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# Senate

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

## PRAYER

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

Let us pray.

Lord, You are our King. The Earth celebrates Your majesty. Send peace today to Capitol Hill so that we will stay calm in life's turbulence and live worthy of Your goodness.

As Your presence is felt by our lawmakers today, unite them so that they will be a force for good in our Nation and the world. May the thoughts they think and the words they speak be acceptable to You. Lord, fill them with Your wisdom so that their lives will be like trees planted by rivers of water that bring forth abundant fruit.

We pray in Your sacred Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable BRIAN SCHATZ led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, May 7, 2013.*

*To the Senate:*

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

PATRICK J. LEAHY,
*President pro tempore.*

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

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in morning business until 11 a.m. with the Republicans controlling the first half and the majority controlling the final half.

Following morning business the Senate will proceed to executive session to consider the nomination of David Medine to be Chairman of the Privacy and Civil Liberties Oversight Board. At noon there will be a vote on confirmation of the Medine nomination.

The Senate will recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings. At 2:15 p.m. the Senate will begin consideration of S. 601, the Water Resources Development Act.

## WATER RESOURCES DEVELOPMENT ACT

Mr. REID. Mr. President, this afternoon, as I have just indicated, the Senate will work on the bipartisan Water Resources Development Act, which would provide critical flood protection and other improvements to communities across the country. This legislation has two able managers in Chairman BOXER and Ranking Member VITTER.

Senator BOXER and Senator VITTER each represent their caucuses extremely well. I have given them free rein to complete this bill, and I hope that can be done. This measure that we will start this afternoon will create jobs and protect the economy by promoting investments in the Nation's critical water infrastructure. It includes permanent reforms to the Corps of Engineers project approval process, which will accelerate job-creating projects.

I thank Senators BOXER and VITTER for their diligent work on this important issue and look forward to their moving this bill through the Senate at the earliest possible time.

## THE BUDGET

Mr. REID. Mr. President, I am sure my colleagues are familiar with the old adage: Be careful what you wish for; you just might get it.

For 2 years my Republican colleagues have said they wish for a return to regular order. They asked for amendments, and they got amendments. They asked for consideration of bills out of committees, and they have gotten that. They asked and then asked again for the Senate to pass a budget resolution, even though we already had a budget law signed by President Obama. Well, they got what they wished; the dog finally caught the car. But it turns out Republicans were more interested in demagogy by calling for regular order than actually operating under regular order.

Although the Senate passed a budget resolution under regular order after scores of amendments, scores of votes, the Republicans now refuse to allow us to go to conference with our colleagues in the House of Representatives. This is a new concept.

For centuries we have had regular order where if the House passes a bill and the Senate passes a bill, if they are different, we sit down, talk and work out the differences. Not with this tea party-driven House and Senate. No, they talk about regular order, they talk a good game, but when it comes to regular order they don't want it. They shy away from it. They say: No, we don't want regular order. We don't want something that has been done in this country for centuries.

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

Why are they so afraid? Why are the Republicans so afraid?

We all know finding common ground isn't easy. They have a program where they are asking for $92 billion more in cuts in discretionary programs than we are, such as the Head Start Program which allows tens of thousands of little boys and girls to get a head start; Meals on Wheels, where millions of people have been eliminated from that program; medical research—a Senator I had a conversation with this morning has a friend with a rare form of breast cancer. A program to help this woman cure this terrible disease has been eliminated where she lives.

We know finding common ground will not be easy, but it should be done. We should find common ground. We are not afraid to work a little harder to get this done. We are not afraid of transparency. Let's sit down together and find out where each stands. We have done our work over here. Let's find out what the Republicans want to do.

We need to let the American people know where we stand. That is why transparency is so important. Democrats and Republicans will never, ever find common ground if we never get to the negotiating table. So why don't my Republican colleagues want to go to conference? Last night, a junior Senator from Texas said Republicans would agree to go to conference only if Democrats first would give in to their demands.

What were those demands? Well, they want more job-killing budget cuts. They want to make sure no millionaire is ever asked to contribute to the deficit reduction. That is what he asked: Before we go to conference, we want to make sure that happens.

He also said he wanted to make sure—remember this, we have been there before. Maybe the junior Senator from Texas doesn't remember, but we remember. We remember the government being on the verge of losing its ability to be part of the world community by not paying its debts.

Rightfully or wrongfully, this country accumulates debts. Raising the debt ceiling doesn't do away with those debts; they are still there. We have an obligation to pay the debts that are incurred by this country.

My friend, the junior Senator from Texas, said he wanted a guarantee, as a bargaining pawn, we would make sure the debt ceiling would not be raised—or words to that effect. We have been through that before. The President made it very clear: He will not negotiate on this country paying its bills.

Republicans refuse to go to conference unless Democrats give in to positions that were soundly rejected by the American people last November, soundly rejected on the Senate floor with the budget resolution we passed. In other words, Republicans refuse to play the game unless we let them win.

The rules are set. We know what the rules are, so let's get down and go forward with the rules. But they are not willing to do that. Like schoolyard bullies, if Republicans can't win, they will take the ball and go home. That is what we were told last night. This is a stunt, but it is a nonstarter.

What is the real reason Republicans are shying away from their conference? Speaker BOEHNER has said he would rather not subject his Members to politically tough votes. Now, that is probably very truthful. House Republicans are afraid of a backlash from a radical tea party that controls what they do over there and has such significant sway in what happens over here. They are afraid of the backlash from the radical tea party if they even discuss a compromise with us. Even if they agree to go to conference with us, they are afraid that will hurt them.

Partisan politics is no reason to shy away from bipartisan negotiations. Republicans got what they asked for. They wanted regular order, and they have regular order.

Now it is time to embrace the regular order they said they wanted. It has been going on here for centuries. That is what they want. They should complete what they asked for. It is time to get away from a last-minute fix and short-term solutions. It is time to engage in meaningful negotiations and a responsible budget process.

## RECOGNITION OF THE MINORITY LEADER

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

## THE ECONOMY

Mr. MCCONNELL. According to data just released by the Labor Department, retailers are going to be cutting hours at a rate unseen in more than 30 years. Investor's Business Daily had this to say of the decline:

> [It] doesn't appear related to the economy, which has been consistently mediocre. Instead, all evidence points to the coming launch of ObamaCare, which the retail industry has warned could cause just such a result.

So this is just the latest in a string of bad news related to the rollout of ObamaCare, just the latest reason the law needs to be repealed. What is more, businesses are being forced to cut workers' hours at a time when so many Americans, nearly 8 million last month according to Labor, have already been squeezed into part-time positions in which they would prefer not to be in the first place. Many of these are Americans who would probably much rather be working full time. Yet thanks to ObamaCare, many of them may be forced to work even less.

Actually, it gets worse. Labor also reported that total benefits for employees in service operations actually declined last quarter. That is the first such deterioration in more than a decade. Some speculate this piece of bad news could be attributed to ObamaCare as well.

All of this, bear in mind, is for a law, the full brunt of which hasn't even begun to come online yet. We are still many months away. Yet stories like this seem to be piling up.

When it comes to the implementation of ObamaCare, I fear some of the worst hit are likely to be the small businesses and the Americans who work for them. These are the hometown companies that struggled so mightily just to keep their doors open throughout the Obama economy, whose owners sacrificed so much in order to keep their families fed and their employees on the payroll. These businesses struggled against fierce economic headwinds, and they actually survived.

Will they be able to survive the next assault headed their way, to absorb the blows of ObamaCare, blows thrown at them by their own government at a time when they are already so vulnerable? Well, if things keep going as they are, it is hard to see how they will.

Just listen to this: Last week, a small business owner in the barbecue restaurant business testified at a field hearing of the House Education and the Workforce Committee. The owner of that company said it will cost his business up to $200,000 to implement the ObamaCare mandate, a $200,000 hit. What is that company's projected profit for 2013? It is $240,000. Incredible, absolutely incredible.

It is not hard to see why the Democratic chairman of the Finance Committee called this law a ''train wreck.'' It is not hard to see why so many Democrats are now airing their concerns about the law in public. Frankly, I wish they had considered these consequences before, not after passing a law. It is not like Republicans weren't warning about all of this. It is not like independent experts across the country weren't saying almost the same thing we were saying, and it is not like common sense wouldn't simply dictate much of these outcomes either.

I see that the President has decided to pivot once again to jobs. I can't even count how many times he has done one of these pivots at this point, so I will not try. But I presume he will jet off throughout the country to campaign-style rallies in order to bash Congress and claim that none of this is his fault. In the same vein, we hear he is going to have an ObamaCare event this Friday. I would be willing to bet he is not going to take responsibility there for ObamaCare's negative effects on our economy either or on so many families and small businesses.

It is about time he did. He should use that event to do so because he needs to be straight with the American people. He needs to prepare them for everything that is coming their way—the wage cuts, the lost jobs, the higher premiums, everything our country can expect as a result of ObamaCare.

That small business owner I mentioned earlier also had this to say:

> Major companies I am sure have legal advisors that will . . . guide them through this

legislation. Small businesses such as ours must obtain as much available information as possible and do their best to live by the letter of the law. Then because this act is [complicated], hope and pray to not get penalized.

The law-abiding citizens of this country shouldn't have to pray for leniency from their own government. Last I checked, the government existed to help the public, not to antagonize it.

After ramming the law through Congress the way he did, ignoring the warnings all these things would happen, ignoring the will of the American people, honesty and transparency is the very least President Obama owes the American public at this point. What he needs to do, actually, is join with Republicans in agreeing to repeal this job-killing law. He needs to acknowledge the need to scrap it and replace it with the types of commonsense reforms that will lower cost, because this law is not working. I think he already knows that. Republicans certainly know it. And more and more Democrats are coming around to that realization too. So let's skip the scripted campaign events and actually work together to get something positive done for jobs, health care, and our economy. If President Obama is willing to work with us, we are here and ready to get to work.

I yield the floor.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak up to 10 minutes each, and with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

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

## HEALTH CARE

Mr. BARRASSO. Mr. President, following the leader's comments about the health care law, I found it interesting this morning to pick up the New York Times and see the headline above the fold, on the front page: ''New Worries for Democrats on Health Law.'' In the very first sentence, it says:

> Democrats are worried that major snags will be exploited by Republicans in next year's mid term elections.

I would say Democrats ought to be worried about the fact there are going to be major problems with this health care law—a health care law that was forced through the Senate, forced through the House, without listening to the American people. That is the concern Democrats ought to have, because the American people's health is being jeopardized as a result of the law we are now facing.

So I come to the floor today to talk a little about what we have learned about the President's health care law over the last week—the week we have been away traveling our States, visiting with people at home. It has been all over the headlines and it is also on the minds of the American people. It certainly was in Wyoming. As I talk to colleagues from around the country, they have heard a lot about this as they traveled their home States.

When we go back home to our States, a lot of Senators hear from their constituents about how worried they are about how this specific law is going to affect their care, their jobs, and their paychecks. It is what I heard this last week, and it is no different than what I have heard week after week after week.

I practiced medicine for 25 years, and I hear from patients who are worried about a new layer of Washington bureaucrats who are going to be sitting now between them and their doctor. I hear from families who are worried they won't be able to keep the insurance they have now, even though the President promised them they would be able to keep the insurance they have if they like it. I hear from employers who are worried they won't be able to afford all of the law's new requirements. That is what people are telling me when I travel the State of Wyoming.

This is interesting. According to the newspaper ''The Hill,'' which came out last week, Wednesday, May 1, I am not the only one. Here is the headline on the front page of the paper recently: ''Botched ObamaCare Tops Dem Fears for '14.''

Of course, that is a reference to the 2014 elections. The article talks about how anxious a lot of Washington Democrats are about the law they voted for. It talks about how, if the rest of the law's implementation doesn't go well, voters are going to know exactly who to blame.

Democratic candidates across the country know about it. That is why we see a Democratic candidate running today in this special congressional election in South Carolina trying to distance herself from the health care law. How did she do it? Let's turn the tape back to last week's debate in a congressional race: Special election, South Carolina. Here is what she had to say.

> Obamacare is extremely problematic, it is expensive, it is a $500 billion higher cost than we originally anticipated, it's cutting into Medicare benefits, and it's having companies lay off their employees because they are worried about the cost of it. That is extremely problematic.

That is a Democrat, running for Congress, who said that last week. The election is today.

Another Democrat, the chairman of the Energy Committee, had this to say.

> There is a reason to be very concerned about what's going to happen with young people. If their premiums shoot up, I can tell you, that is going to wash into the United States Senate in a hurry.

Well, I agree with the chairman of the Senate Energy Committee. So what are the prospects for implementation? Well, one of the key architects of the law, another Democrat, says he sees ''a huge train wreck coming down.'' That is what Senator BAUCUS said, and I think he is right; we are headed for a train wreck. That is what concerns the people I talk to—all those patients, the employers, the families I mentioned.

So what does the President have to say about this? Well, he was asked about it the other day at a press conference. The President's answer went on for more than 1,000 words, but it came down to one thing. He said:

> For the 85 to 90 percent of Americans who already have health insurance, this thing has already happened. They do not have to worry about anything else.

Can that really be what the President thinks? He even repeated the idea a couple of times. He said 90 percent of Americans don't have to worry. I would say, with all due respect to the President, people are worried, and they have every right to worry. There are many parts of this law that still have not ''already happened,'' in spite of what the President says. Those things are going to give the American people a lot more to worry about.

In fact, the Washington Post Fact Checker looked into what the President said—what the President claimed during his news conference. The Fact Checker found the President ignored the fact—completely ignored the fact—that 10 million people face the prospect of losing their current health care. The Fact Checker went on to cite a report from the Congressional Budget Office that said millions of people are going to be priced out of the insurance they have now—insurance that works for them. That is because of all the expensive extras the new government-approved insurance is going to have to cover, and which is also government mandated.

The Post pointed out:

> . . . even unions, which were big supporters of the law, have grown wary because it may drive up costs for their health-care plans.

Twenty million people are covered by those plans the unions are worried about. The Washington Post Fact Checker also cited $1 trillion in tax increases in the law, which is going to hurt a lot more people.

The Medicare Actuary predicts 15 percent of hospitals, skilled nursing facilities, and home health agencies could leave the Medicare Program by 2019. These are our seniors. These are people who have continued to pay into the program. Yet we see these other groups saying we have had enough. Why? Because of the cuts to the programs and the payments the President

is counting on under his health care plan. Health insurance costs are continuing to go up, and that affects a lot of people, even though President Obama says they have nothing to worry about.

A leading Democratic Member of the Senate was interviewed the other day on New York television—his home State—and he conceded the health care law is contributing to those cost increases. But the President thinks it is nothing to worry about.

Here is how the New York Times last week summed up the President's attitude, under the headline: ''Health Care Law Is 'Working Fine,' Obama Says in Addressing Criticism.''

Working fine? Mr. President, tell that to the 22 million Americans who can't find a job or who can't get the full-time work they want. Tell that to the businesses that have to cut back their workers' hours. Why? Because of the health care law. They have to do that because the law says companies with more than 50 full-time employees have to provide this expensive one-size-fits-all health insurance. So we see small businesses have stopped hiring so they can stay below that number of employees. Other businesses are cutting full-time workers back to part-time status, and cutting their shifts to less than 30 hours a week.

Look at the latest jobs report that came out last Friday. In April, the number of people working part time because their hours have been cut back or because they can't find a full-time job across the country increased by 278,000. The shift to more part-time workers also means the average workweek is getting shorter. In April it dropped again. That is not good for our economy and it is not good for the workers. The statistics show we are going in the wrong direction.

The anecdotal evidence is even worse. Recently, the Regal movie theater chain sent a memo to all its employees saying it would roll back shifts to keep nonsalaried workers below that 30-hour cutoff. The company explained it was forced to take this step ''to comply with the Affordable Care Act.''

We are going to see more and more of this as employers start to figure out exactly how hard they are going to be hit by the expensive and burdensome health care law. Hiring during the past 4 years under President Obama has been weak, and it has also been concentrated in nonsalary fields such as retail.

We saw more of this in the latest jobs report. Nearly 1 out of every 13 jobs is now in ''food services and drinking places.'' These are the kinds of places saying they are going to have to limit hiring and cut back shifts to less than 30 hours. Why? Because of the health care law; otherwise, they could go bankrupt trying to pay for expensive Washington-mandated insurance—insurance much more than is actually needed by their workers but insurance that is mandated by the law.

It is not just bars and restaurants. Let's look at the city of Long Beach in California. The Los Angeles Times reports the city of Long Beach is limiting most of its 1,600 part-time employees to less than 27 hours a week, on average. The city says if it doesn't cut the hours, the new health benefits would cost up to $2 million more next year. The extra expense would trigger layoffs and cutbacks in city services.

It may be, in the end, that not every one of those 1,600 people will have his or her hours cut. Some of the city employees are probably already under the 30-hour limit. But for everyone else there is the uncertainty of whether their hours are going to be cut and when. The uncertainty is part of what is causing employers to hesitate or to cut now because nobody knows how bad this train wreck will actually be.

That is just one of the negative side effects of the President's health care law, but it is having ripple effects throughout our entire economy. We have seen wages continue to stagnate. We have seen awful economic growth. The new numbers for the first quarter GDP growth came out a few days ago. They show the economy grew at an annual rate of just 2½ percent. It has been nearly 4 years since the recession ended. We should have seen a much more robust economic recovery by now. The economy can't grow until we can get Americans back to work. People cannot get back to work if there are not more jobs, and employers cannot create enough jobs because of the health care law.

Here is a third thing the President said. He said: ''Even if you do everything perfectly, there will still be glitches and bumps.''

These are not glitches. These are people's jobs. These are people's lives. This is the health care of the American people. For a lot of American families, the President's health care law is not headed for a train wreck, it has already gone off the rails. They are not worried about what the health care law is going to do to them, they are busy worrying about what the health care law has already done. They know this law and the uncertainty it has created is an anchor on our economy. Here is how the Chicago Tribune put it in an editorial the other day. They asked the question:

Glitches or a train wreck?

Then they said:

Bet on the wreck. We're hurtling toward this massive restructuring of the health care insurance market, and no one has confidence about what will happen. There will be massive consequences, intended and unintended.

That is what the Chicago Tribune said.

The President says 90 percent of the American people have nothing to worry about from the health care law. He just doesn't get it. When I ask groups that I meet with back in Wyoming, I hear nearly 100 percent of the people say they expect to pay more under the President's health care law, and the care they get—they expect lower quality and less available health care as a result of the law.

People are very concerned about what is going to happen, and they do not think it is going to be good for them or for their families.

A new poll just came out from the Kaiser Family Foundation. It found that only 35 percent of Americans have a favorable view of the President's health care law. It is less popular now than it was when it first passed. It has gone down, actually, 8 percentage points since just last November's election. More and more people are realizing what is in this law and how it will hurt them personally and they are not happy about it. For the President to say otherwise is absurd. He is either not paying attention to what the American people are trying to tell him or he is intentionally misrepresenting the facts.

The health care law is headed for a train wreck. Saying it is going fine is just the President's Washington spin. The American people deserve better than that. They deserve for the President to tell them the truth. They deserve to hear from the President, to have him come clean on how much his health care law is costing and how much damage it is doing to our economy.

The American people deserve a vote in Congress to repeal this disastrous law. Until this law is repealed, we are going to continue to see weak economic growth and the American people are going to continue to pay the price.

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

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

The bill clerk proceeded to call the roll.

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

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

## THE SEQUESTER

Mr. FRANKEN. Mr. President, on March 19 of this year, the Minneapolis Star Tribune reported that Minnesota's tribal school districts were making plans to cut the school year short, increase class sizes, and let staff vacancies go unfilled. The White Earth Reservation is planning to consolidate its sixth, seventh, and eighth grades into a single class starting in the fall. This is happening because of the sequester.

On April 11, WDAZ, Channel 8 in Grand Forks, reported that special education programs in my State of Minnesota were going to be hit by a $90 million cut. This is particularly painful in the Crookston, MN, school district, where 20 percent of students benefit from special education programming. This is happening because of the sequester.

On April 17, Minnesota Public Radio reported that budget cuts were affecting our court system. Across the country, access to public defenders, a constitutionally guaranteed right, is becoming more difficult. This is happening because of the sequester.

It is not just happening in Minnesota, it is happening around the country. To take just two examples from the many I could cite from every State in the Nation, on March 13, the AP reported that an Indiana Head Start program was forced to use a random drawing to determine which 36 children would be cut from their program. On March 31, the Portland Press Herald in Maine reported that a local Meals on Wheels program, which had never before turned away a senior in need, was now using a waiting list and reducing the number of meals delivered to existing participants.

Then, on April 25, the Senate passed a bill to allow the Department of Transportation to shift funds from one account to another, therefore exempting DOT from the strict across-the-board cuts mandated by the sequester. The funding shift was needed to prevent the furlough of air traffic controllers, which was beginning to cause a significant inconvenience to American travelers and could have had harmful effects on our economy. The House passed the bill the next day and it has now been enacted into law.

I am pleased American travelers were spared this inconvenience, but as the reports I just cited from Minnesota and from elsewhere would suggest, there are a lot of people suffering needlessly because of the sequester.

