream of accomplishing during their high school tenure.

This band of brothers, the Madison Central Indians, successfully beat Ballard High School in a last-second shot to be crowned champions of the 96th Annual Kentucky High School Athletic Association (KHSAA) Sweet Sixteen Championship.

In a state where basketball is not a pastime, but a passion, our youth are raised dreaming of the sound of the crowd in the hallowed halls of Rupp Arena. This year over 17,000 fans cheered these young men to victory.

For head coach Allen Feldhaus, Jr., this championship holds a special place. The last time he was in a state championship game, it was in 1981 being coached by his father, Allen Feldhaus, Sr. Clearly the love for the basketball is a family affair that made it to the record books; this duo is the only father and son pair to have both coached in a state championship game.

Led by eight seniors, this team did what it took on the court and in the classroom. I commend the teamwork of the following men: Zach Jarvis, George Walker, Daniel Parke, Ken-Jah Bosley, Coty Alexander, Ross Ramsey, Griffin Hotchkiss, Demarcus George, Nick Kavanaugh, Kirkland Humphrey, Chris Conner, Dominique Hawkins, Hunter Stocker, John Williams, Tariq Smith, Sam Jones, Cameron Thomas, Seth Richardson, Jyre Richardson and Quan Taylor.

I would also like to congratulate Dominique Hawkins, named the 2013 Kentucky ''Mr. Basketball.'' Dominique will be attending and playing basketball for my alma mater, the University of Kentucky in the Sixth Congressional District.

I extend my congratulations not only to the team, but to the Madison Central coaching staffs, teachers, families and fans who supported this team throughout the season and helped make this victory possible.

## IN RECOGNITION OF BRIGADIER GENERAL GARRETT S. YEE

### HON. ERIC SWALWELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. SWALWELL of California. Mr. Speaker, today I recognize Brigadier General Garrett S. Yee, from Fremont, California who recently was promoted from Colonel to Brigadier General by the United States Army. I will be attending a promotion ceremony for Brigadier General Yee on May 19, 2013 at the Niles Veterans Hall. I am proud to honor Brigadier General Yee, who has served his community with excellence and has executed his role as a public servant with professionalism, fairness, and integrity.

Brigadier General Yee was commissioned as an Infantry Officer in 1987 after graduating from Santa Clara University, where he earned a bachelor of science degree in combined science. He also obtained a master's degree in business administration from Golden Gate University and a master's degree in strategic studies from the Army War College.

Throughout his military career he has held an assortment of staff and command positions. Brigadier General Yee recently returned from Afghanistan, where he served as Deputy Commander for the 335th Signal Command from October 2011 until October 2012. During his time in Afghanistan, he provided senior leadership for all of the 335th Signal Command operations. Brigadier General Yee deployed to Iraq in 2006 as the lead Theater Observation Detachment Officer on behalf of the Center for Army Lessons Learned, which is where he authored a handbook on provincial reconstruction teams in Iraq.

Most recently, in December 2012, Brigadier General Yee became Deputy Commander for Mobilization for the Military Surface Deployment and Distribution Command at Scott Air Force Base.

I want to thank Brigadier General Yee for his continued service and commitment to our country. The United States appreciates his efforts to ensure our rights and benefits are protected. I wish him the best of luck in his new position.

## CONGRATULATING EAST PEORIA SCHOOL DISTRICT 86 ON BEING NAMED A BEST COMMUNITY FOR MUSIC EDUCATION

### HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 15, 2013*

Mr. SCHOCK. Mr. Speaker, I rise today to congratulate East Peoria School District 86 on being distinguished as one of the Best Communities for Music Education by the NAMM Foundation. This award recognizes excellence in ensuring that students have access to comprehensive music education, both inside and outside the classroom, and I applaud their efforts.

By making a deliberate decision to elevate diverse musical learning experiences to a priority, the teachers, faculty, and administrators of District 86 are embodying a principle that 94 percent of Americans agree with: that music is a vital part of a child's education. Study after study has shown that participation in music and arts advances student achievement in all areas of study, from math and science to English and language skills. Schools that put a priority on music education have students who are more motivated, resulting in lower dropout rates, higher standardized test scores, and thriving student body communities.

The benefits of music education go far beyond the four walls of school buildings. In a survey of top U.S. CEO's, one of the top five traits they are looking for in their workforce is creativity. Our economy needs innovative thinkers, problem solvers, and collaborative people with the ability to think outside-the-box.

Music education fosters those skills. In addition, a study by Columbia University revealed that participation in the arts boosts students' self-confidence and ability to express their ideas. In ensuring access to music education and experiences for their students, District 86 is giving the future leaders of our nation the tools they need for success in whatever career path they choose.