A case-by-case approach is not the right way to handle the impacts of the sequester. The sequester, in fact, was designed to affect every government function equally, with just a few exceptions, and the extreme across-the-board nature of these cuts is the very definition of a thoughtless approach to deficit reduction. The sequester was designed to be replaced and that is what we must do. Just as the sequester affects every government function equally, our response to the sequester should be complete and inclusive, not piecemeal. We must replace the entire sequester with a mix of new revenues and smarter targeted cuts that do not inflict needless pain on those who can least bear it and that do not harm our ongoing fragile economic recovery.

There are both moral and economic consequences of allowing the sequester to continue. As Hubert Humphrey said:

> The moral test of government is how that Government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadow of life, the sick, the needy and the handicapped.

If we ignore the effects of sequester cuts on the voiceless and address only the sequester cuts that are the most visible—in the form of longer lines at the airport, for example—we will have failed that moral test.

In April I received a letter from a family service worker with Head Start from Onamia, MN. She wrote:

> The families I work with have no idea what it means to have trillions of dollars cut from the budget. They are trying hard to keep $10 in their pockets or checkbook. . . . These cuts would be particularly catastrophic to the poor children and families we serve. . . . Congress and the Administration need to act quickly to restore fiscal stability and maintain funding for our at-risk children. Our nation's budget simply cannot be balanced on the backs of poor children.

Here is a letter I received from a mother in Hoffman, a rural community in West Central Minnesota. She wrote:

> My heart was saddened today when I learned that due to a sequester, my 4 year old daughter's Head Start program was to end 2 weeks ahead of schedule, that 2 of her amazing teachers will be looking for work come May 30th and her head teacher will be having to take on a 2nd job to compensate for a pay cut she took to continue with the program. Our Head Start program is an amazing program. My daughter has benefited from this program in ways a mother can only dream of and only a classroom environment can provide. The fear that it maybe not be there for her next year sickens me. We may not have the numbers that are looked at when these kinds of decisions are made, but our program is one of a kind with teachers that are so special they deserve awards. My daughter wants them to come to her birthday party. The people making these decisions need to actually go to the class rooms, see what goes on. Visit again and see the difference this program and these women are making in these kids' lives. The decision makers need to see what it is they are choosing to take away from these young people. I will be writing a letter to all of my local reps, and I'm committed to send them letters once a week until my pleas are heard and our government stops taking money and the education that comes with that from our rural school!

That is a story from a mother based on her experience with her daughter.

Economists agree and studies have demonstrated that high-quality early education programs can produce anywhere from $7 to $16 in benefits for every dollar of Federal investment. The return on investment comes from the long-term savings associated with a quality early childhood education.

A child who has a quality early childhood education is less likely to be in special education, less likely to be left back a grade, has better health outcomes, and girls are less likely to get pregnant before they graduate high school. They are more likely to graduate from high school, more likely to graduate from college, more likely to have a better paying job, pay taxes on that job, and much less likely to go to prison.

If we care about the long-term sustainability of our debt, we should be putting more money into quality early childhood education, not less, as we are doing because of the sequester.

Here is a letter from Columbia Heights, MN:

> As someone who has worked with seniors my entire career and now volunteers to deliver meals on wheels, I would encourage your support of this program and discourage cuts. This program is one that allows seniors and disabled adults to remain in their home and still receive proper nutrition. For many it is also the only contact they may have with someone during any given day. While providing a service it is also a means to check in on these individuals' well-being. By eliminating or making significant cuts to this program we would be turning our backs on many of our citizens.

I am sure every Member of the Senate has received similar letters—letters begging us to protect funding that assists poor children and the elderly in their communities. It is not just Head Start and Meals on Wheels which suffer as a result of the sequester, it affects so many other critical programs.

HUD estimates that sequester cuts could result in 100,000 formerly homeless people, including veterans, being removed from their housing and shelter programs and putting them back at risk for homelessness. The USDA estimated that it will result in 600,000 fewer participants in WIC, the nutrition program for mothers and their children.

Replacing the sequester is the right thing to do. The sequester is a perfect example of the moral test of government Hubert Humphrey talked about, and replacing it is the only conceivable response to it we can have as Americans. But apart from failing to protect our most vulnerable, the sequester cuts also do direct harm to our economy and prevent us from making the critical investments in education, infrastructure, and innovation that have always been what has made America great and prosperous.

As Secretary Arne Duncan wrote in a letter to Chairwoman BARBARA MIKULSKI about the effects of the sequester:

> Education is the last place to be reducing our investment as the nation continues to climb out of the recent recession and to prepare all of its citizens to meet the challenges created by global economic competitors in the 21st century. Indeed, I can assure you that our economic competitors are increasing, not decreasing, their investments in education, and we can ill afford to fall behind as a consequence of indiscriminate, across-the-board cuts that would be required by sequestration.

Secretary Duncan goes on to explain that the sequester will create particular hardships for recipients of Impact Aid, which includes schools that serve the Native American students and children of military families.

In addition to investing in education, we should be building up and repairing our Nation's infrastructure. Cuts to the Economic Development Administration will hinder the ability to leverage private sector resources to support infrastructure projects that spur local job creation—likely resulting in 1,000 fewer jobs created nationwide. The Department of Interior has warned that the sequester will delay high priority dam safety modifications.

Finally, America has always been at the cutting edge of global technologies, but the sequester may change that. Cuts to the National Institute of Standards and Technology will force

NIST to end its work on the Manufacturing Extension Partnership, which helps small manufacturers innovate in their business practices and develop market growth at home and abroad.

The Department of Education is the operator of 10 world-class national laboratories that specialize in developing advanced commercial technologies. DOE's Advanced Research Projects Agency, ARPA, has achieved several remarkable breakthroughs in recent years, such as doubling the energy density of lithium batteries, increasing the capacity of high-power transistors, engineering microbes that can turn hydrogen and carbon dioxide into transportation fuel. Sequester cuts are going to slow and curb our Nation's progress toward a 21st century energy sector.

Not only does the sequester fail to invest in things that make America great and make America grow, the sequester is also costing the government more money for the same product in the long run. There are certain weapon systems that DOD knows it needs and will purchase in the future; however, because of sequestration, they have canceled the contract order for the time being. As a result, the manufacturer has shut down that production line and possibly terminated jobs. Restarting that process is expensive, and those costs are ultimately passed on to us, the government—the American people.

I urge my colleagues to rethink the current strategy of addressing the sequester crisis by crisis and whatever is on the front page of the news. It ultimately is not equitable. It disadvantages our Nation's most vulnerable and it is harming our economy.

In February, CBO's Doug Elmendorf testified that the effects of sequestration would reduce employment by 750,000 jobs this year. That is the opposite direction we need our job numbers to go during our economic recovery. I have not even been able to touch on the risk the defense sequester poses to our military readiness in my remarks here today.

The bottom line is we need to address every facet of the sequester together with a mix of new revenues and smarter targeted cuts. We should meet every new, high-visible consequence of the sequester with the same response. It is more evidence that we need to replace the entire sequester.

Democrats have put forward a plan to address the most immediate consequences of the sequester with a mix of new revenues and targeted cuts to replace the first year of sequestration, and it garnered a majority in the Senate. But because a majority is not enough to pass legislation in today's Senate when the minority chooses to obstruct, that plan failed to pass.

What we have passed in the Senate is a budget that proposes to replace the entire sequester in a balanced way that would also spare the most vulnerable pain and protect our economic recovery and our economic future. That is the kind of approach we need to take.

I hope in the days ahead we can begin a dialogue about fixing this problem so kids in Minnesota, Indiana, and in the Presiding Officer's State of Hawaii—kids all around the country—can return to Head Start. We need to help the senior citizens in Maine so they can get off the Meals on Wheels waiting list. We address this issue so that Minnesota's tribal school districts can finish out the school year as scheduled.

When we hear about the next highly visible problem the sequester has caused, we should think about all the problems the sequester has caused, and that is what I will be doing. We need to fix the problem in a comprehensive and balanced way.

I stand ready to work with my colleagues and achieve that comprehensive and balanced fix for the sequester.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## EXECUTIVE SESSION

### NOMINATION OF DAVID MEDINE TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

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

The bill clerk read the nomination of David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate equally divided in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I oppose the nomination of David Medine to be the Chairman of the Privacy and Civil Liberties Oversight Board, which is commonly referred to as the PCLOB.

Mr. Medine was nominated for this position during last Congress and the Judiciary Committee, where I serve as the ranking member, held a hearing on his nomination in April 2012.

At the hearing, I asked a number of questions about the various national security statutes that the Board is tasked with overseeing. This included questions about the Foreign Intelligence Surveillance Act and the PATRIOT Act.

Specifically, I asked for his views on these laws. Unfortunately, the responses I received failed to provide his views. He simply stated that he would balance the views of the government against the Board's mandate to review privacy.

I also asked Mr. Medine about his views on the use of law enforcement versus military authorities for combatting terrorism.

I was disappointed that he failed to answer a basic yes-or-no question about national security law: ''Do you believe that we are engaged in a war on terrorism?''

Instead, of a simple yes or no, he opted for a more limited answer that military power is permissible in appropriate cases.

This technical answer gives me pause especially in light of the continued threat we face from international terrorist organizations.

Perhaps the most concerning response he provided was to another simple constitutional law question. I asked all the Board nominees an important question about the use of profiling based upon country of origin for immigration purposes.

The Constitution provides broad discretion to the government for purposes of immigration. Each year the government places quotas or caps on how many and what types of visas are allowed for each particular country.

For example, if we face a threat from an unfriendly nation, it is important that we have the ability to limit immigration from that country. At the least, immigration and customs agents and consular officers should be able to make decisions of admissibility solely on country of origin.

I asked this same question to the other four current members of the Board—two Democrats and two Republicans. They all answered the same way, that foreign nationals do not have the same constitutional or statutory rights as citizens and therefore U.S. officials should be able to use this as a factor in admissibility determinations.

In contrast to the other four nominees, Mr. Medine argued that use of country of origin as the sole purpose was ''inappropriate.''

Specifically, Mr. Medine noted that it would be ''inappropriate'' for the Federal Government to profile foreign nationals from high-risk countries based solely upon the country of origin. This is troubling.

As the other four nominees noted, foreign nationals do not have the same constitutional or statutory rights as U.S. persons and the government may, lawfully and appropriately, use country of origin as a limiting factor for purposes of admission to the United States.

I think this is especially concerning given the recent attacks in Boston and the concerns surrounding potential holes in our immigration system related to student visa overstays.

What if our government learns of a terrorist plot undertaken by individuals from a specific country. Under the view advocated by Mr. Medine, excluding all individuals from that nation, even for a defined period of time, would be ''inappropriate.''

Instead, under his view, even faced with this threat, it would only justify ''heightened scrutiny of visitors from that country'' when the individual was ''linked to other information about the plot.'' This is a dangerous view of our government's authority to control admission into the country.

Terrorism is fresh on everyone's mind following the recent attacks in Boston, but the need to remain vigilant against a terrorist threat should not rise and fall based upon our proximity to an attack.

The terrorist attacks on 9/11 changed the way the government viewed terrorism and those who want to kill Americans.

We are now nearly 12 years released from 9/11. Some may believe that we now have the means in place for restricting admission based only upon specific intelligence of a plot. But that view is the type of thinking that allows us to let down our guard.

Those who seek to kill Americans are not letting down their guard and are always looking for ways to attack Americans and our way of life.

We can see this with the new tactics that they use, such as the failed underwear bombing, the attempted Times Square bombing, and the recent attacks in Boston.

It is through this lens that I view Mr. Medine's answer and why I oppose his nomination to a board overseeing critical national security laws.

While I agree we should always work to ensure that intelligence information is utilized in a manner most likely to achieve the desired result, there are scenarios where we may need to block entry to all members of a certain country.

For example, would Mr. Medine's view apply to wartime situations?

Would we have to admit those whose country was at war with the U.S.?

I think his answers point to a dangerous worldview that is out of touch with the threat we face from global terrorist organizations that seek to kill Americans.

It is thinking that deviates from basic constitutional principles our government was founded on; namely, the ability to protect our citizens by limiting entry into the country.

This is a very serious matter given the Board's oversight of national security law.

Given these concerns, I joined my colleagues in opposing Mr. Medine's nomination when the Judiciary Committee voted on him in February. That party-line vote mirrored the same party-line vote from the previous Congress—even though the committee now has different members.

Above all, I fear that a nomination that is as polarizing as this could cloud the legitimate work of the Board.

This Board is tasked with reviewing some of the most sensitive national security matters we face.

If the Board issues a partisan decision, led by Mr. Medine, it will be discredited because of these controversial fundamental beliefs Mr. Medine holds.

These national security issues are already polarizing—just look to any debate in Congress on FISA or the PATRIOT Act. Adding partisan fueled reports to the fire would only exacerbate these difficult matters.

Given these concerns, I oppose Mr. Medine's nomination and urge my colleagues to do the same. A vote against this nominee is a vote to preserve the legitimate tools to help keep America safe.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

PREVENTION AND PUBLIC HEALTH FUND

Mr. HARKIN. Mr. President, I was deeply disturbed several weeks ago to learn of the White House's plan to strip $332 million in critical funding from the Prevention and Public Health Fund and to redirect that money to educating the public about the new health insurance marketplaces and other aspects of implementing the Affordable Care Act.

No one is more interested in ensuring the successful implementation of the health insurance exchanges than I am. I chair that committee. I was working with both Senator Kennedy and Senator Dodd in formulating these aspects of the Affordable Care Act. But it is ill-advised and shortsighted to raid the prevention fund, which is making absolutely critical investments in preventing disease, saving lives, and keeping women and their families healthy.

Last year they took $5 billion from the prevention fund. I will get to that in a moment. So, again, in their raiding of this prevention fund, not only is it a case of misplaced priorities, it is frankly an outrageous attack on an investment fund that is saving lives by advancing wellness and prevention initiatives in communities all across America.

A major purpose of the Affordable Care Act is to begin to transform our current sick care system into a genuine health care system, one that is focused on saving lives through a greater emphasis on wellness, prevention, and public health. I have been saying for 20 years or more that we do not have a health care system in America, we have a sick care system.

When you think about it, if you get sick, you can get pretty good care in America. We have the best surgeons and best cancer clinics. If you are sick, there is probably no better place in the world to be than in America to get cured. But what we are lousy at is keeping you healthy in the first place and preventing illness, preventing diseases, preventing chronic conditions.

Every expert acknowledges that we will never reduce health care costs or have a healthier and more productive society until we have a major focus on prevention. However, I have no choice but to conclude that when it comes to prevention and wellness, some people in this administration just do not get it.

The prevention fund already has been a giant step forward for public health in our Nation. Typically, prevention and public health initiatives have in the past always been an afterthought. This means that important community-based interventions often go unsupported. The prevention fund, as part of the Affordable Care Act, is making it possible for us to make national investments in evidence-based programs that promote physical activity, improve nutrition, and reduce tobacco use.

This is not the time to mention all of the many ways this fund is already making Americans healthier. I want to mention several representative investments that are happening right now.

The prevention fund is already investing $226 million to reduce chronic diseases, including diabetes and heart disease. Heart disease disproportionately affects women. In fact, it is the No. 1 cause of death for women in this country. Some 42 million women in America are currently living with some form of heart disease.

The World Health Organization estimates that a staggering 80 percent of heart disease, diabetes, and stroke could be prevented as a result of changes in smoking, nutrition, and physical activity alone.

Moreover, this investment by the prevention fund is not only saving lives, it is also saving money. Right now, heart disease costs our Nation about $440 billion a year—$440 billion a year in health care costs from heart disease alone.

Cigarette smoking kills an estimated 173,000 women a year. If current smoking rates persist, more than 6 million kids living in the United States today will ultimately die from smoking.

This year the fund is supporting a second round of the highly successful media campaign called ''Tips From a Former Smoker.'' It is estimated that last year's campaign will save $70 million annually based on just the smokers who successfully quit in reaction to this 12-week ad campaign. These ads are extremely powerful and effective. Within 2 days of the first ad appearing last year, the number of calls to our quit lines tripled. So mark my words, these ads are going to save lives. In fact, the second phase of this ad campaign is expected to inspire half a million quit attempts and to help at least 50,000 Americans quit smoking forever.

Now, that is the $93 million for the anti-tobacco education and support campaign. As I pointed out, over 6 million kids—if we do not do something about it, 6 million kids today in America will die from smoking.

Let's talk about the immunization program. The prevention fund is investing in immunization programs that protect kids and save billions of dollars in downstream costs. For every dollar spent on childhood immunizations, Americans save $16 by avoiding the costs of treating preventable diseases. Furthermore, by ensuring that all adults get recommended routine vaccines, we can prevent 40,000 to 50,000 deaths annually. So the $82 million that was cut for immunizations in the prevention fund by the action by the White House could have saved our Nation up to $1.3 billion in unnecessary health care costs. Again, this is the very definition of penny wise and pound foolish budgeting.

Investments from the prevention fund are not just at the national level, they are also at the community level. The fund is helping States, cities, and towns to implement evidence-based programs that meet their particular local needs.

For example, the State of Illinois has made improvements to its sidewalks and has marked crossings in order to increase levels of student physical activity for students going to school. Because of these improvements, the number of students who are walking to school has doubled. Not only is this good for their health, it is expected to save the school system about $67,000 a year on bus costs.

In Florida, the school board of Miami Dade County will soon implement the Play, Eat, Succeed project in order to reduce the prevalence of childhood obesity among students with disabilities and children in the Head Start Program. The project will focus on improving nutritional habits, increasing physical activity levels, and achieving a healthy weight.

In California, the Los Angeles County Department of Health has worked with more than 100 clinical teams to provide accessible clinical preventive services to control high blood pressure and cholesterol, reaching approximately 200,000 adults just in Los Angeles County alone.

In my State of Iowa, the Black Hawk County Board of Health is working with the local agency on aging to implement the Better Choices, Better Health Program. This initiative is designed to help individuals who are living with chronic conditions to find practical ways to self-manage pain, fatigue, and to make healthier nutrition and exercise choices, to set realistic goals, to understand treatment options and communicate with family and health care providers about their condition.

I mention all of these to show that the prevention fund is not just top-down from Washington; we are trying to encourage communities, cities, towns, counties, and, yes, some States to do work on their own, to come up with innovative ideas on how to encourage people to live healthier lives, to prevent smoking, to, for instance, get more kids to walk to school. And this is a big problem. A lot of kids in America can walk to school, but they do not have sidewalks, they do not have safe passages to school, so they take a bus. Simple things like that are done at the local level with the prevention fund, and when local levels experiment and do things like this and they find that they work, then other people adopt it. To me, this is one of the key elements of the prevention fund. It is sort of letting a thousand flowers bloom, getting more ideas out there from people at the local level on what they can do, how they can buy into this.

What can they do, and how can they buy into this to have a good prevention and wellness program on the local level?

Let's look at the return on investment. We always wonder about the return on investment for the kind of money we spend in government. The prevention fund all across America is investing in proven locally developed programs, as I mentioned, that promote health and wellness, and they save lives. Not only is this improving our health outcomes but it will save us money.

According to a study by the Centers for Disease Control and Prevention, the National Diabetes Prevention Program to prevent or delay nearly 885,000 cases of type 2 diabetes would save our health system about $5.7 billion over the next 25 years. The National Diabetes Prevention Program is a public-private partnership of health organizations that work together to prevent type 2 diabetes to life style change programs right in our home communities. Given that in 2007 diabetes alone accounted for about $116 billion in direct medical costs, it is all the more critical that we continue to invest in proven programs such as this.

I want to point out that for these investments, for every dollar we put in a childhood immunization series, it has been proven we saved $16.50. Yet if I am not mistaken, the White House is taking about $85 million out of this fund—penny wise and pound foolish.

Tobacco control programs: For every $1 we invest, we are saving $5. Chronic disease prevention: For every $1 we spend, we save $5.60. For workplace wellness programs: $3.27 for every $1 we spend. Any way you look at it, in all of these programs, just the return alone—not mentioning the productivity of people who are healthier, who don't smoke, who don't have chronic illnesses—their productivity is much higher than those who have chronic illnesses.

The list goes on and on. The Trust for America's Health released a study showing that a 5-percent reduction in the obesity rate could yield more than $600 billion in savings on health care costs over 20 years. Again, this is from the Trust for America's Health. A 5-percent reduction in the obesity rate, 5 percent only, could yield more than $600 billion in savings on health care costs over 20 years.

Studies such as this confirm what common sense tells us. Your mother was right; prevention is the best medicine for our bodies and for our budgets alike. That is why nearly 800 organizations have spoken against misguided efforts to slash or eliminate the prevention fund.

Despite ill-advised efforts to cut or eliminate the prevention fund, most Americans understand what is at stake. Prior to creation of the prevention fund, for every dollar spent on health care, 75 cents went to treating patients with chronic diseases, while only 4 cents was spent on efforts to prevent those diseases. Again, before the Affordable Care Act, 75 cents of every health care dollar was spent on treating you after you got sick. Only 4 cents was spent on preventing those diseases.

This chronic underinvestment has had devastating consequences. Nearly half of American adults have at least one chronic condition. Two-thirds of the increase in health care spending between 1987 and 2000 was due to increased prevalence of chronic diseases.

We had a briefing from three highly acclaimed medical practitioners 2 or 3 weeks ago, and they pointed out that two-thirds of the money we spend in Medicare goes for treating chronic illnesses—two-thirds.

When we talk about the money we are spending on Medicare and how do we control Medicare costs, some people say we have got to make it tougher for people to get Medicare or you have got to cut down on Medicare, when the answer is staring us right straight in the face: prevention and wellness programs. For elderly people who do have a chronic condition, there are interventions that will save us money and make their lives better through prevention and wellness programs. We know that. There are evidence-based programs which are proven to work.

The prevention fund gives us an unprecedented opportunity to bend the cost curve by jumpstarting the transformation of America into a true wellness society, a society that focuses on preventing disease, saving lives and saving money.

As I said, the fund is doing both; it is saving lives and saving money. To slash this fund as the White House intends to do is bad public policy and bad priorities. To take money from the prevention fund is to cannibalize the Affordable Care Act in ways that will both cost us money and lives. I think it is a violation of both the letter and the spirit of this landmark law. Again, one more time, we know prevention saves lives.

Cancer deaths: About 567,000 people die from cancer annually in the United

States. Fifty percent of those are preventable and much cheaper than all the long-term care costs, not to mention the devastation that happens in families' lives when a parent is lost to cancer.

Preventable diseases, heart disease, diabetes, and stroke: About 796,000 people die from heart disease, diabetes, and stroke annually in the United States. Eighty percent of those are preventable. Yet we are going to cut money from the prevention fund? It doesn't make sense.

Prior to the Senate adjourning for this last recess, I put a hold on Ms. Marilyn Tavenner's nomination to serve as the Administrator for the Centers for Medicare and Medicaid Services. Ms. Tavenner, in her role as Acting Administrator, signed a directive in March that channeled critical funds away from prevention. I must say, as the chairman of the committee, and as the author of the prevention fund in the Affordable Care Act, I was never notified until the decision had been made. I was not consulted. No one was. It was just sort of signed away.

Again, I want to make it very clear the hold I put on Ms. Tavenner was not a secret hold. In fact, I don't believe in secret holds. Too often people put on secret holds and you don't know who is doing it. I would never do that. I issued my hold publicly. Why? In order to heighten public awareness of this administration's ill-advised policy decision to cut prevention money and hopefully to get the White House to start to reconsider. I wanted to give people in the White House the chance to understand that their assault on the prevention fund is shortsighted, destructive, and perhaps suggests other sources of funding for implementing and overseeing the marketplace.

Last year the administration, as I said, approved a $5 billion—and I am correct here—a $5 billion cut to the fund as part of the middle-class tax bill. That was last year. I thought after that we had an agreement that was not going to happen again, the clearer cut agreement.

Now the administration has made it clear they intend to move forward with even more cuts—$332 million this year—to the prevention fund. What we are seeing from the administration is, at best, mixed signals and, at worst, a betrayal of the letter and spirit of the Affordable Care Act.

I repeat, these are bad policy choices. This choice to take money out of the prevention fund will have negative serious consequences for the future health of the American people.

Again, I don't know and I am unsure as to who is giving advice to the President, but I want to say to President Obama, I think you are getting bad advice, bad advice on where the money is coming from and how it is affecting the prevention fund, and there are other sources of funding for the marketplace other than the prevention fund.

I want to make it clear I don't want to interfere with the important work of the Centers for Medicare and Medicaid Services. I also happen to believe Ms. Tavenner is very well qualified and strongly qualified to be the next Administrator. I believe it is urgent to have an effective leader at the helm of CMS as we enter a critical stage in implementing the Affordable Care Act.

Accordingly, I am removing my hold on her nomination. However, as I do so, I repeat, it is deeply disappointing and disturbing that the White House once again is raiding the Prevention and Public Health Fund.

I would hope Ms. Tavenner, in her future role as the head of the CMS, will understand that while she works for the President, advice and consent of the U.S. Senate might be something worth considering in her future actions. I hope and expect again that the White House will respect the intent of Congress in creating the prevention fund, not as an afterthought but as a critical feature of the Affordable Care Act—every bit as critical as the exchanges, the marketplace, and everything else.

I hope the administration will join us in fighting for the prevention fund and in making smart, evidence-based investments in prevention and wellness. This is what real health reform is about. It is not about how you pay the bills. If all we are going to do in the Affordable Care Act is jiggle around on how we pay the bills, we are sunk. Real health reform is about changing our society away from a sick-care system to a true health care system, keeping people healthy, promoting wellness, having prevention programs at every level of society, in our schools, in our workplaces, and in our communities from the earliest moments of life, immunization programs. This is for those who are elderly, who may have a chronic condition but who can control that, at less cost and with healthier lives through good prevention and wellness programs. That is what true health reform is about, and it is our best bet for creating a healthier and more prosperous Nation. To that important end, the Congress and the White House should not be working at cross purposes. We should be working together. I say we must rededicate ourselves to the great goal of creating a reformed health care system that has a major focus on prevention and wellness, not just for a few but for all Americans. That is what the intention was of the Prevention and Public Health Fund.

As I say again, and I say very clearly, I don't know who is advising the President, but I think the President is getting bad advice. I understand the President has a lot on his plate, everything from Syria to Afghanistan—a lot. I understand that.

I hope that those in the White House who are advising the President would take a closer look and find some way of replenishing that $332 million and hopefully making some ironclad agreements that they are not going to raid the fund again next year.

I thought we had an agreement that last year was it, that $5 billion was it. I thought we had that agreement. I was operating under that assumption. Will we take more money out of the prevention fund again next year too to meet some exigency that may come up? That is what has been wrong with our sick-care system in the past. We are so focused on paying today's bills we don't focus on the future and how to keep people healthy. We just pay today's bills, keep paying the bills and paying the bills. Like clueless dodos, we wonder why health care costs are skyrocketing. It is because we don't focus on keeping people healthy in the first place.

So I will remove my hold on Ms. Tavenner, but I hope the administration will find a way to replenish that $332 million this year and make a firm commitment to not raiding this fund in the future.

Mr. LEAHY. Mr. President, I am glad the Senate is finally confirming David Medine as Chairman of the bipartisan Privacy and Civil Liberties Oversight Board, PCLOB. The confirmation of this nominee is a significant victory for all Americans who care about safeguarding our privacy rights and civil liberties. The American people now have a Privacy and Civil Liberties Oversight Board that is at full strength. This Board should help ensure that we honor our fundamental values as we implement a strategy to keep our Nation safe. Today's victory is also a reminder of the challenges we face, and the commitment we must keep, to protect personal privacy as new technologies emerge. Last month, the Judiciary Committee unanimously reported bipartisan legislation that Senator LEE and I authored to update the Electronic Communications Privacy Act. I hope that the Senate will promptly consider and pass this good privacy bill, as well.

The Judiciary Committee favorably reported this nomination last May along with a bipartisan group of nominees to serve as members of the Board. This nomination should not have taken a year to be considered and confirmed by the Senate. The Senate finally confirmed all of the other individuals, those nominated to serve as members of the Board, last August. Republican Senators refused to vote on the chairman's nomination. This was a needless delay and prevented the Board from functioning at full strength. This is reminiscent of how they have obstructed this President's nominees to the National Labor Relations Board and the Consumer Financial Protection Bureau, as well as so many of his judicial nominees. Now, after a year of obstruction, the Senate will finally vote on the nomination, and the Privacy and Civil Liberties Oversight Board we in Congress worked so hard to establish will finally be able to begin to carry out its important work on behalf of the American people.

The Privacy and Civil Liberties Oversight Board is a guardian of Americans'

privacy rights and civil liberties as well as an essential part of our national security strategy. When we worked to create this Board in the wake of the Nation's response to the terrorist attacks on September 11, 2001, we did so to ensure that our fundamental rights and liberties would be preserved as government takes steps to better secure our Nation. In the digital age, we must do more to protect our Nation from cyber attacks. But we must do so in a way that protects privacy and respects our fundamental freedoms.

Protecting national security and protecting Americans' fundamental rights are not in conflict. We can—and must—do both. The Privacy and Civil Liberties Oversight Board should help ensure that we do now that the Senate has finally been allowed to act on the nomination of Chairman Medine.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from West Virginia (Mr. MANCHIN ) are necessarily absent.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 114 Ex.]

YEAS—53

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

NAYS—45

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

NOT VOTING—2

| | |
|---|---|
| Lautenberg | Manchin |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Washington.

## UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Mrs. MURRAY. Madam President, I just wish to talk for a moment. I have heard a lot from my constituents that they are very tired of the dysfunction in Washington, DC. They are tired of political gridlock that impacts their businesses, their children's schools, and their paychecks. After spending last week with families and businesses that are impacted by sequestration in my home State of Washington, I know this is especially true right now.

When I became chair of the Senate Budget Committee, I said I hoped Democrats and Republicans would be able to work together to end the cycle of governing from crisis to crisis and the attempts to negotiate budget policy through brinkmanship, which we have seen far too much of in recent years.

I believe this goal is just as important today—and is, in fact, more attainable—but we need Republicans to meet us at the table and proceed to conference under regular order.

We are at a unique moment in our debate about the country's fiscal and economic challenges. Following the 2 years that the bipartisan Budget Control Act took the place of a congressional budget, the Senate returned to regular order this year and we passed a budget resolution. The House has also passed their budget, and the President weighed in with a proposal for his path going forward.

We now have an opportunity to move through regular order to try to get a bipartisan budget agreement, and we should seize it.

Democrats and Republicans have different perspectives on a wide variety of issues. But just a few months ago, it seemed that Democrats and Republicans did agree on at least one thing: the budget debate should proceed through regular order.

Democrats chose to move forward with a budget resolution through committee and said that an open process through regular order was the best way to reach a bipartisan agreement. And Republicans agreed. They said once the Senate and the House passed budgets ''the work of conferencing must begin.'' They said a conference was—and I quote—the ''best vehicle'' for the budget debate ''because we're doing it in plain sight.'' They said we needed the open public debate that regular order requires.

In fact, Senator MCCONNELL said Senate Democrats should ''return to regular order and transparency in the legislative process.'' The Obama administration has also said regular order is the way to proceed. But Senate Republicans have now blocked our efforts to move to conference, not once but twice.

Some Republicans said they want to negotiate a ''framework'' behind closed doors before going to conference. But that is what a budget is; it is a framework that lays out our values and our priorities and helps us plan for the country's future. I think that framework is exactly what we ought to be debating in a formal and public conference, and there is no reason to wait.

Now, I know this is not going to be easy. There are vast differences between the Senate and House budgets and the visions we each present. But I believe we will be most effective at resolving these differences if we have time for open debate and discussion and opportunities to identify common ground.

Waiting until the last minute is not a good option. The uncertainty that is caused in the lead-up to every manufactured crisis over the past 2 years has hurt our businesses, it has hurt our economy, and it is threatening our fragile economic recovery. It keeps us from planning and investing in our future, and it makes Americans question whether their government is capable of solving any problems that confront us.

I know—and we all know—there are extreme elements in our political system that think ''compromise'' is a dirty word. I know some Republicans think they do not have the political space to make a bipartisan deal until the very last minute of a crisis. But I believe many of our colleagues on both sides of the aisle want to return to regular order and move us away from the constant crises.

I am hoping the voices of reason win because American families and our businesses expect us to do better than running down the clock.

So I urge my Republican colleagues to join us now in proceeding to conference through regular order, as they have said we should. That is the best way to reach a deal that is the best and most responsible path for our country to move forward on.

So, Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 33, H. Con. Res. 25; that the amendment which is at the desk, the text of S. Con. Res. 8, the budget resolution passed by the Senate, be inserted in lieu thereof; that H. Con. Res. 25, as amended, be agreed to; the motion to reconsider be considered made and laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, all with no intervening action or debate.

Ms. LANDRIEU. Madam President, would the Senator yield for a question? Is a question in order?

Mrs. MURRAY. There is a UC before the Senate. If no one objects, I would be happy to answer a question.

Ms. LANDRIEU. Reserving the right to object—which I am not going to do, but I just want to clarify the Senator's motion—the Senator is simply asking us to move the budget which she passed after a heroic effort on the part of many to pass a budget so we could move to regular order. The Senator's consent is only asking us to move with all due speed to a conference to resolve the differences between the House budget and the Senate budget. Is that the Senator's understanding?

Mrs. MURRAY. The Senator from Louisiana is correct. The UC I am requesting simply takes us to conference so the House and the Senate Members can agree—Republicans and Democrats alike—to work toward a bipartisan solution.

Ms. LANDRIEU. One more question: Are not there Republicans represented on that committee? In fact, would the Republicans have the majority representation from the House?

Mrs. MURRAY. The Senator is correct.

Mr. MCCONNELL. Parliamentary inquiry: Are we making a speech?

Ms. LANDRIEU. No. I am asking a question.

Mr. MCCONNELL. Or are we considering objecting to a consent request?

The PRESIDING OFFICER. Is there objection to the request?

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

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Madam President, reserving the right to object, and I will in a moment, we considered over 100 amendments on the Senate floor. All of those kinds of amendments were brought up, debated, and considered as part of the resolution, as we do on any debate. So there is no need to go back and redo all of our amendments again. So I object and ask simply again our UC to move forward to conference so we can discuss all of these issues in regular order.

The ACTING PRESIDENT pro tempore. Objection is noted.

Is there objection to the original request?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, can I be heard for 3 minutes on this subject?

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

Ms. LANDRIEU. Madam President, this is very disturbing that the minority leader has objected to taking the budget to conference because the only way to get a compromise on the budget is to take it to conference, as the chair of the Budget Committee has asked us to do, to work out the differences between the Republican version of the budget and the Democratic version of the budget.

Right now, President Obama has some ideas about what his budget would look like. The Democrats and Republicans passed a budget here. The Republicans have passed a budget on the House side. The only way to work that out is following the leadership of the chairman of the Budget Committee, who is a senior Member now of this body, who understands regular order, understands the art of compromise, understands that there is a Democratic-controlled Senate, a Republican-controlled House, and a Democratic President—all who have legitimate but varying views about how the budget should be worked out may I say, a very important subject for the people of the United States because we are running deficits as far as the eye can see. While we have made some progress in cutting substantially—and we have raised some revenues—it is important to get our budget better in balance so we can grow this economy, keep this recovery going, stop throwing cold water on the recovery that is underway, and help Americans get jobs and create business.

I am flabbergasted to hear that the minority leader has just said no to that plan—said no, we are not going to conference. We object unless you do X, Y, and Z.

It is always an objection, a ''but.'' Democrats could come to this floor and say the same thing: I do not want to go to conference unless we decide we cannot, under any circumstance, even talk about Medicaid or Social Security or cutting education or health care; we will not go to conference unless we put that on the table.

We will never get to conference if both sides dig in before the discussions can even begin. That is where we are. I can understand the majority leader's frustration, and I most certainly appreciate the leadership of the Budget Committee chair. I am just so sorry to see that the chairman of the Budget Committee cannot even get the budget to conference to begin the debate on compromise because of this nonregular order status, because of the Republican minority, led by the Senator from Texas, of course, but reiterated by the Senator from Kentucky.

Mrs. MURRAY. Madam President, I thank the Senator from Louisiana. I just have to say I am frustrated and shocked at the reaction of our Republican counterparts who have repeatedly—repeatedly—said to the Senate: You need to pass a budget. We did so under regular order. Everyone will remember the night we spent here until 5 a.m. going through hundreds of amendments—the ones the minority leader just objected to that he wanted guarantees on before we went to conference. We voted on all those amendments. That is what this process is all about.

How can I, as Budget chairman, now do what the country is asking us to do, which is to compromise, move forward, and solve our problems rather than managing by crisis? If we cannot go to conference, how are we going to get a budget agreement moving forward? Everyone in this country knows this debate. It has gone on for several years. It went through the supercommittee. It went through an election where people's voices were heard. Now, after just berating us for not having a budget, the Senate Republicans are saying: Well, that did not matter. We do not care if you have a budget. We are just going to sit here.

That kind of chaos is exactly what this country does not need when it comes to our fragile economy today and people are trying to get back on their feet. I am ready to go to work. I am ready to sit down with the Republican leadership from the Budget Committee in the House and their conferees, to put our ideas on the table, and to make some tough choices. But I cannot do it until the Senate Republicans quit objecting to us moving to conference to get that done.

So this is the third time we have asked, the third time we have been turned down. We are going to keep trying to get this done. I am committed to solving one of the biggest problems facing our country—give us certainty, get us back on track—but I cannot do it when the Republicans are objecting to allowing us to go to conference. So I am very disappointed.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

## WATER RESOURCES DEVELOPMENT ACT OF 2013

The PRESIDING OFFICER. Under the previous order, the motion to proceed to S. 601 is agreed to and the clerk will report the bill by title.

The assistant bill clerk read as follows:

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

The Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2013''.*

*(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:*



***SEC. 2. DEFINITION OF SECRETARY.***

*In this Act, the term ''Secretary'' means the Secretary of the Army.*

### *TITLE I—WATER RESOURCE PROJECTS*

***SEC. 1001. PURPOSES.***

*The purposes of this title are—*

*(1) to authorize projects that—*

*(A) are the subject of a completed report of the Chief of Engineers containing a determination that the relevant project—*

*(i) is in the Federal interest;*

*(ii) results in benefits that exceed the costs of the project;*

*(iii) is environmentally acceptable; and*

*(iv) is technically feasible; and*

*(B) have been recommended to Congress for authorization by the Assistant Secretary of the Army for Civil Works; and*

*(2) to authorize the Secretary—*

*(A) to review projects that require increased authorization; and*

*(B) to request an increase of those authorizations after—*

*(i) certifying that the increases are necessary; and*

*(ii) submitting to Congress reports on the proposed increases.*

***SEC. 1002. PROJECT AUTHORIZATIONS.***

*The Secretary is authorized to carry out projects for water resources development, conservation, and other purposes, subject to the conditions that—*

*(1) each project is carried out—*

*(A) substantially in accordance with the plan for the project; and*

*(B) subject to any conditions described in the report for the project; and*

*(2) a Report of the Chief of Engineers has been completed and a referral by the Assistant*

*Secretary of the Army for Civil Works has been made to Congress as of the date of enactment of this Act for the project.*

***SEC. 1003. PROJECT REVIEW.***

*(a) IN GENERAL.—For a project that is authorized by Federal law as of the date of enactment of this Act, the Secretary may modify the authorized project cost set under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280)—*

*(1) by submitting the required certification and additional information to Congress in accordance with subsection (b); and*

*(2) after receiving an appropriation of funds in accordance with subsection (b)(3)(B).*

*(b) REQUIREMENTS FOR SUBMISSION.—*

*(1) CERTIFICATION.—The certification to Congress under subsection (a) shall include a certification by the Secretary that—*

*(A) expenditures above the authorized cost of the project are necessary to protect life and safety, maintain critical navigation routes, or restore ecosystems;*

*(B) the project continues to provide benefits identified in the report of the Chief of Engineers for the project; and*

*(C) for projects under construction—*

*(i) a temporary stop or delay resulting from a failure to increase the authorized cost of the project will increase costs to the Federal Government; and*

*(ii) the amount requested for the project in the budget of the President or included in a work plan for the expenditure of funds for the fiscal year during which the certification is submitted will exceed the authorized cost of the project.*

*(2) ADDITIONAL INFORMATION.—The information provided to Congress about the project under subsection (a) shall include, at a minimum—*

*(A) a comprehensive review of the project costs and reasons for exceeding the authorized limits set under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280);*

*(B) an expedited analysis of the updated benefits and costs of the project; and*

*(C) the new funding level needed to complete the project.*

*(3) APPROVAL OF CONGRESS.—The Secretary may not change the authorized project costs under subsection (a) unless—*

*(A) a certification and required information is submitted to Congress under subsection (b); and*

*(B) after such submission, amounts are appropriated to initiate or continue construction of the project in an appropriations or other Act.*

*(c) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary under this section terminates on the date that is 3 years after the date of enactment of this Act.*

## *TITLE II—WATER RESOURCES POLICY REFORMS*

***SEC. 2001. PURPOSES.***

*The purposes of this title are—*

*(1) to reform the implementation of water resources projects by the Corps of Engineers;*

*(2) to make other technical changes to the water resources policy of the Corps of Engineers; and*

*(3) to implement reforms, including—*

*(A) enhancing the ability of local sponsors to partner with the Corps of Engineers by ensuring the eligibility of the local sponsors to receive and apply credit for work carried out by the sponsors and increasing the role of sponsors in carrying out Corps of Engineers projects;*

*(B) ensuring continuing authority programs can continue to meet important needs;*

*(C) encouraging the continuation of efforts to modernize feasibility studies and establish targets for expedited completion of feasibility studies;*

*(D) seeking efficiencies in the management of dams and related infrastructure to reduce environmental impacts while maximizing other benefits and project purposes, such as flood control, navigation, water supply, and hydropower;*

*(E) clarifying mitigation requirements for Corps of Engineers projects and ensuring transparency in the independent external review of those projects; and*

*(F) establishing an efficient and transparent process for deauthorizing projects that have failed to receive a minimum level of investment to ensure active projects can move forward while reducing the backlog of authorized projects.*

***SEC. 2002. SAFETY ASSURANCE REVIEW.***

*Section 2035 of the Water Resources Development Act of 2007 (33 U.S.C. 2344) is amended by adding at the end the following:*

*''(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a safety assurance review conducted under this section.''.*

***SEC. 2003. CONTINUING AUTHORITY PROGRAMS.***

*(a) SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.—Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—*