Albert Einstein once said, ''If I were not a physicist, I would probably be a musician. I often think in music. I live my daydreams in music. I see my life in terms of music . . . I get most joy in life out of music.'' The academic and economic benefits of music are numerous and important, but we also recognize the power of music in its own right. The sound of an orchestra or a favorite band can give us a measure of peace in a chaotic world. I commend District 86 for their commitment to make East Peoria a community where music is everywhere and where students achieve success in all their endeavors and congratulate them again on this prestigious award.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 16, 2013 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### MAY 21

9:30 a.m.
Committee on Appropriations
Subcommittee on Legislative Branch
To hold hearings to examine proposed budget estimates for fiscal year 2014 for the Government Accountability Office, Government Printing Office, and the Congressional Budget Office.
SD–138

Committee on Homeland Security and Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine offshore profit shifting and the United States tax code, part 2.
SD–106

10 a.m.
Committee on Appropriations
Subcommittee on State, Foreign Operations, and Related Programs
To hold hearings to examine a review of United States foreign assistance for children in adversity.
SD–192

Committee on Banking, Housing, and Urban Affairs
To hold hearings to examine the Financial Stability Oversight Council annual report to Congress.
SD–538

Committee on Commerce, Science, and Transportation
Subcommittee on Consumer Protection, Product Safety, and Insurance
To hold hearings to examine S. 921, to amend chapter 301 of title 49, United States Code, to prohibit the rental of motor vehicles that contain a defect related to motor vehicle safety.
SR–253

Committee on Energy and Natural Resources
To hold hearings to examine what the next applications are for natural gas and how this new demand will be met, focusing on domestic supply and natural gas exports.
SH–216

Committee on Finance
To hold hearings to examine a review of criteria used by the IRS to identify 501 (c)(4) applications for greater scrutiny.
SD–215

10:30 a.m.
Committee on the Budget
To hold hearings to examine the nomination of Brian C. Deese, of Massachusetts, to be Deputy Director of the Office of Management and Budget.
SD–608

2 p.m.
Committee on Foreign Relations
Business meeting to consider an original bill relating the the situation in Syria, and an original resolution entitled, ''World Press Freedom Day''.
SD–419

2:30 p.m.
Select Committee on Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

Commission on Security and Cooperation in Europe
To hold hearings to examine the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Humans Rights, focusing on accomplishments and challenges, including crackdowns on civil society in Russia and other countries of the former Soviet Union, anti-Semitism and discrimination in the OSCE region, challenges faced by Roma in various countries, recent and upcoming election observations, and protecting human rights in the fight against terrorism.
SVC–210/212

2:45 p.m.
Committee on Foreign Relations
Subcommittee on Near Eastern and South and Central Asian Affairs
To hold hearings to examine the prospect for Afghanistan's 2014 elections.
SD–419

### MAY 22

Time to be announced
Committee on Homeland Security and Governmental Affairs
Business meeting to consider the nominations of Brian C. Deese, of Massachusetts, to be Deputy Director of the Office of Management and Budget, and Michael Kenny O'Keefe, and Robert D. Okun, both to be an Associate Judge of the Superior Court of the District of Columbia.
S–216

10 a.m.
Committee on Appropriations
Subcommittee on Department of Defense
To hold closed hearings to examine proposed budget estimates for fiscal year 2014 for the Army.
SD–192

Committee on Finance
To hold hearings to examine S. 662, to reauthorize trade facilitation and trade enforcement functions and activities.
SD–215

Committee on Health, Education, Labor, and Pensions
Business meeting to consider an original bill entitled, ''Pharmaceutical Compounding Quality and Accountability Act'', an original bill entitled, ''Drug Supply Chain Security Act'', the nominations of Mark Gaston Pearce, of New York, Richard F. Griffin, Jr., of the District of Columbia, Sharon Block, of the District of Columbia, Harry I. Johnson III, of Virginia, and Philip Andrew Miscimarra, of Illinois, all to be a Member of the National Labor Relations Board, and any pending nominations.
SD–430

Committee on Homeland Security and Governmental Affairs
To hold hearings to examine performance management and congressional oversight, focusing on 380 recommendations to reduce overlap and duplication.
SD–342

Committee on Small Business and Entrepreneurship
To hold hearings to examine how the Science, Technology, Engineering, and Mathematics (STEM) Education Pipeline can develop a high-skilled American workforce for small business, focusing on bridging the skills gap.
SR–428A

Joint Economic Committee
To hold hearings to examine the current economic outlook.
SH–216

10:30 a.m.
Committee on Foreign Relations
Subcommittee on International Development and Foreign Assistance, Economic Affairs, International Environmental Protection, and Peace Corps
To hold hearings to examine different perspectives on international development.
SD–419

12 noon
Committee on the Judiciary
To hold hearings to examine certain nominations.
SD–226

2 p.m.
Committee on Homeland Security and Governmental Affairs
To hold an oversight hearing to examine business practices of durable medical equipment companies.
SD–342

Special Committee on Aging
To hold hearings to examine the Medicare prescription drug program, focusing on 10 years later.
SD–366

2:30 p.m.
Committee on the Budget
To hold hearings to examine supporting broad-based economic growth and fiscal responsibility through tax reform.
SD–608

Committee on Commerce, Science, and Transportation
To hold hearings to examine the nomination of Anthony Renard Foxx, of North Carolina, to be Secretary of Transportation.
SR–253

Committee on Environment and Public Works
Subcommittee on Water and Wildlife
To hold hearings to examine nutrient trading water quality.
SD–406

### MAY 23

10 a.m.
Committee on Homeland Security and Governmental Affairs
Subcommittee on the Efficiency and Effectiveness of Federal Programs and the Federal Workforce
To hold hearings to examine improving Federal health care in rural America, focusing on developing the workforce and building partnerships.
SD–342

11 a.m.
Committee on Commerce, Science, and Transportation
To hold hearings to examine the nomination of Penny Pritzker, of Illinois, to be Secretary of Commerce.
SR–253

2:30 p.m.
Select Committee on Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

JUNE 4

2:30 p.m.
Committee on Commerce, Science, and Transportation
Subcommittee on Communications, Technology, and the Internet
To hold hearings to examine the state of wireless communications.
SR–253

JUNE 5

10 a.m.
Committee on Veterans' Affairs
To hold hearings to examine pending benefits legislation.
SR–418

JUNE 11

9:30 a.m.
Committee on Armed Services
Subcommittee on Airland
Business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2014.
SD–G50

11 a.m.
Committee on Armed Services
Subcommittee on Readiness and Management Support
Business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2014.
SD–G50

2 p.m.
Committee on Armed Services
Subcommittee on Personnel
Business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2014.
SD–G50

3:30 p.m.
Committee on Armed Services
Subcommittee on Strategic Forces
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2014.
SR–232A

6 p.m.
Committee on Armed Services
Subcommittee on Emerging Threats and Capabilities
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2014.
SR–232A

JUNE 12

9:30 a.m.
Committee on Armed Services
Subcommittee on SeaPower
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2014.
SR–222

2:30 p.m.
Committee on Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2014.
SR–222

JUNE 13

9:30 a.m.
Committee on Armed Services
Closed business meeting to continue to markup the proposed National Defense Authorization Act for fiscal year 2014.
SR–222

JUNE 14

9:30 a.m.
Committee on Armed Services
Closed business meeting to continue to markup the proposed National Defense Authorization Act for fiscal year 2014.
SR–222

JUNE 20

10 a.m.
Committee on Energy and Natural Resources
To hold an oversight hearing to examine water resource issues in the Klamath River Basin.
SD–366

# *Daily Digest*

## HIGHLIGHTS

**Senate passed S. 601, Water Resources Development Act, as amended.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S3437–S3535***

**Measures Introduced:** Twelve bills and one resolution were introduced, as follows: S. 955–966, and S. Res. 142. **Pages S3531–32**

**Measures Passed:**

***Water Resources Development Act:*** By 83 yeas to 14 nays (Vote No. 124), Senate passed S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, after taking action on the following amendments proposed thereto: **Pages S3444–96**

Adopted:

Boozman Amendment No. 822, to authorize the Secretary to participate in the America the Beautiful National Parks and Federal Recreational Lands Pass program. **Page S3445**

By 60 yeas to 36 nays (Vote No. 123), Merkley/Brown Amendment No. 866, to require the use of American iron, steel, and manufactured goods for innovative financing pilot projects. **Pages S3445–46**

Hoeven Modified Amendment No. 909, to restrict charges for certain surplus water. **Pages S3444, S3447**

Rejected:

By 43 yeas to 53 nays (Vote No. 121), Coburn Amendment No. 815, to stop Federal subsidies for ongoing beach renourishment from being extended to 65 years. **Pages S3444–45**

By 35 yeas to 61 nays (Vote No. 122), Coburn Amendment No. 816, to remove restrictions on projects the Infrastructure Deauthorization Commission may consider. **Pages S3444, S3445**

Pursuant to the order of May 14, 2013, the motion to invoke cloture on the bill was withdrawn. **Page S3447**

***National MPS Awareness Day:*** Senate agreed to S. Res. 142, designating May 15, 2013, as "National MPS Awareness Day". **Page S3535**

**Measures Considered:**

***Farm Bill—Agreement:*** Senate began consideration of the motion to proceed to consideration of S. 954, to reauthorize agricultural programs through 2018. **Pages S3519–25**

A unanimous-consent agreement was reached providing that on Monday, May 20, 2013, at a time to be determined by the Majority Leader, after consultation with the Republican Leader, Senate proceed to consideration of the bill. **Page S3523**

**Moniz Nomination—Agreement:** A unanimous-consent agreement was reached providing that at approximately 11 a.m., on Thursday, May 16, 2013, Senate begin consideration of the nomination of Ernest J. Moniz, of Massachusetts, to be Secretary of Energy, under the order of May 9, 2013. **Page S3535**

**Nominations Confirmed:** Senate confirmed the following nominations:

By 56 yeas to 41 nays (Vote No. EX. 125), William H. Orrick III, of the District of Columbia, to be United States District Judge for the Northern District of California. **Pages S3508–19, S3535**

By 91 yeas to 7 nays (Vote No. EX. 126), Marilyn B. Tavenner, of Virginia, to be Administrator of the Centers for Medicare and Medicaid Services. **Pages S3508–19, S3535**