*(1) in subsection (a), by striking ''$35,000,000'' and inserting ''$50,000,000''; and*

*(2) in subsection (b), by striking ''$7,000,000'' and inserting ''$10,000,000''.*

*(b) SHORE DAMAGE PREVENTION OR MITIGATION.—Section 111(c) of the River and Harbor Act of 1968 (33 U.S.C. 426i(c)) is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.*

*(c) REGIONAL SEDIMENT MANAGEMENT.—*

*(1) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—*

*(A) in subsection (c)(1)(C), by striking ''$5,000,000'' and inserting ''$10,000,000''; and*

*(B) in subsection (g), by striking ''$30,000,000'' and inserting ''$50,000,000''.*

*(2) APPLICABILITY.—Section 2037 of the Water Resources Development Act of 2007 (121 Stat. 1094) is amended by added at the end the following:*

*''(c) APPLICABILITY.—The amendment made by subsection (a) shall not apply to any project authorized under this Act if a report of the Chief of Engineers for the project was completed prior to the date of enactment of this Act.''.*

*(d) SMALL FLOOD CONTROL PROJECTS.—Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended in the third sentence by striking ''$7,000,000'' and inserting ''$10,000,000''.*

*(e) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(d)) is amended—*

*(1) in the second sentence, by striking ''Not more than 80 percent of the non-Federal may be'' and inserting ''The non-Federal share may be provided''; and*

*(2) in the third sentence, by striking ''$5,000,000'' and inserting ''$10,000,000''.*

*(f) AQUATIC ECOSYSTEM RESTORATION.—Section 206(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(d)) is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.*

*(g) FLOODPLAIN MANAGEMENT SERVICES.—Section 206(d) of the Flood Control Act of 1960 (33 U.S.C. 709a) is amended by striking ''$15,000,000'' and inserting ''$50,000,000''.*

***SEC. 2004. CONTINUING AUTHORITY PROGRAM PRIORITIZATION.***

*(a) DEFINITION OF CONTINUING AUTHORITY PROGRAM PROJECT.—In this section, the term ''continuing authority program'' means 1 of the following authorities:*

*(1) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).*

*(2) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).*

*(3) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).*

*(4) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).*

*(5) Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).*

*(6) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).*

*(b) PRIORITIZATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish in the Federal Register and on a publicly available website, the criteria the Secretary uses for prioritizing annual funding for continuing authority program projects.*

*(c) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall publish in the Federal Register and on a publicly available website, a report on the status of each continuing authority program, which, at a minimum, shall include—*

*(1) the name and a short description of each active continuing authority program project;*

*(2) the cost estimate to complete each active project; and*

*(3) the funding available in that fiscal year for each continuing authority program.*

*(d) CONGRESSIONAL NOTIFICATION.—On publication in the Federal Register under subsections (b) and (c), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of all information published under those subsections.*

***SEC. 2005. FISH AND WILDLIFE MITIGATION.***

*(a) IN GENERAL.—Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended—*

*(1) in subsection (d)—*

*(A) in paragraph (1)—*

*(i) in the first sentence—*

*(I) by inserting ''for damages to ecological resources, including terrestrial and aquatic resources, and'' after ''mitigate'';*

*(II) by inserting ''ecological resources and'' after ''impact on''; and*

*(III) by inserting ''without the implementation of mitigation measures'' before the period; and*

*(ii) by inserting before the last sentence the following: ''If the Secretary determines that mitigation to in-kind conditions is not possible, the Secretary shall identify in the report the basis for that determination.''; and*

*(B) in paragraph (3)—*

*(i) in subparagraph (A), by inserting '', at a minimum,'' after ''complies with''; and*

*(ii) in subparagraph (B)—*

*(I) by striking clause (iii);*

*(II) by redesginating clauses (iv) and (v) as clauses (v) and (vi), respectively; and*

*(III) by inserting after clause (ii) the following:*

*''(iii) for projects where mitigation will be carried out by the Secretary—*

*''(I) a description of the land and interest in land to be acquired for the mitigation plan;*

*''(II) the basis for a determination that the land and interests are available for acquisition; and*

*''(III) a determination that the proposed interest sought does not exceed the minimum interest in land necessary to meet the mitigation requirements for the project;*

*''(iv) for projects where mitigation will be carried out through a third party mitigation arrangement in accordance with subsection (i)—*

*''(I) a description of the third party mitigation instrument to be used; and*

*''(II) the basis for a determination that the mitigation instrument can meet the mitigation requirements for the project;''; and*

*(2) by adding at the end the following:*

*''(h) PROGRAMMATIC MITIGATION PLANS.—*

*''(1) IN GENERAL.—The Secretary may develop 1 or more programmatic mitigation plans to address the potential impacts to ecological resources, fish, and wildlife associated with existing or future water resources development projects.*

*''(2) USE OF MITIGATION PLANS.—The Secretary shall, to the maximum extent practicable, use programmatic mitigation plans developed in*

*accordance with this subsection to guide the development of a mitigation plan under subsection (d).*

*''(3) NON-FEDERAL PLANS.—The Secretary shall, to the maximum extent practicable and subject to all conditions of this subsection, use programmatic environmental plans developed by a State, a body politic of the State, which derives its powers from a State constitution, a government entity created by State legislation, or a local government, that meet the requirements of this subsection to address the potential environmental impacts of existing or future water resources development projects.*

*''(4) SCOPE.—A programmatic mitigation plan developed by the Secretary or an entity described in paragraph (3) to address potential impacts of existing or future water resources development projects may—*

*''(A) be developed on a regional, ecosystem, watershed, or statewide scale;*

*''(B) encompass multiple environmental resources within a defined geographical area or focus on a specific resource, such as aquatic resources or wildlife habitat; and*

*''(C) address impacts from all projects in a defined geographical area or focus on a specific type of project.*

*''(5) CONSULTATION.—The scope of the plan shall be determined by the Secretary or an entity described in paragraph (3), as appropriate, in consultation with the agency with jurisdiction over the resources being addressed in the environmental mitigation plan.*

*''(6) CONTENTS.—A programmatic environmental mitigation plan may include—*

*''(A) an assessment of the condition of environmental resources in the geographical area covered by the plan, including an assessment of recent trends and any potential threats to those resources;*

*''(B) an assessment of potential opportunities to improve the overall quality of environmental resources in the geographical area covered by the plan through strategic mitigation for impacts of water resources development projects;*

*''(C) standard measures for mitigating certain types of impacts;*

*''(D) parameters for determining appropriate mitigation for certain types of impacts, such as mitigation ratios or criteria for determining appropriate mitigation sites;*

*''(E) adaptive management procedures, such as protocols that involve monitoring predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring;*

*''(F) acknowledgment of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources; and*

*''(G) any offsetting benefits of self-mitigating projects, such as ecosystem or resource restoration and protection.*

*''(7) PROCESS.—Before adopting a programmatic environmental mitigation plan for use under this subsection, the Secretary shall—*

*''(A) for a plan developed by the Secretary—*

*''(i) make a draft of the plan available for review and comment by applicable environmental resource agencies and the public; and*

*''(ii) consider any comments received from those agencies and the public on the draft plan; and*

*''(B) for a plan developed under paragraph (3), determine, not later than 180 days after receiving the plan, whether the plan meets the requirements of paragraphs (4) through (6) and was made available for public comment.*

*''(8) INTEGRATION WITH OTHER PLANS.—A programmatic environmental mitigation plan may be integrated with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, and land use plans.*

*''(9) CONSIDERATION IN PROJECT DEVELOPMENT AND PERMITTING.—If a programmatic environmental mitigation plan has been developed under this subsection, any Federal agency responsible for environmental reviews, permits, or approvals for a water resources development project may use the recommendations in that programmatic environmental mitigation plan when carrying out the responsibilities of the agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

*''(10) PRESERVATION OF EXISTING AUTHORITIES.—Nothing in this subsection limits the use of programmatic approaches to reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

*''(i) THIRD-PARTY MITIGATION ARRANGEMENTS.—*

*''(1) ELIGIBLE ACTIVITIES.—In accordance with all applicable Federal laws (including regulations), mitigation efforts carried out under this section may include—*

*''(A) participation in mitigation banking or other third-party mitigation arrangements, such as—*

*''(i) the purchase of credits from commercial or State, regional, or local agency-sponsored mitigation banks; and*

*''(ii) the purchase of credits from in-lieu fee mitigation programs; and*

*''(B) contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands.*

*''(2) INCLUSION OF OTHER ACTIVITIES.—The banks, programs, and efforts described in paragraph (1) include any banks, programs, and efforts developed in accordance with applicable law (including regulations).*

*''(3) TERMS AND CONDITIONS.—In carrying out natural habitat and wetlands mitigation efforts under this section, contributions to the mitigation effort may—*

*''(A) take place concurrent with, or in advance of, the commitment of funding to a project; and*

*''(B) occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and water resources development planning processes.*

*''(4) PREFERENCE.—At the request of the non-Federal project sponsor, preference may be given, to the maximum extent practicable, to mitigating an environmental impact through the use of a mitigation bank, in-lieu fee, or other third-party mitigation arrangement, if the use of credits from the mitigation bank or in-lieu fee, or the other third-party mitigation arrangement for the project has been approved by the applicable Federal agency.*

*''(j) USE OF FUNDS.—The Secretary may use funds made available for preconstruction engineering and design prior to authorization of project construction to acquire interests in land necessary for meeting the mitigation requirements of this section.''.*

*(b) APPLICATION.—The amendments made by subsection (a) shall not apply to a project for which a mitigation plan has been completed as of the date of enactment of this Act.*

*(c) TECHNICAL ASSISTANCE.—*

*(1) IN GENERAL.—The Secretary may provide technical assistance to States and local governments to establish third-party mitigation instruments, including mitigation banks and in-lieu fee programs, that will help to target mitigation payments to high-priority ecosystem restoration actions.*

*(2) REQUIREMENTS.—In providing technical assistance under this subsection, the Secretary shall give priority to States and local governments that have developed State, regional, or watershed-based plans identifying priority restoration actions.*

*(3) MITIGATION INSTRUMENTS.—The Secretary shall seek to ensure any technical assistance provided under this subsection will support the establishment of mitigation instruments that will result in restoration of high-priority areas identified in the plans under paragraph (2).*

***SEC. 2006. MITIGATION STATUS REPORT.***

*Section 2036(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2283a) is amended—*

*(1) by redesignating paragraph (3) as paragraph (4); and*

*(2) by inserting after paragraph (2) the following:*

*''(3) INFORMATION INCLUDED.—In reporting the status of all projects included in the report, the Secretary shall—*

*''(A) use a uniform methodology for determining the status of all projects included in the report;*

*''(B) use a methodology that describes both a qualitative and quantitative status for all projects in the report; and*

*''(C) provide specific dates for and participants in the consultations required under section 906(d)(4)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)(4)(B)).''.*

***SEC. 2007. INDEPENDENT PEER REVIEW.***

*(a) TIMING OF PEER REVIEW.—Section 2034(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(b)) is amended—*

*(1) by redesignating paragraph (3) as paragraph (4); and*

*(2) by inserting after paragraph (2) the following:*

*''(3) REASONS FOR TIMING.—If the Chief of Engineers does not initiate a peer review for a project study at a time described in paragraph (2), the Chief shall—*

*''(A) not later than 7 days after the date on which the Chief of Engineers determines not to initiate a peer review—*

*''(i) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of that decision; and*

*''(ii) make publicly available, including on the Internet the reasons for not conducting the review; and*

*''(B) include the reasons for not conducting the review in the decision document for the project study.''.*

*(b) ESTABLISHMENT OF PANELS.—Section 2034(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(c)) is amended by striking paragraph (4) and inserting the following:*

*''(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Following the identification of a project study for peer review under this section, but prior to initiation of the review by the panel of experts, the Chief of Engineers shall, not later than 7 days after the date on which the Chief of Engineers determines to conduct a review—*

*''(A) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the review; and*

*''(B) make publicly available, including on the Internet, information on—*

*''(i) the dates scheduled for beginning and ending the review;*

*''(ii) the entity that has the contract for the review; and*

*''(iii) the names and qualifications of the panel of experts.''.*

*(c) RECOMMENDATIONS OF PANEL.—Section 2034(f) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(f)) is amended by striking paragraph (2) and inserting the following:*

*''(2) PUBLIC AVAILABILITY AND SUBMISSION TO CONGRESS.—After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall make available to the public, including on the Internet, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—*

*''(A) a copy of the report not later than 7 days after the date on which the report is delivered to the Chief of Engineers; and*

*''(B) a copy of any written response of the Chief of Engineers on recommendations contained in the report not later than 3 days after*

*the date on which the response is delivered to the Chief of Engineers.*

*''(3) INCLUSION IN PROJECT STUDY.—A report on a project study from a panel of experts under this section and the written response of the Chief of Engineers shall be included in the final decision document for the project study.''.*

*(d) APPLICABILITY.—Section 2034(h)(2) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(h)(2)) is amended by striking ''7 years'' and inserting ''12 years''.*

***SEC. 2008. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.***

*(a) IN GENERAL.—Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended—*

*(1) by striking the heading and inserting the following:*

***''SEC. 314. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.'';***

*(2) in the first sentence, by striking ''Activities currently performed'' and inserting the following:*

*''(a) IN GENERAL.—Activities currently performed'';*

*(3) in the second sentence, by striking ''This section'' and inserting the following:*

*''(b) MAJOR MAINTENANCE CONTRACTS ALLOWED.—This section'';*

*(4) in subsection (a) (as designated by paragraph (2)), by inserting ''navigation or'' before ''hydroelectric''; and*

*(5) by adding at the end the following:*

*''(c) EXCLUSION.—This section shall not—*

*''(1) apply to those navigation facilities that have been or are currently under contract with a non-Federal interest to perform operations and maintenance as of the date of enactment of the Water Resources Development Act of 2013; and*

*''(2) prohibit the Secretary from contracting out future commercial activities at those navigation facilities.''.*

*(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1990 (104 Stat. 4604) is amended by striking the item relating to section 314 and inserting the following:*

*''Sec. 314. Operation and maintenance of navigation and hydroelectric facilities.''.*

***SEC. 2009. HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.***

*(a) FINDINGS.—Congress finds that—*

*(1) in April 2012, the Oak Ridge National Laboratory of the Department of Energy (referred to in this section as the ''Oak Ridge Lab'') released a report finding that adding hydroelectric power to the non-powered dams of the United States has the potential to add more than 12 gigawatts of new generating capacity;*

*(2) the top 10 non-powered dams identified by the Oak Ridge Lab as having the highest hydroelectric power potential could alone supply 3 gigawatts of generating capacity;*

*(3) of the 50 non-powered dams identified by the Oak Ridge Lab as having the highest hydroelectric power potential, 48 are Corps of Engineers civil works projects;*

*(4) promoting non-Federal hydroelectric power at Corps of Engineers civil works projects increases the taxpayer benefit of those projects;*

*(5) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects—*

*(A) can be accomplished in a manner that is consistent with authorized project purposes and the responsibilities of the Corps of Engineers to protect the environment; and*

*(B) in many instances, may have additional environmental benefits; and*

*(6) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects could be promoted through—*

*(A) clear and consistent lines of responsibility and authority within and across Corps of Engineers districts and divisions on hydroelectric power development activities;*

*(B) consistent and corresponding processes for reviewing and approving hydroelectric power development; and*

*(C) developing a means by which non-Federal hydroelectric power developers and stakeholders can resolve disputes with the Corps of Engineers concerning hydroelectric power development activities at Corps of Engineers civil works projects.*

*(b) POLICY.—Congress declares that it is the policy of the United States that—*

*(1) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects, including locks and dams, shall be given priority;*

*(2) Corps of Engineers approval of non-Federal hydroelectric power at Corps of Engineers civil works projects, including permitting required under section 14 of the Act of March 3, 1899 (33 U.S.C. 408), shall be completed by the Corps of Engineers in a timely and consistent manner; and*

*(3) approval of hydropower at Corps of Engineers civil works projects shall in no way diminish the other priorities and missions of the Corps of Engineers, including authorized project purposes and habitat and environmental protection.*

*(c) REPORT.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that, at a minimum, shall include—*

*(1) a description of initiatives carried out by the Secretary to encourage the development of hydroelectric power by non-Federal entities at Corps of Engineers civil works projects;*

*(2) a list of all new hydroelectric power activities by non-Federal entities approved at Corps of Engineers civil works projects in that fiscal year, including the length of time the Secretary needed to approve those activities;*

*(3) a description of the status of each pending application from non-Federal entities for approval to develop hydroelectric power at Corps of Engineers civil works projects;*

*(4) a description of any benefits or impacts to the environment, recreation, or other uses associated with Corps of Engineers civil works projects at which non-Federal entities have developed hydroelectric power in the previous fiscal year; and*

*(5) the total annual amount of payments or other services provided to the Corps of Engineers, the Treasury, and any other Federal agency as a result of approved non-Federal hydropower projects at Corps of Engineers civil works projects.*

***SEC. 2010. CLARIFICATION OF WORK-IN-KIND CREDIT AUTHORITY.***

*(a) NON-FEDERAL COST SHARE.—Section 7007 of the Water Resources Development Act of 2007 (121 Stat. 1277) is amended—*

*(1) in subsection (a)—*

*(A) by inserting '', on, or after'' after ''before''; and*

*(B) by inserting '', program,'' after ''study'' each place it appears;*

*(2) in subsections (b) and (e)(1), by inserting '', program,'' after ''study'' each place it appears; and*

*(3) by striking subsection (d) and inserting the following:*

*''(d) TREATMENT OF CREDIT BETWEEN PROJECTS.—The value of any land, easements, rights-of-way, relocations, and dredged material disposal areas and the costs of planning, design, and construction work provided by the non-Federal interest that exceed the non-Federal cost share for a study, program, or project under this title may be applied toward the non-Federal cost share for any other study, program, or project carried out under this title.''.*

*(b) IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with any relevant agencies of the State of Louisiana, shall establish a process by which to carry out the amendments made by subsection (a)(3).*

*(c) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on November 8, 2007.*

***SEC. 2011. TRANSFER OF EXCESS WORK-IN-KIND CREDIT.***

*(a) IN GENERAL.—Subject to subsection (b), the Secretary may apply credit for in-kind contributions provided by a non-Federal interest that is in excess of the required non-Federal cost-share for a water resources study or project toward the required non-Federal cost-share for a different water resources study or project.*

*(b) RESTRICTIONS.—*

*(1) IN GENERAL.—Except for subsection (a)(4)(D)(i) of that section, the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) (as amended by section 2012 of this Act) shall apply to any credit under this section.*

*(2) CONDITIONS.—Credit in excess of the non-Federal cost-share for a study or project may be approved under this section only if—*

*(A) the non-Federal interest submits a comprehensive plan to the Secretary that identifies—*

*(i) the studies and projects for which the non-Federal interest intends to provide in-kind contributions for credit that is in excess of the non-Federal cost share for the study or project; and*

*(ii) the studies and projects to which that excess credit would be applied;*

*(B) the Secretary approves the comprehensive plan; and*

*(C) the total amount of credit does not exceed the total non-Federal cost-share for the studies and projects in the approved comprehensive plan.*

*(c) ADDITIONAL CRITERIA.—In evaluating a request to apply credit in excess of the non-Federal cost-share for a study or project toward a different study or project, the Secretary shall consider whether applying that credit will—*

*(1) help to expedite the completion of a project or group of projects;*

*(2) reduce costs to the Federal Government; and*

*(3) aid the completion of a project that provides significant flood risk reduction or environmental benefits.*

*(d) TERMINATION OF AUTHORITY.—The authority provided in this section shall terminate 10 years after the date of enactment of this Act.*

*(e) REPORT.—*

*(1) DEADLINES.—*

*(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an interim report on the use of the authority under this section.*

*(B) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the use of the authority under this section.*

*(2) INCLUSIONS.—The reports described in paragraph (1) shall include—*

*(A) a description of the use of the authority under this section during the reporting period;*

*(B) an assessment of the impact of the authority under this section on the time required to complete projects; and*

*(C) an assessment of the impact of the authority under this section on other water resources projects.*

***SEC. 2012. CREDIT FOR IN-KIND CONTRIBUTIONS.***

*(a) IN GENERAL.—Section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) is amended—*

*(1) in subparagraph (A), in the matter preceding clause (i) by inserting ''or a project under an environmental infrastructure assistance program'' after ''law'';*

*(2) in subparagraph (C), by striking ''In any case'' and all that follows through the period at the end and inserting the following:*

*''(i) CONSTRUCTION.—*

*''(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of construction carried out by the non-Federal interest before execution of a partnership agreement and that construction has not been carried out as of the date of enactment of this subparagraph, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work prior to the non-Federal interest initiating construction or issuing a written notice to proceed for the construction.*

*''(II) ELIGIBILITY.—Construction that is carried out after the execution of an agreement to carry out work described in subclause (I) and any design activities that are required for that construction, even if the design activity is carried out prior to the execution of the agreement to carry out work, shall be eligible for credit.*

*''(ii) PLANNING.—*

*''(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of planning carried out by the non-Federal interest before execution of a feasibility cost sharing agreement, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work prior to the non-Federal interest initiating that planning.*