**Messages from the House:** **Page S3530**

**Measures Referred:** **Page S3530**

**Measures Placed on the Calendar:** **Page S3530**

**Executive Communications:** **Pages S3530–31**

**Additional Cosponsors:** **Pages S3532–33**

**Statements on Introduced Bills/Resolutions:** **Pages S3533–34**

**Additional Statements:** **Pages S3529–30**

**Notices of Hearings/Meetings:** **Page S3534**

**Authorities for Committees to Meet:** Page S3534

**Text of S. 601 as Previously Passed:** Pages S3454–96

**Record Votes:** Six record votes were taken today. (Total—126) Pages S3444–45, S3445, S3446, S3454, S3519

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 6:39 p.m., until 11 a.m. on Thursday, May 16, 2013. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3535.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## APPROPRIATIONS: NATIONAL AND MILITARY INTELLIGENCE PROGRAMS

*Committee on Appropriations:* Subcommittee on Department of Defense concluded a closed hearing to examine proposed budget estimates for fiscal year 2014 for National and Military Intelligence programs, after receiving testimony from James R. Clapper, Jr., Director of National Intelligence, and Michael G. Vickers, Undersecretary for Intelligence, both of the Department of Defense.

## APPROPRIATIONS: DEPARTMENTS OF THE AIR FORCE AND ARMY

*Committee on Appropriations:* Subcommittee on Military Construction and Veterans Affairs, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2014 for the Departments of the Air Force and Army, after receiving testimony from Katherine G. Hammack, Assistant Secretary of the Army for Installations, Energy, and Environment, Lieutenant General Michael Ferriter, Assistant Chief of Staff for Installation Management, Brigadier General Walter E. Fountain, Acting Deputy Director of the Army National Guard, Addison D. Davis IV, Command Executive Officer, United States Army Reserve Command, Kathleen I. Ferguson, Acting Assistant Secretary of the Air Force for Installations, Environment and Logistics, Timothy Bridges, Deputy Assistant Secretary of the Air Force for Installations, Major General Timothy Byers, The Civil Engineer, Major General Richard Haddad, Deputy Chief, Air Force Reserve, and Brigadier General James Witham, Deputy Director, Air National Guard, all of the Department of Defense.

## APPROPRIATIONS: NATIONAL INSTITUTES OF HEALTH

*Committee on Appropriations:* Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2014 for the National Institutes of Health, after receiving testimony from Francis S. Collins, Director, Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, Gary H. Gibbons, Director, National Heart, Lung, and Blood Institute, Richard J. Hodes, Director, National Institute on Aging, Story C. Landis, Director, National Institute for Neurological Disorders and Stroke, and Harold E. Varmus, Director, National Cancer Institute, all of the National Institutes of Health, Department of Health and Human Services.

## APPROPRIATIONS: DEPARTMENT OF ENERGY

*Committee on Appropriations:* Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimates for fiscal year 2014 for the Department of Energy, after receiving testimony from Daniel B. Poneman, Acting Secretary of Energy.

## PROTECTING TAXPAYERS AND THE ECONOMY

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on National Security and International Trade and Finance concluded a hearing to examine improving cross border resolution to better protect taxpayers and the economy, after receiving testimony from James R. Wigand, Director, Office of Complex Financial Institutions, Federal Deposit Insurance Corporation; Michael S. Gibson, Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System; and William C. Murden, Director, Office of International Banking and Securities Markets, Department of the Treasury.

## ADVANCED VEHICLE TECHNOLOGY

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine advanced vehicle technology and its implications, after receiving testimony from David L. Strickland, Administrator, National Highway Traffic Safety Administration, Department of Transportation; Mitch Bainwol, Alliance of Automobile Manufacturers, Washington, D.C.; Peter F. Sweatman, University of Michigan Transportation Research Institute, Ann Arbor; John D. Lee, University of Wisconsin-Madison; and Jeffrey J. Owens, Delphi Automotive, Troy, Michigan.

## UNITED STATES POLICY TOWARD IRAN

*Committee on Foreign Relations:* Committee concluded a hearing to examine United States Policy toward Iran, after receiving testimony from Wendy Sherman, Under Secretary of State for Political Affairs; and David S. Cohen, Under Secretary of the Treasury for Terrorism and Financial Intelligence.

## NOMINATION

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the nominations of Robert D. Okun, and Michael Kenny O'Keefe, both to be an Associate Judge of the Superior Court of the District of Columbia, after the nominees, who were both introduced by Representative Norton, testified and answered questions in their own behalf.

## INDIAN AFFAIRS OVERSIGHT

*Committee on Indian Affairs:* Committee concluded an oversight hearing to examine the views and priorities of Interior Secretary Jewell with regard to matters of Indian affairs, after receiving testimony from Sally Jewell, Secretary, and Lawrence Roberts, Deputy Assistant Secretary for Indian Affairs, both of the Department of the Interior.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 28 public bills, H.R. 1981–2008; and 2 resolutions, H. Res. 214, 217, were introduced. **Pages H2653–54**

**Additional Cosponsors:** **Pages H2655–57**

**Reports Filed:** Reports were filed today as follows:

H.R. 701, to amend a provision of the Securities Act of 1933 directing the Securities and Exchange Commission to add a particular class of securities to those exempted under such Act to provide a deadline for such action (H. Rept. 113–58);

H. Res. 215, providing for consideration of the bill (H.R. 45) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010 (H. Rept. 113–59); and

H. Res. 216, providing for consideration of the bill (H.R. 1062) to improve the consideration by the Securities and Exchange Commission of the costs and benefits of its regulations and orders (H. Rept. 113–60). **Page H2653**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Brooks (AL) to act as Speaker pro tempore for today. **Page H2607**

**Recess:** The House recessed at 10:50 a.m. and reconvened at 12 noon. **Page H2612**

**Reception in the House Chamber of Former Members of Congress:** Agreed by unanimous consent that the proceedings had during the former Members program held earlier in the day be printed in the Congressional Record and that all Members and former Members who spoke during the proceedings have the privilege of revising and extending their remarks. **Page H2612**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Amending a provision of the Securities Act of 1933 directing the Securities and Exchange Commission to add a particular class of securities to those exempted under such Act to provide a deadline for such action:*** H.R. 701, amended, to amend a provision of the Securities Act of 1933 directing the Securities and Exchange Commission to add a particular class of securities to those exempted under such Act to provide a deadline for such action, by a ⅔ yea-and-nay vote of 416 yeas to 6 nays, Roll No. 148; **Pages H2627–29, H2636**

***Homes for Heroes Act of 2013:*** H.R. 384, amended, to establish the position of Special Assistant for Veterans Affairs in the Department of Housing and Urban Development, by a ⅔ yea-and-nay vote of 420 yeas to 3 nays, Roll No. 149; **Pages H2629–31, H2636–37**

Agreed to amend the title so as to read: "To transfer the position of Special Assistant for Veterans Affairs in the Department of Housing and Urban Development to the Office of the Secretary, and for other purposes.". **Page H2637**

***Hill Creek Cultural Preservation and Energy Development Act:*** H.R. 356, to clarify authority granted under the Act entitled "An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes"; **Pages H2631–32**

***Amending the Energy Policy Act of 2005 to modify the Pilot Project offices of the Federal Permit Streamlining Pilot Project:*** H.R. 767, amended, to amend the Energy Policy Act of 2005 to modify the Pilot Project offices of the Federal Permit Streamlining Pilot Project, by a 2/3 yea-and-nay vote of 415 yeas to 1 nay, Roll No. 147; and **Pages H2632–33, H2634**

***Amending Public Law 93–435 with respect to the Northern Mariana Islands, providing parity***

***with Guam, the Virgin Islands, and American Samoa:*** H.R. 573, to amend Public Law 93–435 with respect to the Northern Mariana Islands, providing parity with Guam, the Virgin Islands, and American Samoa. **Pages H2633–34**

**Recess:** The House recessed at 1:29 p.m. and reconvened at 5:04 p.m. **Page H2634**

**Oath of Office—First Congressional District of South Carolina:** Representative-elect Mark Sanford presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a copy of the Certificate of Election received from the Honorable Mark Hammond, Secretary of State of South Carolina, indicating that, according to the returns of the Special Election held May 7, 2013, the Honorable Mark Sanford was elected Representative to Congress for the First Congressional District, State of South Carolina. **Page H2634–35**

**Whole Number of the House:** The Speaker announced to the House that, in light of the administration of the oath to the gentleman from South Carolina, Mr. Sanford, the whole number of the House is 434. **Page H2635**

**Senate Message:** Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H2634.

**Senate Referral:** S. 601 was held at the desk.

**Quorum Calls—Votes:** Three yea-and-nay votes developed during the proceedings of today and appear on pages H2634, H2636, and H2636–37. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 8:04 p.m.

# *Committee Meetings*

## MISCELLANEOUS MEASURE

*Committee on Agriculture:* Full Committee began a markup on H.R. 1947, the ''Federal Agriculture Reform and Risk Management Act of 2013''.

## MISCELLANEOUS MEASURE

*Committee On Appropriations:* Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a markup on FY 2014 Military Construction, Veterans Affairs, and Related Agencies Appropriations Bill. The bill was forwarded, without amendment.

## MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Full Committee held a markup on H.R. 271, ''Resolving Environmental and Grid Reliability Conflicts Act of 2013''; H.R. 1407, the ''Animal Drug User Fee Amendments of 2013'', as amended by the Subcommittee on Health; and H.R. 1919, the ''Safeguarding America's Pharmaceuticals Act of 2013''. The following bills were ordered reported, as amended: H.R. 1919 and H.R. 1407. The following bill was ordered reported, without amendment: H.R. 271.

## TITLE II OF THE DODD-FRANK ACT

*Committee on Financial Services:* Subcommittee on Oversight and Investigations held a hearing entitled ''Who Is Too Big to Fail: Does Title II of the Dodd-Frank Act Enshrine Taxpayer-Funded Bailouts?''. Testimony was heard from public witnesses.

## MURDER OF HUMAN RIGHTS ATTORNEY PATRICK FINUCANE

*Committee on Foreign Affairs:* Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held a hearing entitled ''Recent Developments in the Investigation of the Murder of Human Rights Attorney Patrick Finucane''. Testimony was heard from public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Foreign Affairs:* Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held a markup on the following measures: H.R. 1897, the ''Vietnam Human Rights Act of 2013''; H.R. 1951, the ''Sean and David Goldman International Child Abduction Prevention and Return Act of 2013''; and H. Res. 131, concerning the ongoing conflict in the Democratic Republic of the Congo and the need for international efforts toward long-term peace, stability, and observance of human rights. The following bill was forwarded, as amended: H.R. 1951. The following bill and resolution were forwarded, without amendment: H.R. 1897 and H. Res. 131.