*''(II) ELIGIBILITY.—Planning that is carried out by the non-Federal interest after the execution of an agreement to carry out work described in subclause (I) shall be eligible for credit.'';*

*(3) in subparagraph (D)(iii), by striking ''sections 101 and 103'' and inserting ''sections 101(a)(2) and 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2); 33 U.S.C. 2213(a)(1)(A))'';*

*(4) by redesignating subparagraph (E) as subparagraph (H);*

*(5) by inserting after subparagraph (D) the following:*

*''(E) ANALYSIS OF COSTS AND BENEFITS.—In the evaluation of the costs and benefits of a project, the Secretary shall not consider construction carried out by a non-Federal interest under this subsection as part of the future without project condition.*

*''(F) TRANSFER OF CREDIT BETWEEN SEPARABLE ELEMENTS OF A PROJECT.—Credit for in-kind contributions provided by a non-Federal interest that are in excess of the non-Federal cost share for an authorized separable element of a project may be applied toward the non-Federal cost share for a different authorized separable element of the same project.*

*''(G) APPLICATION OF CREDIT.—To the extent that credit for in-kind contributions, as limited by subparagraph (D), and credit for required land, easements, rights-of-way, dredged material disposal areas, and relocations provided by the non-Federal interest exceed the non-Federal share of the cost of construction of a project other than a navigation project, the Secretary shall reimburse the difference to the non-Federal interest, subject to the availability of funds.''; and*

*(6) in subparagraph (H) (as redesignated by paragraph (4))—*

*(A) in clause (i), by inserting '', and to water resources projects authorized prior to the date of enactment of the Water Resources Development Act of 1986 (Public Law 99–662), if correction of design deficiencies is necessary'' before the period at the end; and*

*(B) by striking clause (ii) and inserting the following:*

*''(ii) AUTHORIZATION IN ADDITION TO SPECIFIC CREDIT PROVISION.—In any case in which a specific provision of law authorizes credit for in-kind contributions provided by a non-Federal interest before the date of execution of a partnership agreement, the Secretary may apply the authority provided in this paragraph to allow credit for in-kind contributions provided by the non-Federal interest on or after the date of execution of the partnership agreement.''.*

*(b) APPLICABILITY.—Section 2003(e) of the Water Resources Development Act of 2007 (42 U.S.C. 1962d-5b note) is amended by inserting '', or construction of design deficiency corrections on the project,'' after ''construction on the project''.*

*(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on November 8, 2007.*

*(d) GUIDELINES.—*

*(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall update any guidance or regulations for carrying out section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)) (as amended by subsection (a)) that are in existence on the date of enactment of this Act or issue new guidelines, as determined to be appropriate by the Secretary.*

*(2) INCLUSIONS.—Any guidance, regulations, or guidelines updated or issued under paragraph (1) shall include, at a minimum—*

*(A) the milestone for executing an in-kind memorandum of understanding for construction by a non-Federal interest;*

*(B) criteria and procedures for evaluating a request to execute an in-kind memorandum of understanding for construction by a non-Federal interest that is earlier than the milestone under subparagraph (A) for that execution; and*

*(C) criteria and procedures for determining whether work carried out by a non-Federal interest is integral to a project.*

*(3) PUBLIC AND STAKEHOLDER PARTICIPATION.—Before issuing any new or revised guidance, regulations, or guidelines or any subsequent updates to those documents, the Secretary shall—*

*(A) consult with affected non-Federal interests;*

*(B) publish the proposed guidelines developed under this subsection in the Federal Register; and*

*(C) provide the public with an opportunity to comment on the proposed guidelines.*

*(e) OTHER CREDIT.—Nothing in section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) (as amended by subsection (a)) affects any eligibility for credit under section 104 of the Water Resources Development of 1986 (33 U.S.C. 2214) that was approved by the Secretary prior to the date of enactment of this Act.*

***SEC. 2013. CREDIT IN LIEU OF REIMBURSEMENT.***

*Section 211(e)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(2)) is amended by adding at the end the following:*

*''(C) STUDIES OR OTHER PROJECTS.—On the request of a non-Federal interest, in lieu of reimbursing a non-Federal interest the amount equal to the estimated Federal share of the cost of an authorized flood damage reduction project or a separable element of an authorized flood damage reduction project under this subsection that has been constructed by the non-Federal interest under this section as of the date of enactment of this Act, the Secretary may provide the non-Federal interest with a credit in that amount, which the non-Federal interest may apply to the share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies.''.*

***SEC. 2014. DAM OPTIMIZATION.***

*(a) DEFINITIONS.—In this section:*

*(1) OTHER RELATED PROJECT BENEFITS.—The term ''other related project benefits'' includes—*

*(A) environmental protection and restoration, including restoration of water quality and water flows, improving movement of fish and other aquatic species, and restoration of floodplains, wetlands, and estuaries;*

*(B) increased water supply storage;*

*(C) increased hydropower generation;*

*(D) reduced flood risk;*

*(E) additional navigation; and*

*(F) improved recreation.*

*(2) WATER CONTROL PLAN.—The term ''water control plan'' means—*

*(A) a plan for coordinated regulation schedules for project or system regulation; and*

*(B) such additional provisions as may be required to collect, analyze, and disseminate basic data, prepare detailed operating instructions, ensure project safety, and carry out regulation of projects in an appropriate manner.*

*(b) PROGRAM.—*

*(1) IN GENERAL.—The Secretary may carry out activities—*

*(A) to improve the efficiency of the operations and maintenance of dams and related infrastructure operated by the Corps of Engineers; and*

*(B) to maximize, to the extent practicable—*

*(i) authorized project purposes; and*

*(ii) other related project benefits.*

*(2) ELIGIBLE ACTIVITIES.—An eligible activity under this section is any activity that the Secretary would otherwise be authorized to carry out that is designed to provide other related project benefits in a manner that does not adversely impact the authorized purposes of the project, including—*

*(A) the review of project operations on a regular and timely basis to determine the potential for operational changes;*

*(B) carrying out any investigation or study the Secretary determines to be necessary; and*

*(C) the revision or updating of a water control plan or other modification of the operation of a water resource project.*

*(3) IMPACT ON AUTHORIZED PURPOSES.—An activity carried out under this section shall not adversely impact any of the authorized purposes of the project.*

*(4) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section supersedes or modifies any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act.*

*(5) OTHER LAWS.—*

*(A) IN GENERAL.—An activity carried out under this section shall comply with all other applicable laws (including regulations).*

*(B) WATER SUPPLY.—Any activity carried out under this section that results in any modification to water supply storage allocations at a reservoir operated by the Secretary shall comply with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).*

*(c) POLICIES, REGULATIONS, AND GUIDANCE.—The Secretary shall carry out a review of, and as necessary modify, the policies, regulations, and guidance of the Secretary to carry out the activities described in subsection (b).*

*(d) COORDINATION.—*

*(1) IN GENERAL.—The Secretary shall coordinate all planning and activities carried out under this section with appropriate Federal, State, and local agencies and those public and private entities that the Secretary determines may be affected by those plans or activities.*

*(2) NON-FEDERAL INTERESTS.—Prior to carrying out an activity under this section, the Secretary shall consult with any applicable non-Federal interest of the affected dam or related infrastructure.*

*(e) REPORTS.—*

*(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to Congress a report describing the actions carried out under this section.*

*(2) INCLUSIONS.—Each report under paragraph (1) shall include—*

*(A) a schedule for reviewing the operations of individual projects; and*

(B) any recommendations of the Secretary on changes that the Secretary determines to be necessary—

(i) to carry out existing project authorizations, including the deauthorization of any water resource project that the Secretary determines could more effectively be achieved through other means;

(ii) to improve the efficiency of water resource project operations; and

(iii) to maximize authorized project purposes and other related project benefits.

(3) UPDATED REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall update the report entitled ''Authorized and Operating Purposes of Corps of Engineers Reservoirs'' and dated July 1992, which was produced pursuant to section 311 of the Water Resources Development Act of 1990 (104 Stat. 4639).

(B) INCLUSIONS.—The updated report described in subparagraph (A) shall include—

(i) the date on which the most recent review of project operations was conducted and any recommendations of the Secretary relating to that review the Secretary determines to be significant; and

(ii) the dates on which the recommendations described in clause (i) were carried out.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary may use to carry out this section amounts made available to the Secretary from—

(A) the general purposes and expenses account;

(B) the operations and maintenance account; and

(C) any other amounts that are appropriated to carry out this section.

(2) FUNDING FROM OTHER SOURCES.—The Secretary may accept and expend amounts from non-Federal entities and other Federal agencies to carry out this section.

(g) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with other Federal agencies and non-Federal entities to carry out this section.

**SEC. 2015. WATER SUPPLY.**

Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) is amended by striking subsection (d) and inserting the following:

''(d) CONGRESSIONAL APPROVAL OF MODIFICATIONS OF RESERVOIR PROJECTS.—Congressional approval shall be required for any modification that provides storage for municipal or industrial water supply at a reservoir project that has been authorized, surveyed, planned, or constructed if, when considered cumulatively with all previous modifications of the project, the modification would—

''(1) seriously affect the purposes for which the project was authorized, surveyed, planned, or constructed;

''(2) involve major structural or operational changes; or

''(3) involve an allocation or reallocation of storage that is equal to or exceeds 5 percent of the conservation storage pool of the project.''.

**SEC. 2016. REPORT ON WATER STORAGE PRICING FORMULAS.**

(a) FINDINGS.—Congress finds that—

(1) due to the ongoing drought in many parts of the United States, communities are looking for ways to enhance their water storage on Corps of Engineer reservoirs so as to maintain a reliable supply of water into the foreseeable future;

(2) water storage pricing formulas should be equitable and not create disparities between users; and

(3) water pricing formulas should not be cost-prohibitive for communities.

(b) ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate an assessment of the water storage pricing formulas of the Corps of Engineers, which shall include an assessment of—

(A) existing water storage pricing formulas of the Corps of Engineers, in particular whether those formulas produce water storage costs for some beneficiaries that are greatly disparate from the costs of other beneficiaries; and

(B) whether equitable water storage pricing formulas could lessen the disparate impact and produce more affordable water storage for potential beneficiaries.

(2) REPORT.—The Comptroller General of the United States shall submit to Congress a report on the assessment carried out under paragraph (1).

**SEC. 2017. CLARIFICATION OF PREVIOUSLY AUTHORIZED WORK.**

(a) IN GENERAL.—The Secretary may carry out measures to improve fish species habitat within the footprint and downstream of a water resources project constructed by the Secretary that includes a fish hatchery if the Secretary—

(1) has been explicitly authorized to compensate for fish losses associated with the project; and

(2) determines that the measures are—

(A) feasible;

(B) consistent with authorized project purposes and the fish hatchery; and

(C) in the public interest.

(b) COST SHARING.—

(1) IN GENERAL.—Subject to paragraph (2), the non-Federal interest shall contribute 35 percent of the total cost of carrying out activities under this section, including the costs relating to the provision or acquisition of required land, easements, rights-of-way, dredged material disposal areas, and relocations.

(2) OPERATION AND MAINTENANCE.—The non-Federal interest shall contribute 100 percent of the costs of operation, maintenance, replacement, repair, and rehabilitation of a project constructed under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year, there is authorized to be appropriated to carry out this section $30,000,000.

**SEC. 2018. CONSIDERATION OF FEDERAL LAND IN FEASIBILITY STUDIES.**

At the request of the non-Federal interest, the Secretary shall include as part of a regional or watershed study any Federal land that is located within the geographic scope of that study.

**SEC. 2019. PLANNING ASSISTANCE TO STATES.**

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''or other stakeholder working with a State'' after ''cooperate with any State''; and

(ii) by inserting '', including plans to comprehensively address water resources challenges,'' after ''of such State''; and

(B) in paragraph (2)(A), by striking '', at Federal expense,'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''subsection (a)(1)'' each place it appears and inserting ''subsection (a)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal public body for assistance under this section.'' ; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''$10,000,000'' and inserting ''$30,000,000''; and

(ii) by striking ''$2,000,000'' and inserting ''$5,000,000 in Federal funds''; and

(B) in paragraph (2), by striking ''$5,000,000'' and inserting ''$15,000,000''.

**SEC. 2020. VEGETATION MANAGEMENT POLICY.**

(a) DEFINITION OF NATIONAL GUIDELINES.—In this section, the term ''national guidelines'' means the Corps of Engineers policy guidelines for management of vegetation on levees, including—

(1) Engineering Technical Letter 1110-2-571 entitled ''Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures'' and adopted April 10, 2009; and

(2) the draft policy guidance letter entitled ''Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls'' (77 Fed. Reg. 9637 (Feb. 17, 2012)).

(b) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary shall carry out a comprehensive review of the national guidelines in order to determine whether current Federal policy relating to levee vegetation is appropriate for all regions of the United States.

(c) FACTORS.—

(1) IN GENERAL.—In carrying out the review, the Secretary shall consider—

(A) the varied interests and responsibilities in managing flood risks, including the need—

(i) to provide for levee safety with limited resources; and

(ii) to ensure that levee safety investments minimize environmental impacts and provide corresponding public safety benefits;

(B) the levee safety benefits that can be provided by woody vegetation;

(C) the preservation, protection, and enhancement of natural resources, including—

(i) the benefit of vegetation on levees in providing habitat for endangered, threatened, and candidate species; and

(ii) the impact of removing levee vegetation on compliance with other regulatory requirements;

(D) protecting the rights of Indian tribes pursuant to treaties and statutes;

(E) the available science and the historical record regarding the link between vegetation on levees and flood risk;

(F) the avoidance of actions requiring significant economic costs and environmental impacts; and

(G) other factors relating to the factors described in subparagraphs (A) through (F) identified in public comments that the Secretary determines to be appropriate.

(2) VARIANCE CONSIDERATIONS.—

(A) IN GENERAL.—In carrying out the review, the Secretary shall specifically consider whether the national guidelines can be amended to promote and allow for consideration of variances from national guidelines on a Statewide, tribal, regional, or watershed basis, including variances based on—

(i) soil conditions;

(ii) hydrologic factors;

(iii) vegetation patterns and characteristics;

(iv) environmental resources, including endangered, threatened, or candidate species and related regulatory requirements;

(v) levee performance history, including historical information on original construction and subsequent operation and maintenance activities;

(vi) any effects on water supply;

(vii) any scientific evidence on the link between levee vegetation and levee safety;

(viii) institutional considerations, including implementation challenges;

(ix) the availability of limited funds for levee construction and rehabilitation;

(x) the economic and environmental costs of removing woody vegetation on levees; and

(xi) other relevant factors identified in public comments that the Secretary determines to be appropriate.

(B) SCOPE.—The scope of a variance approved by the Secretary may include a complete exemption to national guidelines, as the Secretary determines to be necessary.

(d) COOPERATION AND CONSULTATION; RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the review under this section in consultation with other applicable Federal agencies, representatives of State, regional, local, and tribal governments, appropriate nongovernmental organizations, and the public.

(2) RECOMMENDATIONS.—The Chief of Engineers and any State, tribal, regional, or local entity may submit to the Secretary any recommendations for vegetation management policies for levees that conform with Federal and State laws, including recommendations relating to the review of national guidelines under subsection (b) and the consideration of variances under subsection (c)(2).

(e) PEER REVIEW.—

(1) IN GENERAL.—As part of the review, the Secretary shall solicit and consider the views of the National Academy of Engineering and the National Academy of Sciences on the engineering, environmental, and institutional considerations underlying the national guidelines, including the factors described in subsection (c) and any information obtained by the Secretary under subsection (d).

(2) AVAILABILITY OF VIEWS.—The views of the National Academy of Engineering and the National Academy of Sciences obtained under paragraph (1) shall be—

(A) made available to the public; and

(B) included in supporting materials issued in connection with the revised national guidelines required under subsection (f).

(f) REVISION OF NATIONAL GUIDELINES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) revise the national guidelines based on the results of the review, including—

(i) recommendations received as part of the consultation described in subsection (d)(1); and

(ii) the results of the peer review conducted under subsection (e); and

(B) submit to Congress a report that contains a summary of the activities of the Secretary and a description of the findings of the Secretary under this section.

(2) CONTENT; INCORPORATION INTO MANUAL.—The revised national guidelines shall—

(A) provide a practical, flexible process for approving Statewide, tribal, regional, or watershed variances from the national guidelines that—

(i) reflect due consideration of the factors described in subsection (c); and

(ii) incorporate State, tribal, and regional vegetation management guidelines for specific areas that have been adopted through a formal public process; and

(B) be incorporated into the manual proposed under section 5(c) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n(c)).

(3) FAILURE TO MEET DEADLINES.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of—

(A) why the deadline was missed;

(B) solutions needed to meet the deadline; and

(C) a projected date for submission of the report.

(g) CONTINUATION OF WORK.—Concurrent with the completion of the requirements of this section, the Secretary shall proceed without interruption or delay with those ongoing or programmed projects and studies, or elements of projects or studies, that are not directly related to vegetation variance policy.

(h) INTERIM ACTIONS.—

(1) IN GENERAL.—Until the date on which revisions to the national guidelines are adopted in accordance with subsection (f), the Secretary shall not require the removal of existing vegetation as a condition or requirement for any approval or funding of a project, or any other action, unless the specific vegetation has been demonstrated to present an unacceptable safety risk.

(2) REVISIONS.—Beginning on the date on which the revisions to the national guidelines are adopted in accordance with subsection (f), the Secretary shall consider, on request of an affected entity, any previous action of the Corps of Engineers in which the outcome was affected by the former national guidelines.

**SEC. 2021. LEVEE CERTIFICATIONS.**

(a) IMPLEMENTATION OF FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.—In carrying out section 100226 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942), the Secretary shall—

(1) ensure that at least 1 program activity carried out under the inspection of completed works program of the Corps of Engineers provides adequate information to the Secretary to reach a levee accreditation decision for each requirement under section 65.10 of title 44, Code of Federal Regulations (or successor regulation); and

(2) to the maximum extent practicable, carry out activities under the inspection of completed works program of the Corps of Engineers in alignment with the schedule established for the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(b) ACCELERATED LEVEE SYSTEM EVALUATIONS AND CERTIFICATIONS.—

(1) IN GENERAL.—On receipt of a request from a non-Federal interest, the Secretary may carry out a levee system evaluation and certification of a federally authorized levee for purposes of the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) if the evaluation and certification will be carried out earlier than such an evaluation and certification would be carried out under subsection (a).

(2) REQUIREMENTS.—A levee system evaluation and certification under paragraph (1) shall—

(A) at a minimum, comply with section 65.10 of title 44, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(B) be carried out in accordance with such procedures as the Secretary, in consultation with the Director of the Federal Emergency Management Agency, may establish.

(3) COST SHARING.—

(A) NON-FEDERAL SHARE.—Subject to subparagraph (B), the non-Federal share of the cost of carrying out a levee system evaluation and certification under this subsection shall be 35 percent.

(B) ADJUSTMENT.—The Secretary shall adjust the non-Federal share of the cost of carrying out a levee system evaluation and certification under this subsection in accordance with section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(4) APPLICATION.—Nothing in this subsection affects the requirement under section 100226(b)(2) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942).

**SEC. 2022. RESTORATION OF FLOOD AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.**

(a) IN GENERAL.—The Secretary shall carry out any measures necessary to restore components of federally authorized and federally constructed flood and hurricane storm damage reduction projects to authorized levels of protection for reasons including settlement, subsidence, sea level rise, and new datum, if the Secretary determines the necessary work is feasible.

(b) COST SHARE.—The non-Federal share of the cost of construction of a project carried out under this section shall be determined as provided in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(c) OPERATIONS AND MAINTENANCE.—The non-Federal share of the cost of operations, maintenance, repair, replacement, and rehabilitation for a project carried out under this section shall be 100 percent.

(d) ELIGIBILITY OF PROJECTS TRANSFERRED TO NON-FEDERAL INTEREST.—The Secretary may carry out measures described in subsection (a) on a water resources project, separable element of a project, or functional component of a project that has been transferred to the non-Federal interest.

(e) REPORT TO CONGRESS.—Not later than 8 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section, including—

(1) any recommendations relating to the continued need for the authority provided in this section;

(2) a description of the measures carried out under this section;

(3) any lessons learned relating to the measures implemented under this section; and

(4) best practices for carrying out measures to restore flood damage reduction projects.

(f) TERMINATION OF AUTHORITY.—The authority to carry out a measure under this section terminates on the date that is 10 years after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $250,000,000.

**SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS.**

The Secretary may assume operation and maintenance activities for a navigation channel that is deepened by a non-Federal interest prior to December 31, 2012, if—

(1) the Secretary determines that the requirements under paragraphs (2) and (3) of section 204(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)) are met;

(2) the Secretary determines that the activities carried out by the non-Federal interest in deepening the navigation channel are economically justified and environmentally acceptable; and

(3) the deepening activities have been carried out on a Federal navigation channel that—

(A) exists as of the date of enactment of this Act; and

(B) has been authorized by Congress.

**SEC. 2024. DREDGING STUDY.**

(a) IN GENERAL.—The Secretary, in conjunction with other relevant Federal agencies and applicable non-Federal interests, shall carry out a study—

(1) to compare domestic and international dredging markets, including costs, technologies, and management approaches used in each respective market, and determine the impacts of those markets on dredging needs and practices in the United States;

(2) to analyze past and existing practices, technologies, and management approaches used in dredging in the United States; and

(3) to develop recommendations relating to the best techniques, practices, and management approaches for dredging in the United States.