## PREVENTING A NUCLEAR IRAN

*Committee on Foreign Affairs:* Full Committee held a hearing entitled ''Preventing a Nuclear Iran''. Testimony was heard from Wendy R. Sherman, Under Secretary for Political Affairs, Department of State; and David S. Cohen, Under Secretary for Terrorism and Financial Intelligence, Department of Treasury.

## MISCELLANEOUS MEASURE

*Committee on Homeland Security:* Full Committee held a markup on H.R. 1417, the ''Border Security Results Act of 2013''. The bill was ordered reported, as amended.

## OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE

*Committee on the Judiciary:* Full Committee held a hearing entitled ''Oversight of the United States Department of Justice''. Testimony was heard from Eric H. Holder, Jr., Attorney General, Department of Justice.

## MISCELLANEOUS MEASURES

*Committee on Natural Resources:* Full Committee held a markup on the following measures: H.R. 687, the ''Southeast Arizona Land Exchange and Conservation Act of 2013''; H.R. 761, the ''National Strategic and Critical Minerals Production Act of 2013''; H.R. 819, ''Preserving Access to Cape Hatteras National Seashore Recreational Area Act''; H.R. 910, the ''Sikes Act Reauthorization Act of 2013''; H.R. 957, the ''American Soda Ash Competitiveness Act''; H.R. 981, the ''Resource Assessment of Rare Earths Act of 2013''; H.R. 1063, the ''National Strategic and Critical Minerals Policy Act of 2013''; H.R. 1080, to amend the Sikes Act to promote the use of cooperative agreements under such Act for land management related to Department of Defense readiness activities and to amend title 10, United States Code, to facilitate interagency cooperation in conservation programs to avoid or reduce adverse impacts on military readiness activities; H.R. 1169, the ''Naval Air Station Fallon Housing and Safety Development Act''; H.R. 1299, the ''White Sands Missile Range Security Enhancement Act''; H.R. 1300 to amend the Fish and Wildlife Act of 1956 to reauthorize the volunteer programs and community partnerships for the benefit of national wildlife refuges; H.R. 1384, the ''Wildlife Refuge System Conservation Semipostal Stamp Act of 2013''; H.R. 1574, to amend the Dayton Aviation Heritage Preservation Act of 1992 to rename a site of the park; H.R. 1613, the ''Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act''; H.R. 1672, ''Limestone Hills Training Area Withdrawal Act''; H.R. 1673, to provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Navy for inclusion in Naval Air Weapons Station China Lake, California; H.R. 1676, the ''Johnson Valley National Off-Highway Vehicle Recreation Area Establishment Act''; and H.R. 1691, the ''Chocolate Mountain Aerial Gunnery Range Transfer Act of 2013''. The following bills were ordered reported, as amended: H.R. 687; H.R. 761; H.R. 1080; H.R. 1169; H.R. 1299; H.R. 1300; H.R. 1613; H.R. 1672; H.R. 1673; H.R. 1676; and H.R. 1691. The following bills were ordered reported, without amendment: H.R. 819; H.R. 910; H.R. 957; H.R. 981; H.R. 1063; H.R. 1384; and H.R. 1574.

## SEC REGULATORY ACCOUNTABILITY ACT; AND REPEAL OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010

*Committee on Rules:* Full Committee held a hearing on H.R. 1062, the ''SEC Regulatory Accountability Act''; and H.R. 45, to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010. The Committee granted, by record vote of 8–2, a structured rule for H.R. 1062. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill. The rule makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–10 and provides that it shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute. The rule makes in order only those further amendments printed in the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in the report. The rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Hensarling and Waters.

The Committee granted, by record vote, of 8–2, a closed rule for H.R. 45. The rule provides two hours of debate equally divided among and controlled by the respective chairs and ranking minority members of the Committees on Education and the Workforce, Energy and Commerce, and Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that the amendment printed in the Rules Committee report shall be considered as adopted. The rule provides that the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule provides

one motion to recommit with or without instructions. Testimony was heard from Representatives Burgess, Schakowsky, Andrews, and McDermott.

### PATENT REFORM IMPLEMENTATION AND NEW CHALLENGES FOR SMALL BUSINESSES

*Committee on Small Business:* Full Committee held a hearing entitled ''Patent Reform Implementation and New Challenges for Small Businesses''. Testimony was heard from public witnesses.

### SMALL BUSINESS AND PASS-THROUGH ENTITY TAX REFORM

*Committee on Ways and Means:* Subcommittee on Select Revenue Measures held a hearing entitled ''Small Business and Pass-Through Entity Tax Reform''. Testimony was heard from public witnesses.

## *Joint Meetings*

### WOMEN IN MANUFACTURING

*Joint Economic Committee:* Committee concluded a hearing to examine women in manufacturing, after receiving testimony from Jennifer McNelly, The Manufacturing Institute, Washington, D.C.; Darlene Miller, Permac Industries, Burnsville, Minnesota; and Amy Jolley, Noble Energy, Inc., Houston, Texas.

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## COMMITTEE MEETINGS FOR THURSDAY, MAY 16, 2013

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2014 for various agencies within the Department of Agriculture, 10 a.m., SD–124.

Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2014 for the Federal Bureau of Investigation; to be immediately followed by a closed session in SVC–217, 10 a.m., SD–192.

*Committee on Armed Services:* to hold hearings to examine the law of armed conflict, the use of military force, and the 2001 Authorization for Use of Military Force, 9:30 a.m., SD–106.

*Committee on the Budget:* to hold hearings to examine effective strategies for government reorganization, focusing on silo busting, 10 a.m., SD–608.

*Committee on Commerce, Science, and Transportation:* Subcommittee on Science and Space, to hold hearings to examine partnerships to advance the business of space, 10 a.m., SR–253.

*Committee on Energy and Natural Resources:* business meeting to consider S. 27, to clarify authority granted under the Act entitled ''An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah'', S. 28, to provide for the conveyance of a small parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in Utah to Brigham Young University, S. 59, to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California, S. 155, to designate a mountain in the State of Alaska as Denali, S. 156, to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska, S. 211, to amend certain definitions contained in the Provo River Project Transfer Act for purposes of clarifying certain property descriptions, S. 225, to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, S. 241, to establish the Rio Grande del Norte National Conservation Area in the State of New Mexico, S. 256, to amend Public Law 93–435 with respect to the Northern Mariana Islands, providing parity with Guam, the Virgin Islands, and American Samoa, S. 284, to transfer certain facilities, easements, and rights-of-way to Fort Sumner Irrigation District, New Mexico, S. 305, to authorize the acquisition of core battlefield land at Champion Hill, Port Gibson, and Raymond for addition to Vicksburg National Military Park, S. 312, to adjust the boundary of the Carson National Forest, New Mexico, S. 342, to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada, S. 349, to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, S. 363, to expand geothermal production, S. 368, to reauthorize the Federal Land Transaction Facilitation Act, S. 371, to establish the Blackstone River Valley National Historical Park, to dedicate the Park to John H. Chafee, S. 447, to provide for the conveyance of certain cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota, S. 476, to amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission, S. 486, to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, S. 507, to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, S. 609, to authorize the Secretary of the Interior to convey certain Federal land in San Juan County, New Mexico, S. 659, to reauthorize the Reclamation States Emergency Drought Relief Act of 1991, S. 684, to amend the Mni Wiconi Project Act of 1988 to facilitate completion of the Mni Wiconi Rural Water Supply System, S. 693, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, S. 736, to establish a maximum amount for special use permit fees applicable to certain cabins on National Forest System land in the State of

Alaska, S. 757, to provide for the implementation of the multispecies habitat conservation plan for the Virgin River, Nevada, and Lincoln County, Nevada, to extend the authority to purchase certain parcels of public land, S. 783, to amend the Helium Act to improve helium stewardship, S.J. Res. 12, to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission, Act, 1920, and H.R. 316, to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects, 10 a.m., SD–366.

*Committee on Environment and Public Works:* business meeting to consider the nomination of Regina McCarthy, of Massachusetts, to be Administrator of the Environmental Protection Agency, 12 noon, SD–406.

*Committee on Health, Education, Labor, and Pensions:* business meeting to consider the nomination of Thomas Edward Perez, of Maryland, to be Secretary of Labor, and any pending nominations, 9:15 a.m., SD–430.

Full Committee, to hold hearings to examine the nominations of Mark Gaston Pearce, of New York, to be Chairman, and Richard F. Griffin, Jr., of the District of Columbia, Sharon Block, of the District of Columbia, Harry I. Johnson III, of Virginia, and Philip Andrew Miscimarra, of Illinois, all to be a Member, all of the National Labor Relations Board, 10 a.m., SD–430.

*Committee on the Judiciary:* business meeting to resume consideration of S. 744, to provide for comprehensive immigration reform, and the nominations of Srikanth Srinivasan, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, Raymond T. Chen, of Maryland, to be United States Circuit Judge for the Federal Circuit, and Jennifer A. Dorsey, to be United States District Judge for the District of Nevada, 9:30 a.m., SDG–50.

*Committee on Small Business and Entrepreneurship:* to hold hearings to examine the effects of mandatory e-verify on American's small businesses, 10:30 a.m., SR–428A.

*Select Committee on Intelligence:* to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

## House

*Committee on Appropriations,* Subcommittee on Homeland Security, markup on FY 2014 Homeland Security Appropriations Bill, 10:30 a.m., B–308 Rayburn.

*Committee on Education and the Workforce,* Full Committee, markup on H.R. 1911, the "Smarter Solutions for Students Act"; and H.R. 1949, the "Improving Postsecondary Education Data for Students Act", 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Commerce, Manufacturing, and Trade, hearing entitled "Fraud on the Elderly: A Growing Concern for a Growing Population", 9:45 a.m., 2322 Rayburn.

Subcommittee on Energy and Power and Subcommittee on Environment and the Economy, hearing entitled "The Fiscal Year 2014 Environmental Protection Agency Budget", 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* Full Committee, hearing entitled "Oversight of the SEC's Agenda, Operations, and FY 2014 Budget Request", 10 a.m., 2128 Rayburn.