(b) PURPOSES.—The purposes of the study under this section are—

(1) the identification of the best techniques, methods, and technologies for dredging, including the evaluation of the feasibility, cost, and benefits of—

(A) new dredging technologies; and

(B) improved dredging practices and techniques;

(2) the appraisal of the needs of the United States for dredging, including the need to increase the size of private and Corps of Engineers

dredging fleets to meet demands for additional construction or maintenance dredging needed as of the date of enactment of this Act and in the subsequent 20 years;

(3) the identification of any impediments to dredging, including any recommendations of appropriate alternatives for responding to those impediments;

(4) the assessment, including any recommendations of appropriate alternatives, of the adequacy and effectiveness of—

(A) the economic, engineering, and environmental methods, models, and analyses used by the Chief of Engineers and private dredging operations for dredging; and

(B) the current cost structure of construction contracts entered into by the Chief of Engineers;

(5) the evaluation of the efficiency and effectiveness of past, current, and alternative dredging practices and alternatives to dredging, including agitation dredging; and

(6) the identification of innovative techniques and cost-effective methods to expand regional sediment management efforts, including the placement of dredged sediment within river diversions to accelerate the creation of wetlands.

(c) STUDY TEAM.—

(1) IN GENERAL.—The Secretary shall establish a study team to assist the Secretary in planning, carrying out, and reporting on the results of the study under this section.

(2) STUDY TEAM.—The study team established pursuant to paragraph (1) shall—

(A) be appointed by the Secretary; and

(B) represent a broad spectrum of experts in the field of dredging and representatives of relevant State agencies and relevant non-Federal interests.

(d) PUBLIC COMMENT PERIOD.—The Secretary shall—

(1) make available to the public, including on the Internet, all draft and final study findings under this section; and

(2) allow for a public comment period of not less than 30 days on any draft study findings prior to issuing final study findings.

(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and subject to available appropriations, the Secretary, in consultation with the study team established under subsection (c), shall submit a detailed report on the results of the study to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(f) FAILURE TO MEET DEADLINES.—If the Secretary does not complete the study under this section and submit a report to Congress under subsection (e) on or before the deadline described in that subsection, the Secretary shall notify Congress and describe why the study was not completed.

**SEC. 2025. NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out flood risk management, hurricane and storm damage reduction, and coastal harbor and channel and inland harbor navigation projects.

(b) PURPOSES.—The purposes of the pilot program are—

(1) to identify project delivery and cost-saving alternatives that reduce the backlog of authorized Corps of Engineers projects;

(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out the design, execution, management, and construction of 1 or more projects; and

(3) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.

(c) ADMINISTRATION.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall—

(A) identify a total of not more than 12 projects for flood risk management, hurricane and storm damage reduction, including levees, floodwalls, flood control channels, water control structures, and coastal harbor and channel and inland harbor navigation, that have been authorized for construction prior to the date of enactment of this Act that—

(i)(I) have received Federal funds prior to the date of enactment of this Act; or

(II) for more than 2 consecutive fiscal years, have an unobligated funding balance for that project in the Corps of Engineers construction account; and

(ii) to the maximum extent practicable, are located in each of the divisions of the Corps of Engineers;

(B) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the identification of each project under the pilot program;

(C) in collaboration with the non-Federal interest, develop a detailed project management plan for each identified project that outlines the scope, budget, design, and construction resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project;

(D) on the request of the non-Federal interest, enter into a project partnership agreement with the non-Federal interest for the non-Federal interest to provide full project management control for construction of the project, or a separable element of the project, in accordance with plans approved by the Secretary;

(E) following execution of the project partnership agreement, transfer to the non-Federal interest to carry out construction of the project, or a separable element of the project—

(i) if applicable, the balance of the unobligated amounts appropriated for the project, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(ii) additional amounts, as determined by the Secretary, from amounts made available under subsection (h), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of construction, including any required design; and

(F) regularly monitor and audit each project being constructed by a non-Federal interest under this section to ensure that the construction activities are carried out in compliance with the plans approved by the Secretary and that the construction costs are reasonable.

(2) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under paragraph (1)(D), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for each milestone in the construction of the project.

(3) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance, relating to—

(A) any study, engineering activity, and design activity for construction carried out by the non-Federal interest under this section; and

(B) expeditiously obtaining any permits necessary for the project.

(d) COST-SHARE.—Nothing in this section affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a project carried out under this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the pilot program carried out under this section, including—

(A) a description of the progress of non-Federal interests in meeting milestones in detailed project schedules developed pursuant to subsection (c)(2); and

(B) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).

(3) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(f) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the project shall apply to a non-Federal interest carrying out a project under this section.

(g) TERMINATION OF AUTHORITY.—The authority to commence a project under this section terminates on the date that is 5 years after the date of enactment of this Act.

(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this section, including the costs of administration of the Secretary, $25,000,000 for each of fiscal years 2014 through 2018.

**SEC. 2026. NON-FEDERAL IMPLEMENTATION OF FEASIBILITY STUDIES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out feasibility studies for flood risk management, hurricane and storm damage reduction, ecosystem restoration, and coastal harbor and channel and inland harbor navigation.

(b) PURPOSES.—The purposes of the pilot program are—

(1) to identify project delivery and cost-saving alternatives to the existing feasibility study process;

(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out a feasibility study of 1 or more projects; and

(3) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.

(c) ADMINISTRATION.—

(1) IN GENERAL.—On the request of a non-Federal interest, the Secretary may enter into an agreement with the non-Federal interest for the non-Federal interest to provide full project management control of a feasibility study for a project for—

(A) flood risk management;

(B) hurricane and storm damage reduction, including levees, floodwalls, flood control channels, and water control structures;

(C) coastal harbor and channel and inland harbor navigation; and

(D) ecosystem restoration.

(2) USE OF NON-FEDERAL-FUNDS.—

(A) IN GENERAL.—A non-Federal interest that has entered into an agreement with the Secretary pursuant to paragraph (1) may use non-Federal funds to carry out the feasibility study.

(B) CREDIT.—The Secretary shall credit towards the non-Federal share of the cost of construction of a project for which a feasibility study is carried out under this section an amount equal to the portion of the cost of developing the study that would have been the responsibility of the Secretary, if the study were carried out by the Secretary, subject to the conditions that—

(i) non-Federal funds were used to carry out the activities that would have been the responsibility of the Secretary;

(ii) the Secretary determines that the feasibility study complies with all applicable Federal laws and regulations; and

(iii) the project is authorized by any provision of Federal law enacted after the date on which an agreement is entered into under paragraph (1).

(3) TRANSFER OF FUNDS.—

(A) IN GENERAL.—After the date on which an agreement is executed pursuant to paragraph (1), the Secretary may transfer to the non-Federal interest to carry out the feasibility study—

(i) if applicable, the balance of any unobligated amounts appropriated for the study, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(ii) additional amounts, as determined by the Secretary, from amounts made available under subsection (h), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of the feasibility study.

(B) ADMINISTRATION.—The Secretary shall include such provisions as the Secretary determines to be necessary in an agreement under paragraph (1) to ensure that a non-Federal interest receiving Federal funds under this paragraph—

(i) has the necessary qualifications to administer those funds; and

(ii) will comply with all applicable Federal laws (including regulations) relating to the use of those funds.

(4) NOTIFICATION.—The Secretary shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the initiation of each feasibility study under the pilot program.

(5) AUDITING.—The Secretary shall regularly monitor and audit each feasibility study carried out by a non-Federal interest under this section to ensure that the use of any funds transferred under paragraph (3) are used in compliance with the agreement signed under paragraph (1).

(6) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest relating to any aspect of the feasibility study, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance.

(7) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under paragraph (1), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to the feasibility study.

(d) COST-SHARE.—Nothing in this section affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a feasibility study carried out under this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the pilot program carried out under this section, including—

(A) a description of the progress of the non-Federal interests in meeting milestones in detailed project schedules developed pursuant to subsection (c)(7); and

(B) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).

(3) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(f) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the feasibility study shall apply to a non-Federal interest carrying out a feasibility study under this section.

(g) TERMINATION OF AUTHORITY.—The authority to commence a feasibility study under this section terminates on the date that is 5 years after the date of enactment of this Act.

(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this section, including the costs of administration of the Secretary, $25,000,000 for each of fiscal years 2014 through 2018.

**SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.**

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (d)(1)(B)—

(A) by striking ''The ability'' and inserting the following:

''(i) IN GENERAL.—The ability''; and

(B) by adding at the end the following:

''(ii) DETERMINATION.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2013, the Secretary shall issue guidance on the procedures described in clause (i).''; and

(2) in subsection (e), by striking ''2012'' and inserting ''2023''.

**SEC. 2028. COOPERATIVE AGREEMENTS WITH COLUMBIA RIVER BASIN INDIAN TRIBES.**

The Secretary may enter into a cooperative agreement with 1 or more federally recognized Indian tribes (or a designated representative of the Indian tribes) that are located, in whole or in part, within the boundaries of the Columbia River Basin to carry out authorized activities within the Columbia River Basin to protect fish, wildlife, water quality, and cultural resources.

**SEC. 2029. MILITARY MUNITIONS RESPONSE ACTIONS AT CIVIL WORKS SHORELINE PROTECTION PROJECTS.**

(a) IN GENERAL.—The Secretary may implement any response action the Secretary determines to be necessary at a site where—

(1) the Secretary has carried out a project under civil works authority of the Secretary that includes placing sand on a beach;

(2) as a result of the project described in paragraph (1), military munitions that were originally released as a result of Department of Defense activities are deposited on the beach, posing a threat to human health or the environment.

(b) RESPONSE ACTION FUNDING.—A response action described in subsection (a) shall be funded from amounts made available to the agency within the Department of Defense responsible for the original release of the munitions.

**SEC. 2030. BEACH NOURISHMENT.**

Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) is amended to read as follows:

**''SEC. 156. BEACH NOURISHMENT.**

''(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, may provide periodic beach nourishment for each water resources development project for which that nourishment has been authorized for an additional period of time, as determined by the Secretary, subject to the condition that the additional period shall not exceed the later of—

''(1) 50 years after the date on which the construction of the project is initiated; or

''(2) the date on which the last estimated periodic nourishment for the project is to be carried out, as recommended in the applicable report of the Chief of Engineers.

''(b) EXTENSION.—Before the end of the 50-year period referred to in subsection (a)(1), the Secretary of the Army, acting through the Chief of Engineers—

''(1) may, at the request of the non-Federal interest and subject to the availability of appropriations, carry out a review of a nourishment project carried out under subsection (a) to evaluate the feasibility of continuing Federal participation in the project for a period not to exceed 15 years; and

''(2) shall submit to Congress any recommendations of the Secretary relating to the review.''.

**SEC. 2031. REGIONAL SEDIMENT MANAGEMENT.**

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) (as amended by section 2003(c)) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''or used in'' after ''obtained through''; and

(B) in paragraph (3)(C), by inserting ''for the purposes of improving environmental conditions in marsh and littoral systems, stabilizing stream channels, enhancing shorelines, and supporting State and local risk management adaptation strategies'' before the period at the end;

(2) in subsection (c)(1)(B)—

(A) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)'';

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

''(ii) REDUCTION IN NON-FEDERAL SHARE.—The Secretary may reduce the non-Federal share of the costs of construction of a project if the Secretary determines that, through the beneficial use of sediment at another Federal project, there will be an associated reduction or avoidance of Federal costs.'';

(3) in subsection (d)—

(A) by striking the subsection designation and heading and inserting the following:

''(d) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL RESTORATION OR STORM DAMAGE AND FLOOD REDUCTION.—''; and

(B) in paragraph (1), by striking ''in relation to'' and all that follows through the period at the end and inserting ''in relation to—

''(A) the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion; or

''(B) the flood and storm damage and flood reduction benefits, including shoreline protection, protection against loss of life, and damage to improved property.''; and

(4) in subsection (e), by striking paragraph (1) and inserting the following:

''(1) cooperate with any State or group of States in the preparation of a comprehensive State or regional sediment management plan within the boundaries of the State or among States;''.

**SEC. 2032. STUDY ACCELERATION.**

(a) FINDINGS.—Congress finds that—

(1) delays in the completion of feasibility studies—

(A) increase costs for the Federal Government as well as State and local governments; and

(B) delay the implementation of water resources projects that provide critical benefits, including reducing flood risk, maintaining commercially important flood risk, and restoring vital ecosystems; and

(2) the efforts undertaken by the Corps of Engineers through the establishment of the ''3-3-3'' planning process should be continued.

(b) ACCELERATION OF STUDIES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), a feasibility study initiated after the date of enactment of this Act shall—

(A) be completed not later than 3 years after the date of initiation of the study; and

(B) have a maximum Federal cost share of $3,000,000.

(2) ABILITY TO COMPLY.—On initiating a feasibility study under paragraph (1), the Secretary shall—

(A) certify that the study will comply with the requirements of paragraph (1);

(B) for projects the Secretary determines to be too complex to comply with the requirements of paragraph (1)—

(i) not less than 30 days after making a determination, notify the non-Federal interest regarding the inability to comply; and

(ii) provide a new projected timeline and cost; and

(C) if the study conditions have changed such that scheduled timelines or study costs will not be met—

(i) not later than 30 days after the study conditions change, notify the non-Federal interest of those changed conditions; and

(ii) present the non-Federal interest with a new timeline for completion and new projected study costs.

(3) APPROPRIATIONS.—

(A) IN GENERAL.—All timeline and cost conditions under this section shall be subject to the Secretary receiving adequate appropriations for meeting study timeline and cost requirements.

(B) NOTIFICATION.—Not later than 60 days after receiving appropriations, the Secretary shall notify the non-Federal interest of any changes to timelines or costs due to inadequate appropriations.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the status of the implementation of the ''3-3-3'' planning process, including the number of participating projects;

(2) the amount of time taken to complete all studies participating in the ''3-3-3'' planning process; and

(3) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process for water resource projects.

**SEC. 2033. PROJECT ACCELERATION.**

Section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) is amended to read as follows:

**''SEC. 2045. PROJECT ACCELERATION.**

''(a) DEFINITIONS.—In this section:

''(1) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means the detailed statement of environmental impacts of water resources projects required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) ENVIRONMENTAL REVIEW PROCESS.—

''(A) IN GENERAL.—The term 'environmental review process' means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a water resources project.

''(B) INCLUSIONS.—The term 'environmental review process' includes the process for and completion of any environmental permit, approval, review, or study required for a water resources project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) LEAD AGENCY.—The term 'lead agency' means the Corps of Engineers and, if applicable, any State, local, or tribal governmental entity serving as a joint lead agency pursuant to this section.

''(b) POLICY.—The benefits of water resources projects are important to the economy and environment of the United States, and recommendations to Congress regarding those projects should be accelerated by coordinated and efficient review and cooperative efforts to prevent or quickly resolve disputes during the development and implementation of those water resources projects.

''(c) APPLICABILITY.—

''(1) IN GENERAL.—The project development procedures under this section apply to the development of projects initiated after the date of enactment of the Water Resources Development Act of 2013 and for which the Secretary determines that—

''(A) an environmental impact statement is required; or

''(B) at the discretion of the Secretary, other water resources projects for which an environmental review process document is required to be prepared.

''(2) FLEXIBILITY.—Any authorities granted in this section may be exercised, and any requirements established under this section may be satisfied, for the development of a water resources project, a class of those projects, or a program of those projects.

''(3) LIST OF WATER RESOURCES DEVELOPMENT PROJECTS.—

''(A) IN GENERAL.—The Secretary shall annually prepare, and make publicly available, a separate list of each study that the Secretary has determined—

''(i) meets the standards described in paragraph (1); and

''(ii) does not have adequate funding to make substantial progress toward the completion of the planning activities for the water resources project.

''(B) INCLUSIONS.—The Secretary shall include for each study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the study.

''(4) IMPLEMENTATION GUIDANCE.—The Secretary shall prepare, in consultation with the Council on Environmental Quality and other Federal agencies with jurisdiction over actions or resources that may be impacted by a water resources project, guidance documents that describe the processes that the Secretary will use to implement this section, in accordance with the civil works program of the Corps of Engineers and all applicable law.

''(d) WATER RESOURCES PROJECT REVIEW PROCESS.—The Secretary shall develop and implement a coordinated review process for the development of water resources projects.

''(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to the development of each water resources project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may—

''(1) have jurisdiction over the project;

''(2) be required by law to conduct or issue a review, analysis, or opinion for the project; or

''(3) be required to make a determination on issuing a permit, license, or approval for the project.

''(f) STATE AUTHORITY.—If the coordinated review process is being implemented under this section by the Secretary with respect to the development of a water resources project described in subsection (c) within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

''(1) have jurisdiction over the project;

''(2) are required to conduct or issue a review, analysis, or opinion for the project; or

''(3) are required to make a determination on issuing a permit, license, or approval for the project.

''(g) LEAD AGENCIES.—

''(1) FEDERAL LEAD AGENCY.—Subject to paragraph (2), the Corps of Engineers shall be the lead Federal agency in the environmental review process for a water resources project.

''(2) JOINT LEAD AGENCIES.—

''(A) IN GENERAL.—At the discretion of the Secretary and subject to any applicable regulations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an agency other than the Corps of Engineers may serve as the joint lead agency.

''(B) NON-FEDERAL INTEREST AS JOINT LEAD AGENCY.—A non-Federal interest that is a State or local governmental entity—

''(i) may serve as a joint lead agency with the Corps of Engineers for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(ii) may prepare any environmental review process document required in support of any action or approval by the Secretary if—

''(I) the Corps of Engineers provides guidance in the preparation process and independently evaluates that document; and

''(II) the Secretary approves and adopts the document before the Secretary takes any subsequent action or makes any approval based on that document, regardless of whether the action or approval of the Secretary results in Federal funding.

''(3) DUTIES.—The Secretary shall ensure that—

''(A) the non-Federal interest complies with all design and mitigation commitments made jointly by the Secretary and the non-Federal interest in any environmental document prepared by the non-Federal interest in accordance with this subsection; and

''(B) any environmental document prepared by the non-Federal interest is appropriately supplemented if changes to the water resources project become necessary.

''(4) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency.

''(5) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any water resources project, the lead agency shall have authority and responsibility—

''(A) to take such actions as are necessary and proper and within the authority and responsibility of the lead agency to facilitate the expeditious resolution of the environmental review process for the water resources project; and

''(B) to prepare or ensure that any required environmental impact statement or other environmental review document for a water resources project required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

''(h) PARTICIPATING AGENCIES.—

''(1) INVITATION.—

''(A) IN GENERAL.—The lead agency shall identify, as early as practicable in the environmental review process for a water resources project, any other Federal or non-Federal agencies that may have an interest in that project and invite those agencies to become participating agencies in the environmental review process for the water resources project.

''(B) DEADLINE.—An invitation to participate issued under subparagraph (A) shall set a deadline by which a response to the invitation shall be submitted, which may be extended by the lead agency for good cause.

''(2) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a water resources project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—

''(A) has no jurisdiction or authority with respect to the water resources project;

''(B) has no expertise or information relevant to the water resources project;

''(C) does not intend to submit comments on the water resources project; and

''(D) does not have adequate funds to participate in the water resources project.

''(3) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

''(A) supports a proposed water resources project; or

''(B) has any jurisdiction over, or special expertise with respect to evaluation of, the water resources project.

''(4) CONCURRENT REVIEWS.—Each participating agency shall—

''(A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process, unless doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry out those obligations; and

''(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

''(i) PROGRAMMATIC COMPLIANCE.—

''(1) IN GENERAL.—The Secretary shall issue guidance to allow for the use of programmatic approaches to carry out the environmental review process that—

''(A) eliminates repetitive discussions of the same issues;

''(B) focuses on the actual issues ripe for analyses at each level of review;

''(C) establishes a formal process for coordinating with participating agencies, including the creation of a list of all data that is needed to carry out an environmental review process; and

''(D) is consistent with—

''(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(ii) other applicable laws.

''(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—

''(A) as the first step in drafting guidance under that paragraph, consult with relevant Federal and State agencies, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches;

''(B) emphasize the importance of collaboration among relevant Federal agencies, State agencies, and Indian tribes in undertaking programmatic reviews, especially with respect to including reviews with a broad geographical scope;

''(C) ensure that the programmatic reviews—

''(i) promote transparency, including of the analyses and data used in the environmental review process, the treatment of any deferred issues raised by Federal, State, or tribal agencies, or the public, and the temporal and special scales to be used to analyze those issues;

''(ii) use accurate and timely information in the environmental review process, including—

''(I) criteria for determining the general duration of the usefulness of the review; and

''(II) the timeline for updating any out-of-date review;

''(iii) describe—

''(I) the relationship between programmatic analysis and future tiered analysis; and

''(II) the role of the public in the creation of future tiered analysis; and

''(iv) are available to other relevant Federal and State agencies, Indian tribes, and the public;

''(D) allow not fewer than 60 days of public notice and comment on any proposed guidance; and

''(E) address any comments received under subparagraph (D).

''(j) COORDINATED REVIEWS.—

''(1) COORDINATION PLAN.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—The lead agency shall establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a water resources project or a category of water resources projects.