Subcommittee on Housing and Insurance, hearing entitled "Sustainable Housing Finance: The Government's Role in Multifamily and Health Care Facilities Mortgage Insurance and Reverse Mortgages"; 2 p.m., 2128 Rayburn.

*Committee on Foreign Affairs,* Subcommittee on Asia and the Pacific, hearing entitled "Assessing U.S. Foreign Assistance Priorities in East Asia and the Pacific", 2 p.m., 2172 Rayburn.

*Committee on Homeland Security,* Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, hearing entitled "Facilitating Cyber Threat Information Sharing and Partnering with the Private Sector to Protect Critical Infrastructure: An Assessment of DHS Capabilities", 9 a.m., 311 Cannon.

*Committee on the Judiciary,* Subcommittee on Immigration and Border Security, markup on H.R. 306, for the relief of Corina de Chalup Turcinovic; H.R. 977, for the relief of Esther Njeri Karinge; H.R. 1023, for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas; H.R. 1207, for the relief of Allan Bolor Kelley; and hearing on H.R. 1772, the "Legal Workforce Act"; and H.R. 1773, the "Agricultural Guestworker Act", 10 a.m., 2141 Rayburn.

Subcommittee on Courts, Intellectual Property and the Internet, hearing entitled "Case Study for Consensus Building: The Copyright Principles Project", 2 p.m., 2141 Rayburn.

*Committee on Natural Resources,* Subcommittee on Public Lands and Environmental Regulation, hearing entitled "Invasive Species Management on Federal Lands", 10 a.m., 1334 Longworth.

Subcommittee on Indian and Alaska Native Affairs, hearing on H.R. 623, the "Alaska Native Tribal Health Consortium Land Transfer Act"; H.R. 740, the "Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act"; H.R. 841, to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes; H.R. 931, to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon; H.R. 1306, the "Southeast Alaska Native Land Conveyance Act"; and H.R. 1410, the "Keep the Promise Act of 2013"; 2 p.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, hearing entitled "The 2008 Lacey Act Amendments", 10 a.m., 1324 Longworth.

*Committee on Oversight and Government Reform,* Subcommittee on Energy Policy, Health Care and Entitlements, hearing entitled "Opportunities Lost: Constraints on Oil and Gas Production on Federal Lands and Waters", 10:30 a.m., 2154 Rayburn.

*Committee on Science, Space, and Technology,* Subcommittee on Oversight, hearing entitled "Espionage Threats at Federal Laboratories: Balancing Scientific Cooperation while Protecting Critical Information", 2 p.m., 2318 Rayburn.

*Committee on Small Business,* Subcommittee on Agriculture, Energy and Trade, hearing entitled "If You Build

It: The Keystone XL Pipeline and Small Business Job Growth'', 10 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* Full Committee, markup on H.R. 3, the ''Northern Route Approval Act''; H.R. 1092, to designate the air route traffic control center located in Nashua, New Hampshire, as the ''Patricia Clark Boston Air Route Traffic Control Center''; and General Services Administration Capital Investment and Leasing Program Resolutions, 9:30 a.m., 2167 Rayburn.

Subcommittee on Aviation, hearing entitled ''Review of the FAA's Progress in Implementing the FAA Modernization and Reform Act'', 2 p.m., 2167 Rayburn.

*Committee on Ways and Means,* Subcommittee on Trade, hearing entitled ''U.S.–EU Trade and Investment Partnership Negotiations'', 2 p.m., 1100 Longworth.

*House Permanent Select Committee on Intelligence,* Full Committee, hearing entitled ''Ongoing Intelligence Activities'', 10 a.m., HVC–304. This is a closed hearing.

*Next Meeting of the* SENATE

11 a.m., Thursday, May 16

Senate Chamber

**Program for Thursday:** Senate will begin consideration of the nomination of Ernest J. Moniz, of Massachusetts, to be Secretary of Energy, with a vote on confirmation of the nomination at approximately 2 p.m.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 16

House Chamber

**Program for Thursday:** Consideration of H.R. 45—To repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010 (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

HOUSE

Barletta, Lou, Pa., E663
Barr, Andy, Ky., E670
Coffman, Mike, Colo., E666
Costa, Jim, Calif., E663
Farr, Sam, Calif., E669
Frelinghuysen, Rodney P., N.J., E666, E667
Hensarling, Jeb, Tex., E661, E661, E662
Johnson, Henry C. ''Hank'', Jr., Ga., E661, E662, E664, E665, E665, E666, E667, E668, E668, E669
King, Peter T., N.Y., E669
Lynch, Stephen F., Mass., E665
Murphy, Patrick, Fla., E662
Perlmutter, Ed, Colo., E661, E664, E665, E665, E666, E667, E667, E668, E668, E669
Poe, Ted, Tex., E666
Rangel, Charles B., N.Y., E661, E664, E667
Rogers, Mike, Ala., E669
Sánchez, Linda T., Calif., E662
Schock, Aaron, Ill., E670
Swalwell, Eric, Calif., E670
Velázquez, Nydia M., N.Y., E670
Visclosky, Peter J., Ind., E663
Walden, Greg, Ore., E662, E668

Congressional Record

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