''(ii) INCORPORATION.—The plan established under clause (i) shall be incorporated into the project schedule milestones set under section 905(g)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(g)(2)).

''(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

''(A) DRAFT ENVIRONMENTAL IMPACT STATEMENTS.—For comments by Federal and States agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of the draft environmental impact statement, unless—

''(i) a different deadline is established by agreement of the lead agency, the non-Federal interest, as applicable, and all participating agencies; or

''(ii) the deadline is extended by the lead agency for good cause.

''(B) OTHER ENVIRONMENTAL REVIEW PROCESSES.—For all comment periods established by the lead agency for agency or public comments in the environmental review process other than for a draft environmental impact statement, a period of not more than 30 days after the date on which the materials on which comment is requested are made available, unless—

''(i) a different deadline is established by agreement of the lead agency, the non-Federal interest, and all participating agencies; or

''(ii) the deadline is extended by the lead agency for good cause.

''(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (k)(6)(B)(ii), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

''(A) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and

''(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

''(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection shall reduce any time period provided for public comment in the environmental review process under existing Federal law (including regulations).

''(k) ISSUE IDENTIFICATION AND RESOLUTION.—

''(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in the denial of any approval required for the project under applicable laws.

''(2) LEAD AGENCY RESPONSIBILITIES.—

''(A) IN GENERAL.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

''(B) DATA SOURCES.—The information under subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

''(3) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

''(4) INTERIM DECISION ON ACHIEVING ACCELERATED DECISIONMAKING.—

''(A) IN GENERAL.—Not later than 30 days after the close of the public comment period on a draft environmental impact statement, the Secretary may convene a meeting with the non-Federal interest or joint lead agency, as applicable, relevant resource agencies, and relevant Federal and State agencies to establish a schedule of deadlines to complete decisions regarding the project.

''(B) DEADLINES.—

''(i) IN GENERAL.—The deadlines referred to in subparagraph (A) shall be those established by the Secretary, in consultation with the non-Federal interest or joint lead agency, as applicable, and other relevant Federal and State agencies.

''(ii) FACTORS FOR CONSIDERATION.—In establishing a schedule, the Secretary shall consider factors such as—

''(I) the responsibilities of participating agencies under applicable laws;

''(II) the resources available to the non-Federal interest, joint lead agency, and other relevant Federal and State agencies, as applicable;

''(III) the overall size and complexity of the project;

''(IV) the overall schedule for and cost of the project; and

''(V) the sensitivity of the natural and historical resources that could be affected by the project.

''(iii) MODIFICATIONS.—The Secretary may—

''(I) lengthen a schedule under clause (i) for good cause; and

''(II) shorten a schedule only with concurrence of the affected non-Federal interest, joint lead agency, or relevant Federal and State agencies, as applicable.

''(C) FAILURE TO MEET DEADLINE.—If the agencies described in subparagraph (A) cannot provide reasonable assurances that the deadlines described in subparagraph (B) will be met, the Secretary may initiate the issue resolution and referral process described under paragraph (5) before the completion of the record of decision.

''(5) ACCELERATED ISSUE RESOLUTION AND REFERRAL.—

''(A) AGENCY ISSUE RESOLUTION MEETING.—

''(i) IN GENERAL.—A participating agency or non-Federal interest may request an issue resolution meeting to be conducted by the Secretary.

''(ii) ACTION BY SECRETARY.—The Secretary shall convene an issue resolution meeting under clause (i) with the relevant participating agencies and the non-Federal interest, as applicable, to resolve issues that could—

''(I) delay completion of the environmental review process; or

''(II) result in denial of any approvals required for the project under applicable laws.

''(iii) DATE.—A meeting requested under this subparagraph shall be held not later than 21 days after the date on which the Secretary receives the request for the meeting, unless the Secretary determines that there is good cause to extend that deadline.

''(iv) NOTIFICATION.—On receipt of a request for a meeting under this subparagraph, the Secretary shall notify all relevant participating agencies of the request, including the issue to be resolved and the date for the meeting.

''(v) DISPUTES.—If a relevant participating agency with jurisdiction over an approval required for a project under applicable law determines that the relevant information necessary to resolve the issue has not been obtained and could not have been obtained within a reasonable time, but the Secretary disagrees, the resolution of the dispute shall be forwarded to the heads of the relevant agencies for resolution.

''(vi) CONVENTION BY LEAD AGENCY.—The Secretary may convene an issue resolution meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under clause (i).

''(vii) EXCEPTION.—

''(I) IN GENERAL.—The issue resolution and referral process under this subparagraph shall not be initiated if the applicable agency—

''(aa) certifies that—

''(bb) establishes a new deadline for completion of the review.

''(II) INSPECTOR GENERAL.—If the applicable agency makes a certification under subclause (I)(aa)(CC), the Inspector General of the applicable agency shall conduct a financial audit to review that certification and submit a report on that certification within 90 days to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(B) ELEVATION OF ISSUE RESOLUTION.—

''(i) IN GENERAL.—If issue resolution is not achieved by not later than 30 days after the date on which a relevant meeting is held under subparagraph (A), the Secretary shall notify the heads of the relevant participating agencies and the non-Federal interest that an issue resolution meeting will be convened.

''(ii) REQUIREMENTS.—The Secretary shall identify the issues to be addressed at the meeting and convene the meeting not later than 30 days after the date on which the notice is issued.

''(C) REFERRAL OF ISSUE RESOLUTION.—

''(i) REFERRAL TO COUNCIL ON ENVIRONMENTAL QUALITY.—

''(I) IN GENERAL.—If a resolution is not achieved by not later than 30 days after the date on which an issue resolution meeting is held under subparagraph (B), the Secretary shall refer the matter to the Council on Environmental Quality.

''(II) MEETING.—Not later than 30 days after the date on which the Council on Environmental Quality receives a referral from the Secretary under subclause (I), the Council on Environmental Quality shall hold an issue resolution meeting with the lead agency, the heads of relevant participating agencies and the non-Federal interest.

''(ii) REFERRAL TO THE PRESIDENT.—If a resolution of the issue is not achieved by not later than 30 days after the date on which an issue resolution meeting is convened by the Council on Environmental Quality under clause (i)(II), the Secretary shall refer the matter directly to the President.

''(6) FINANCIAL PENALTY PROVISIONS.—

''(A) IN GENERAL.—A Federal agency with jurisdiction over an approval required for a project under applicable Federal laws (including regulations) shall complete any required approval on an expeditious basis using the shortest existing applicable process.

''(B) FAILURE TO DECIDE.—

''(i) IN GENERAL.—If an agency described in subparagraph (A) fails to render a decision under any Federal law relating to a project that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, or other approval by the date described in clause (ii), an amount of funding equal to the amounts specified in subclause (I) or (II) shall be transferred from the applicable office of the head of the agency, or equivalent office to which the authority for rendering the decision has been delegated by law to the agency or division charged with rendering a decision regarding the application by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C)—

''(I) $20,000 for any project requiring the preparation of an environmental assessment or environmental impact statement; or

''(II) $10,000 for any project requiring any type of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) other than an environmental assessment or environmental impact statement.

''(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is the later of—

''(I) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

''(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(C) LIMITATIONS.—

''(i) IN GENERAL.—No transfer of funds under subparagraph (B) relating to an individual project shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.

''(ii) FAILURE TO DECIDE.—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.

''(D) NO FAULT OF AGENCY.—A transfer of funds under this paragraph shall not be made if—

''(i) the applicable agency described in subparagraph (A) certifies that—

''(I) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, State, or local law; or

''(II) significant new information or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application; or

''(III) the agency lacks the financial resources to complete the review under the scheduled timeframe, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why there is not enough funding available to complete the review by the deadline; and

''(ii) if the applicable agency makes a certification under clause (i)(III), the Inspector General of the applicable agency shall conduct a financial audit to review that certification and submit a report on that certification within 90 days to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(E) LIMITATION.—The Federal agency from which funds are transferred pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

''(F) AUDITS.—In any fiscal year in which any funds are transferred from a Federal agency pursuant to this paragraph, the Inspector General of that agency shall—

''(i) conduct an audit to assess compliance with the requirements of this paragraph; and

''(ii) not later than 120 days after the end of the fiscal year in which the transfer occurred, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the reasons why the transfers were levied, including allocations of resources.

''(G) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

''(l) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress made toward improving and expediting the planning and environmental review process.

''(m) MEMORANDUM OF AGREEMENTS FOR EARLY COORDINATION.—

''(1) SENSE OF CONGRESS.—It is the sense of Congress that—

''(A) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other, State agencies, and Indian tribes on environmental review and water resources project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and water resources project development decisions reflect environmental values; and

''(B) the cooperation referred to in subparagraph (A) should include the development of policies and the designation of staff that advise planning agencies and non-Federal interests of studies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.

''(2) TECHNICAL ASSISTANCE.—If requested at any time by a State or non-Federal interest, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the maximum extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or non-Federal interest in carrying out early coordination activities.

''(3) MEMORANDUM OF AGENCY AGREEMENT.—If requested at any time by a State or non-Federal interest, the lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the non-Federal interest, State and local governments, and other appropriate entities to carry out the early coordination activities, including providing technical assistance in identifying potential impacts and mitigation issues in an integrated fashion.

''(n) LIMITATIONS.—Nothing in this section preempts, supersedes, amends, modifies, or interferes with—

''(1) any statutory requirement for seeking public comment;

''(2) any power, jurisdiction, or authority that a Federal, State, or local government agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project;

''(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the regulations issued by the Council on Environmental Quality to carry out that Act or any other Federal environmental law;

''(4) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;

''(5) any practice of seeking, considering, or responding to public comment; or

''(6) any power, jurisdiction, responsibility, or authority that a Federal, State, or local governmental agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project or any other provision of law applicable to water resources development projects.

''(o) CATEGORICAL EXCLUSIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall—

''(A) survey the use by the Corps of Engineers of categorical exclusions in water resources projects since 2005;

''(B) publish a review of the survey that includes a description of—

''(i) the types of actions categorically excluded; and

''(ii) any requests previously received by the Secretary for new categorical exclusions; and

''(C) solicit requests from other Federal agencies and non-Federal interests for new categorical exclusions.

''(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of this subsection, if the Secretary has identified a categorical exclusion that did not exist on the day before the date of enactment of this subsection based on the review under paragraph (1), the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (or successor regulation).

''(p) REVIEW OF WATER RESOURCES PROJECT ACCELERATION REFORMS.—

''(1) IN GENERAL.—The Comptroller General of the United States shall—

''(A) assess the reforms carried out under this section; and

''(B) not later than 5 years after the date of enactment of this subsection, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the results of the assessment.

''(2) INSPECTOR GENERAL REPORT.—The Inspector General of the Corps of Engineers shall—

''(A) assess the reforms carried out under this section; and

''(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate—

''(i) not later than 2 years after the date of enactment of this subsection, an initial report of the findings of the Inspector General; and

''(ii) not later than 4 years after the date of enactment of this subsection, a final report of the findings.''.

**SEC. 2034. FEASIBILITY STUDIES.**

Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

''(g) DETAILED PROJECT SCHEDULE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall determine a set of milestones needed for the completion of a feasibility study under this subsection, including all major actions, report submissions and responses, reviews, and comment periods.

''(2) DETAILED PROJECT SCHEDULE MILESTONES.—Each District Engineer shall, to the maximum extent practicable, establish a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to feasibility studies in the District developed by the Secretary under paragraph (1).

''(3) NON-FEDERAL INTEREST NOTIFICATION.—Each District Engineer shall submit by certified mail the detailed project schedule under paragraph (2) to each relevant non-Federal interest—

''(A) for projects that have received funding from the General Investigations Account of the Corps of Engineers in the period beginning on October 1, 2009, and ending on the date of enactment of this section, not later than 180 days after the establishment of milestones under paragraph (1); and

''(B) for projects for which a feasibility cost-sharing agreement is executed after the establishment of milestones under paragraph (1), not later than 90 days after the date on which the agreement is executed.

''(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Beginning in the first full fiscal year after the date of enactment of this Act, the Secretary shall—

''(A) submit an annual report that lists all detailed project schedules under paragraph (2) and an explanation of any missed deadlines to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

''(B) make publicly available, including on the Internet, a copy of the annual report described in subparagraph (A) not later than 14 days after date on which a report is submitted to Congress.

''(5) FAILURE TO ACT.—If a District Engineer fails to meet any of the deadlines in the project schedule under paragraph (2), the District Engineer shall—

''(A) not later than 30 days after each missed deadline, submit to the non-Federal interest a report detailing—

''(i) why the District Engineer failed to meet the deadline; and

''(ii) a revised project schedule reflecting amended deadlines for the feasibility study; and

''(B) not later than 30 days after each missed deadline, make publicly available, including on the Internet, a copy of the amended project schedule described in subparagraph (A)(ii).''.

**SEC. 2035. ACCOUNTING AND ADMINISTRATIVE EXPENSES.**

(a) IN GENERAL.—On the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest a detailed accounting of the Federal expenses associated with a water resources project.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall contract with the National Academy of Public Administration to carry out a study on the efficiency of the Corps Engineers current staff salaries and administrative expense procedures as compared to using a separate administrative expense account.

(2) CONTENTS.—The study under paragraph (1) shall include any recommendations of the National Academy of Public Administration for improvements to the budgeting and administrative processes that will increase the efficiency of the Corps of Engineers project delivery.

**SEC. 2036. DETERMINATION OF PROJECT COMPLETION.**

(a) IN GENERAL.—The Secretary shall transfer to the non-Federal interest the responsibility for the operation and maintenance of any water resources project for which operation and maintenance is required of the non-Federal interest or separable element or functional portion of that water resources project on such date that the Secretary determines that the project is complete.

(b) NON-FEDERAL INTEREST APPEAL OF DETERMINATION.—

(1) IN GENERAL.—Not later than 7 days after receiving a notification under subparagraph (a), the non-Federal interest may appeal the completion determination of the Secretary in writing.

(2) INDEPENDENT REVIEW.—

(A) IN GENERAL.—On notification that a non-Federal interest has submitted an appeal under paragraph (1), the Secretary shall contract with 1 or more independent, non-Federal experts to determine whether the applicable water resources project or separable element or functional portion of the water resources project is complete.

(B) TIMELINE.—An independent review carried out under subparagraph (A) shall be completed not later than 180 days after the date on which the Secretary receives an appeal from a non-Federal interest under paragraph (1).

**SEC. 2037. PROJECT PARTNERSHIP AGREEMENTS.**

(a) IN GENERAL.—The Secretary shall contract with the National Academy of Public Administration to carry out a comprehensive review of the process for preparing, negotiating, and approving Project Partnership Agreements and the Project Partnership Agreement template, which shall include—

(1) a review of the process for preparing, negotiating, and approving Project Partnership Agreements, as in effect on the day before the date of enactment of this Act;

(2) an evaluation of how the concerns of a non-Federal interest relating to the Project Partnership Agreement and suggestions for modifications to the Project Partnership Agreement made by a non-Federal interest are accommodated;

(3) recommendations for how the concerns and modifications described in paragraph (2) can be better accommodated;

(4) recommendations for how the Project Partnership Agreement template can be made more efficient; and

(5) recommendations for how to make the process for preparing, negotiating, and approving Project Partnership Agreements more efficient.

(b) REPORT.—The Secretary shall submit a report describing the findings of the National Academy of Public Administration to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 2038. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.**

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) in subsection (a), by striking ''other Federal agencies,'' and inserting ''Federal departments or agencies, nongovernmental organizations,'';

(2) in subsection (b), by inserting ''or foreign governments'' after ''organizations'';

(3) in subsection (c), by inserting ''and restoration'' after ''protection''; and

(4) in subsection (d)—

(A) in the first sentence—

(i) by striking ''There is'' and inserting ''(1) IN GENERAL.—There is''; and

(ii) by striking ''2008'' and inserting ''2014''; and

(B) in the second sentence—

(i) by striking ''The Secretary'' and inserting ''(2) ACCEPTANCE OF FUNDS.—The Secretary''; and

(ii) by striking ''other Federal agencies'' and inserting ''Federal departments or agencies, nongovernmental organizations''.

**SEC. 2039. ACCEPTANCE OF CONTRIBUTED FUNDS TO INCREASE LOCK OPERATIONS.**

(a) IN GENERAL.—The Secretary, after providing public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects.

(b) APPLICABILITY.—The establishment of the pilot program under this section shall not affect the periodic review and adjustment of hours of operation of locks based on increases in commercial traffic carried out by the Secretary.

(c) PUBLIC COMMENT.—Not later than 180 days before a proposed modification to the operation of a lock at a water resources development project will be carried out, the Secretary shall—

(1) publish the proposed modification in the Federal Register; and

(2) accept public comment on the proposed modification.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that evaluates the cost-savings resulting from reduced lock hours and any economic impacts of modifying lock operations.

(2) REVIEW OF PILOT PROGRAM.—Not later than September 30, 2017 and each year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the effectiveness of the pilot program under this section.

(e) ANNUAL REVIEW.—The Secretary shall carry out an annual review of the commercial use of locks and make any necessary adjustments to lock operations based on that review.

(f) TERMINATION.—The authority to accept funds under this section shall terminate 5 years after the date of enactment of this Act.

**SEC. 2040. EMERGENCY RESPONSE TO NATURAL DISASTERS.**

(a) IN GENERAL.—Section 5(a)(1) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended in the first sentence by striking ''structure damaged or destroyed by wind, wave, or water action of other than an ordinary nature when in the discretion of the Chief of Engineers such repair and restoration is warranted for the adequate functioning of the structure for hurricane or shore protection'' and inserting ''structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers may include modifications to the structure or project to address major deficiencies''.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the amounts expended in the previous 5 fiscal years to carry out Corps of Engineers projects under section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n).

(2) INCLUSIONS.—A report under paragraph (1) shall, at a minimum, include a description of—

(A) each project for which amounts are expended, including the type of project and cost of the project; and

(B) how the Secretary has restored or intends to restore the project to the design level of protection for the project.

**SEC. 2041. SYSTEMWIDE IMPROVEMENT FRAMEWORKS.**

A levee system shall remain eligible for rehabilitation assistance under the authority provided by section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'' (33 U.S.C. 701n) as long as the levee system sponsor continues to make satisfactory progress, as determined by the Secretary, on an approved systemwide improvement framework or letter of intent.

**SEC. 2042. FUNDING TO PROCESS PERMITS.**

Section 214 of the Water Resources Development Act of 2000 (Public Law 106–541; 33 U.S.C. 2201 note) is amended by striking subsections (d) and (e) and inserting the following:

''(d) PUBLIC AVAILABILITY.—

''(1) IN GENERAL.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public in a common format, including on the Internet, and in a manner that distinguishes final permit decisions under this section from other final actions of the Secretary.

''(2) DECISION DOCUMENT.—The Secretary shall—

''(A) use a standard decision document for evaluating all permits using funds accepted under this section; and

''(B) make the standard decision document, along with all final permit decisions, available to the public, including on the Internet.

''(3) AGREEMENTS.—The Secretary shall make all active agreements to accept funds under this section available on a single public Internet site.

''(e) REPORTING.—

''(1) IN GENERAL.—The Secretary shall prepare an annual report on the implementation of this section, which, at a minimum, shall include for each district of the Corps of Engineers that accepts funds under this section—

''(A) a comprehensive list of any funds accepted under this section during the previous fiscal year;

''(B) a comprehensive list of the permits reviewed and approved using funds accepted under this section during the previous fiscal year, including a description of the size and type of resources impacted and the mitigation required for each permit; and

''(C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part with funds accepted under this section.

''(2) SUBMISSION.—Not later than 90 days after the end of each fiscal year, the Secretary shall—

''(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the annual report described in paragraph (1); and

''(B) make each report received under subparagraph (A) available on a single publicly accessible Internet site.''.

**SEC. 2043. NATIONAL RIVERBANK STABILIZATION AND EROSION PREVENTION STUDY AND PILOT PROGRAM.**

(a) DEFINITION OF INLAND AND INTRACOASTAL WATERWAY.—In this section, the term ''inland and intracoastal waterway'' means the inland and intracoastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(b) PILOT PROGRAM.—The Secretary—

(1) is authorized to study issues relating to riverbank stabilization and erosion prevention along inland and intracoastal waterways; and

(2) shall establish and carry out for a period of 5 fiscal years a national riverbank stabilization and erosion prevention pilot program to address riverbank erosion along inland and intracoastal waterways.

(c) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall carry out a study of the options and technologies available to prevent the erosion and degradation of riverbanks along inland and intracoastal waterways.

(2) CONTENTS.—The study shall—

(A) evaluate the nature and extent of the damages resulting from riverbank erosion along inland and intracoastal waterways throughout the United States;

(B) identify specific inland and intracoastal waterways and affected wetland areas with the most urgent need for restoration;

(C) analyze any legal requirements with regard to maintenance of bank lines of inland and intracoastal waterways, including a comparison of Federal, State, and private obligations and practices;

(D) assess and compare policies and management practices to protect surface areas adjacent to inland and intracoastal waterways applied by various Districts of the Corps of Engineers; and

(E) make any recommendations the Secretary determines to be appropriate.

(d) RIVERBANK STABILIZATION AND EROSION PREVENTION PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a pilot program for the construction of riverbank stabilization and erosion prevention projects on public land along inland and intracoastal waterways if the Secretary determines that the projects are feasible and lower maintenance costs of those inland and intracoastal waterways.

(2) PILOT PROGRAM GOALS.—A project under the pilot program shall, to the maximum extent practicable—

(A) develop or demonstrate innovative technologies;

(B) implement efficient designs to prevent erosion at a riverbank site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

(C) prioritize natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the riverbank;

(D) avoid negative impacts to adjacent communities;

(E) identify the potential for long-term protection afforded by the innovative technology; and

(F) provide additional benefits, including reduction of flood risk.

(3) PROJECT SELECTIONS.—The Secretary shall develop criteria for the selection of projects under the pilot program, including criteria based on—

(A) the extent of damage and land loss resulting from riverbank erosion;

(B) the rate of erosion;

(C) the significant threat of future flood risk to public or private property, public infrastructure, or public safety;

(D) the destruction of natural resources or habitats; and

(E) the potential cost-savings for maintenance of the channel.

(4) CONSULTATION.—The Secretary shall carry out the pilot program in consultation with—

(A) Federal, State, and local governments;

(B) nongovernmental organizations; and

(C) applicable university research facilities.

(5) REPORT.—Not later than 1 year after the first fiscal year for which amounts to carry out this section are appropriated, and every year thereafter, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) the activities carried out and accomplishments made under the pilot program since the previous report under this paragraph; and

(B) any recommendations of the Secretary relating to the program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2019.

**SEC. 2044. HURRICANE AND STORM DAMAGE RISK REDUCTION PRIORITIZATION.**

(a) PURPOSES.—The purposes of this section are—

(1) to provide adequate levels of protection to communities impacted by natural disasters, including hurricanes, tropical storms, and other related extreme weather events; and

(2) to expedite critical water resources projects in communities that have historically been and continue to remain susceptible to extreme weather events.

(b) PRIORITY.—For authorized projects and ongoing feasibility studies with a primary purpose of hurricane and storm damage risk reduction, the Secretary shall give funding priority to projects and ongoing studies that—

(1) address an imminent threat to life and property;

(2) prevent storm surge from inundating populated areas;

(3) prevent the loss of coastal wetlands that help reduce the impact of storm surge;

(4) protect emergency hurricane evacuation routes or shelters;

(5) prevent adverse impacts to publicly owned or funded infrastructure and assets;

(6) minimize disaster relief costs to the Federal Government; and

(7) address hurricane and storm damage risk reduction in an area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(c) EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROJECTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of all—

(A) ongoing hurricane and storm damage reduction feasibility studies that have signed feasibility cost share agreements and have received Federal funds since 2009; and

(B) authorized hurricane and storm damage reduction projects that—

(i) have been authorized for more than 20 years but are less than 75 percent complete; or

(ii) are undergoing a post-authorization change report, general reevaluation report, or limited reevaluation report;

(2) identify those projects on the list required under paragraph (1) that meet the criteria described in subsection (b); and

(3) provide a plan for expeditiously completing the projects identified under paragraph (2), subject to available funding.

(d) PRIORITIZATION OF NEW STUDIES FOR HURRICANE AND STORM DAMAGE RISK REDUCTION.—In selecting new studies for hurricane and storm damage reduction to propose to Congress under section 4002, the Secretary shall give priority to studies—

(1) that—

(A) have been recommended in a comprehensive hurricane protection study carried out by the Corps of Engineers; or

(B) are included in a State plan or program for hurricane, storm damage reduction, flood control, coastal protection, conservation, or restoration, that is created in consultation with the Corps of Engineers or other relevant Federal agencies; and

(2) for areas for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

**SEC. 2045. PRIORITIZATION OF ECOSYSTEM RESTORATION EFFORTS.**

For authorized projects with a primary purpose of ecosystem restoration, the Secretary shall give funding priority to projects—

(1) that—

(A) address an identified threat to public health, safety, or welfare;

(B) preserve, establish, or restore habitats of national significance; or

(C) preserve habitats of importance for federally protected species, including migratory birds; and

(2) for which the restoration activities will contribute to other ongoing or planned Federal, State, or local restoration initiatives.

**SEC. 2046. SPECIAL USE PERMITS.**

(a) SPECIAL USE PERMITS.—

(1) IN GENERAL.—The Secretary may issue special permits for uses such as group activities, recreation events, motorized recreation vehicles, and such other specialized recreation uses as the Secretary determines to be appropriate, subject to such terms and conditions as the Secretary determines to be in the best interest of the Federal Government.

(2) FEES.—

(A) IN GENERAL.—In carrying out this subsection, the Secretary may—

(i) establish and collect fees associated with the issuance of the permits described in paragraph (1); or

(ii) accept in-kind services in lieu of those fees.

(B) OUTDOOR RECREATION EQUIPMENT.—The Secretary may establish and collect fees for the provision of outdoor recreation equipment and services at public recreation areas located at lakes and reservoirs operated by the Corps of Engineers.

(C) USE OF FEES.—Any fees generated pursuant to this subsection shall be—

(i) retained at the site collected; and

(ii) available for use, without further appropriation, solely for administering the special permits under this subsection and carrying out related operation and maintenance activities at the site at which the fees are collected.

(b) COOPERATIVE MANAGEMENT.—

(1) PROGRAM.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may enter into an agreement with a State or local government to provide for the cooperative management of a public recreation area if—

(i) the public recreation area is located—

(I) at a lake or reservoir operated by the Corps of Engineers; and

(II) adjacent to or near a State or local park or recreation area; and

(ii) the Secretary determines that cooperative management between the Corps of Engineers and a State or local government agency of a portion of the Corps of Engineers recreation area or State or local park or recreation area will allow for more effective and efficient management of those areas.

(B) RESTRICTION.—The Secretary may not transfer administration responsibilities for any public recreation area operated by the Corps of Engineers.

(2) ACQUISITION OF GOODS AND SERVICES.—The Secretary may acquire from or provide to a State or local government with which the Secretary has entered into a cooperative agreement under paragraph (1) goods and services to be used by the Secretary and the State or local government in the cooperative management of the areas covered by the agreement.

(3) ADMINISTRATION.—The Secretary may enter into 1 or more cooperative management agreements or such other arrangements as the Secretary determines to be appropriate, including leases or licenses, with non-Federal interests to share the costs of operation, maintenance, and management of recreation facilities and natural resources at recreation areas that are jointly managed and funded under this subsection.

(c) FUNDING TRANSFER AUTHORITY.—

(1) IN GENERAL.—If the Secretary determines that it is in the public interest for purposes of enhancing recreation opportunities at Corps of Engineers water resources development projects, the Secretary may transfer funds appropriated for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available at those Corps of Engineers water resource development projects to State, local, and tribal governments and such other public or private nonprofit entities as the Secretary determines to be appropriate.

(2) COOPERATIVE AGREEMENTS.—Any transfer of funds pursuant to this subsection shall be carried out through the execution of a cooperative agreement, which shall contain such terms and conditions as the Secretary determines to be necessary in the public interest.

(d) SERVICES OF VOLUNTEERS.—Chapter IV of title I of Public Law 98–63 (33 U.S.C. 569c) is amended—

(1) in the first sentence, by inserting '', including expenses relating to uniforms, transportation, lodging, and the subsistence of those volunteers, without regard to the place of residence of the volunteers,'' after ''incidental expenses''; and

(2) by inserting after the first sentence the following: ''The Chief of Engineers may also provide awards of up to $100 in value to volunteers in recognition of the services of the volunteers.''

(e) TRAINING AND EDUCATIONAL ACTIVITIES.—Section 213(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended by striking ''at'' and inserting ''about''.

**SEC. 2047. OPERATIONS AND MAINTENANCE ON FUEL TAXED INLAND WATERWAYS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall have responsibility for 65 percent of the costs of the operation, maintenance, repair, rehabilitation, and replacement of any flood gate, as well as any pumping station constructed within the channel as a single unit with that flood gate, that—

(1) was constructed as of the date of enactment of this Act as a feature of an authorized hurricane and storm damage reduction project; and

(2) crosses an inland or intracoastal waterway described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(b) PAYMENT OPTIONS.—For rehabilitation or replacement of any structure under this section, the Secretary may apply to the full non-Federal contribution the payment option provisions under section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

**SEC. 2048. CORROSION PREVENTION.**

(a) GUIDANCE AND PROCEDURES.—The Secretary shall develop guidance and procedures for the certification of qualified contractors for—

(1) the application of protective coatings; and

(2) the removal of hazardous protective coatings.

(b) REQUIREMENTS.—Except as provided in subsection (c), the Secretary shall use certified contractors for—

(1) the application of protective coatings for complex work involving steel and cementitious structures, including structures that will be exposed in immersion;

(2) the removal of hazardous coatings or other hazardous materials that are present in sufficient concentrations to create an occupational or environmental hazard; and

(3) any other activities the Secretary determines to be appropriate.

(c) EXCEPTION.—The Secretary may approve exceptions to the use of certified contractors under subsection (b) only after public notice, with the opportunity for comment, of any such proposal.

**SEC. 2049. PROJECT DEAUTHORIZATIONS.**

(a) IN GENERAL.—Section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) LIST OF PROJECTS.—

''(A) IN GENERAL.—Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), each year, after the submission of the list under paragraph (1), the Secretary shall submit to Congress a list of projects or separable elements of projects that have been authorized but that have received no obligations during the 5 full fiscal years preceding the submission of that list.

''(B) ADDITIONAL NOTIFICATION.—On submission of the list under subparagraph (A) to Congress, the Secretary shall notify—

''(i) each Senator in whose State and each Member of the House of Representatives in whose district a project (including any part of a project) on that list would be located; and

''(ii) each applicable non-Federal interest associated with a project (including any part of a project) on that list.

''(C) DEAUTHORIZATION.—A project or separable element included in the list under subparagraph (A) is not authorized after the last date of the fiscal year following the fiscal year in which the list is submitted to Congress, if funding has not been obligated for the planning, design, or construction of the project or element of the project during that period.''; and

(2) by adding at the end the following:

''(3) MINIMUM FUNDING LIST.—At the end of each fiscal year, the Secretary shall submit to Congress a list of—

''(A) projects or separable elements of projects authorized for construction for which funding has been obligated in the 5 previous fiscal years;

''(B) the amount of funding obligated per fiscal year;

''(C) the current phase of each project or separable element of a project; and

''(D) the amount required to complete those phases.

''(4) REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2013, the Secretary shall compile and publish a complete list of all uncompleted, authorized projects of the Corps of Engineers, including for each project on that list—

''(i) the original budget authority for the project;

''(ii) the status of the project;

''(iii) the estimated date of completion of the project;

''(iv) the estimated cost of completion of the project; and

''(v) any amounts for the project that remain unobligated.

''(B) PUBLICATION.—

''(i) IN GENERAL.—The Secretary shall submit a copy of the list under subparagraph (A) to—

''(I) the appropriate committees of Congress; and

''(II) the Director of the Office of Management and Budget.

''(ii) PUBLIC AVAILABILITY.—Not later than 30 days after providing the report to Congress under clause (i), the Secretary shall make a copy of the list available on a publicly accessible Internet site, in a manner that is downloadable, searchable, and sortable.''.

(b) INFRASTRUCTURE DEAUTHORIZATION COMMISSION.—

(1) PURPOSES.—The purposes of this subsection are—

(A) to establish a process for identifying authorized Corps of Engineers water resources projects that are no longer in the Federal interest and no longer feasible;

(B) to create a commission—

(i) to review suggested deauthorizations, including consideration of recommendations of the States and the Secretary for the deauthorization of water resources projects; and

(ii) to make recommendations to Congress;

(C) to ensure public participation and comment; and

(D) to provide oversight on any recommendations made to Congress by the Commission.

(2) INFRASTRUCTURE DEAUTHORIZATION COMMISSION.—

(A) ESTABLISHMENT.—There is established an independent commission to be known as the ''Infrastructure Deauthorization Commission'' (referred to in this paragraph as the ''Commission'').

(B) DUTIES.—The Commission shall carry out the review and recommendation duties described in paragraph (5).

(C) MEMBERSHIP.—

(i) IN GENERAL.—The Commission shall be composed of 8 members, who shall be appointed by the President, by and with the advice and consent of the Senate according to the expedited procedures described in clause (ii).

(ii) EXPEDITED NOMINATION PROCEDURES.—

(I) PRIVILEGED NOMINATIONS; INFORMATION REQUESTED.—On receipt by the Senate of a nomination under clause (i), the nomination shall—

(aa) be placed on the Executive Calendar under the heading ''Privileged Nominations—Information Requested''; and

(bb) remain on the Executive Calendar under that heading until the Executive Clerk receives a written certification from the Chairman of the committee of jurisdiction under subclause (II).

(II) QUESTIONNAIRES.—The Chairman of the Committee on Environment and Public Works of the Senate shall notify the Executive Clerk in writing when the appropriate biographical and financial questionnaires have been received from an individual nominated for a position under clause (i).

(III) PRIVILEGED NOMINATIONS; INFORMATION RECEIVED.—On receipt of the certification under subclause (II), the nomination shall—

(aa) be placed on the Executive Calendar under the heading ''Privileged Nomination—Information Received'' and remain on the Executive Calendar under that heading for 10 session days; and

(bb) after the expiration of the period referred to in item (aa), be placed on the ''Nominations'' section of the Executive Calendar.

(IV) REFERRAL TO COMMITTEE OF JURISDICTION.—During the period when a nomination under clause (i) is listed under the ''Privileged Nomination—Information Requested'' section of the Executive Calendar described in subclause (I)(aa) or the ''Privileged Nomination—Information Received'' section of the Executive Calendar described in subclause (III)(aa)—

(aa) any Senator may request on his or her own behalf, or on the behalf of any identified Senator that the nomination be referred to the appropriate committee of jurisdiction; and

(bb) if a Senator makes a request described in paragraph item (aa), the nomination shall be referred to the appropriate committee of jurisdiction.

(V) EXECUTIVE CALENDAR.—The Secretary of the Senate shall create the appropriate sections on the Executive Calendar to reflect and effectuate the requirements of this clause.

(VI) COMMITTEE JUSTIFICATION FOR NEW EXECUTIVE POSITIONS.—The report accompanying each bill or joint resolution of a public character reported by any committee shall contain an evaluation and justification made by that committee for the establishment in the measure being reported of any new position appointed by the President within an existing or new Federal entity.

(iii) QUALIFICATIONS.—Members of the Commission shall be knowledgeable about Corps of Engineers water resources projects.

(iv) GEOGRAPHICAL DIVERSITY.—To the maximum extent practicable, the members of the Commission shall be geographically diverse.

(D) COMPENSATION OF MEMBERS.—

(i) IN GENERAL.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(ii) FEDERAL EMPLOYEES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(iii) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(3) STATE WATER RESOURCES INFRASTRUCTURE PLAN.—Not later than 2 years after the date of enactment of this Act, each State, in consultation with local interests, may develop and submit to the Commission, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, a detailed statewide water resources plan that includes a list of each water resources project that the State recommends for deauthorization.

(4) CORPS OF ENGINEERS INFRASTRUCTURE PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Commission, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a detailed plan that—

(A) contains a detailed list of each water resources project that the Corps of Engineers recommends for deauthorization; and

(B) is based on assessment by the Secretary of the needs of the United States for water resources infrastructure, taking into account public safety, the economy, and the environment.

(5) REVIEW AND RECOMMENDATION COMMISSION.—

(A) IN GENERAL.—On the appointment and confirmation of all members of the Commission, the Commission shall solicit public comment on water resources infrastructure issues and priorities and recommendations for deauthorization, including by—

(i) holding public hearings throughout the United States; and

(ii) receiving written comments.

(B) RECOMMENDATIONS.—

(i) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Commission shall submit to Congress a list of water resources projects of the Corps of Engineers for deauthorization.

(ii) CONSIDERATIONS.—In carrying out this paragraph, the Commission shall establish criteria for evaluating projects for deauthorization, which shall include consideration of—

(I) the infrastructure plans submitted by the States and the Secretary under paragraphs (3) and (4);

(II) any public comment received during the period described in subparagraph (A);

(III) public safety and security;

(IV) the environment; and

(V) the economy.

(C) NON-ELIGIBLE PROJECTS.—The following types of projects shall not be eligible for review for deauthorization by the Commission:

(i) Any project authorized after the date of enactment of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3658), including any project that has been reauthorized after that date.

(ii) Any project that, as of the date of enactment of this Act, is undergoing a review by the Corps of Engineers.

(iii) Any project that has received appropriations in the 10-year period ending on the date of enactment of this Act.

(iv) Any project that, on the date of enactment of this Act, is more than 50 percent complete.

(v) Any project that has a viable non-Federal sponsor.

(D) CONGRESSIONAL DISAPPROVAL.—Any water resources project recommended for deauthorization on the list submitted to Congress under subparagraph (B) shall be deemed to be deauthorized unless Congress passes a joint resolution disapproving of the entire list of deauthorized water resources projects prior to the date that is 180 days after the date on which the Commission submits the list to Congress.

**SEC. 2050. REPORTS TO CONGRESS.**

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete and submit to Congress by the applicable date required the reports that address public safety and enhanced local participation in project delivery described in subsection (b).

(b) REPORTS.—The reports referred to in subsection (a) are the reports required under—

(1) section 2020;

(2) section 2022;

(3) section 2025;

(4) section 2026;

(5) section 2039;

(6) section 2040;

(7) section 6007; and

(8) section 10015.

(c) FAILURE TO PROVIDE A COMPLETED REPORT.—

(1) IN GENERAL.—Subject to subsection (d), if the Secretary fails to provide a report listed under subsection (b) by the date that is 180 days after the applicable date required for that report, $5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Army Corps of Engineers with responsibility for completing that report.

(2) SUBSEQUENT REPROGRAMMING.—Subject to subsection (d), for each additional week after the date described in paragraph (1) in which a report described in that paragraph remains uncompleted and unsubmitted to Congress, $5,000 shall be reprogrammed from the Office of the Assistant Secretary of the Army for Civil Works into the account of the division of the Secretary of the Army with responsibility for completing that report.

(d) LIMITATIONS.—

(1) IN GENERAL.—For each report, the total amounts reprogrammed under subsection (c) shall not exceed, in any fiscal year, $50,000.

(2) AGGREGATE LIMITATION.—The total amount reprogrammed under subsection (c) in a fiscal year shall not exceed $200,000.

(e) NO FAULT OF THE SECRETARY.—Amounts shall not be reprogrammed under subsection (c) if the Secretary certifies in a letter to the applicable committees of Congress that—

(1) a major modification has been made to the content of the report that requires additional analysis for the Secretary to make a final decision on the report;

(2) amounts have not been appropriated to the agency under this Act or any other Act to carry out the report; or

(3) additional information is required from an entity other than the Corps of Engineers and is not available in a timely manner to complete the report by the deadline.

(f) LIMITATION.—The Secretary shall not reprogram funds to reimburse the Office of the Assistant Secretary of the Army for Civil Works for the loss of the funds.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

**SEC. 2051. INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT CONFORMING AMENDMENT.**

Section 106(k) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j-1(k)) is amended by adding at the end the following:

''(13) Interest payments, the retirement of principal, the costs of issuance, and the costs of insurance or a similar credit support for a debt financing instrument, the proceeds of which are used to support a contracted construction project.''.

**SEC. 2052. INVASIVE SPECIES REVIEW.**

The Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Chairman of the Tennessee Valley Authority, and other applicable heads of Federal agencies, shall—

(1) carry out a review of existing Federal authorities relating to responding to invasive species, including aquatic weeds, aquatic snails, and other aquatic invasive species, that have an impact on water resources; and

(2) based on the review under paragraph (1), make any recommendations to Congress and applicable State agencies for improving Federal and State laws to more effectively respond to the threats posed by those invasive species.

**SEC. 2053. WETLANDS CONSERVATION STUDY.**

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a study to identify all Federal programs relating to wetlands conservation.

(b) REPORT.—The Comptroller General of the United States shall submit to Congress a report based on the study under subsection (a) describing options for maximizing wetlands conservation benefits while reducing redundancy, increasing efficiencies, and reducing costs.

**SEC. 2054. DAM REPAIR STUDY.**

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a study to evaluate repairs made at dams on the Cumberland River as compared to similar repairs made by the Corps of Engineers at other dams.

(b) CONTENTS.—The study under subsection (a) shall compare—

(1) how the repairs were classified at each dam; and

(2) the Federal and non-Federal cost-sharing requirements for each dam.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report based on the study under subsection (a) with the recommendations of the Comptroller General on whether the repairs carried out at dams on the Cumberland River should have been classified as repairs carried out under the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

## TITLE III—PROJECT MODIFICATIONS

**SEC. 3001. PURPOSE.**

The purpose of this title is to modify existing water resource project authorizations, subject to the condition that the modifications do not affect authorized costs.

**SEC. 3002. CHATFIELD RESERVOIR, COLORADO.**

Section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (123 Stat. 608), is amended in the matter preceding the proviso by inserting ''(or a designee of the Department)'' after ''Colorado Department of Natural Resources''.

**SEC. 3003. MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE EXPENSES REIMBURSEMENT.**

Section 5018(b)(5) of the Water Resources Development Act of 2007 (121 Stat. 1200) is amended by striking subparagraph (B) and inserting the following:

''(B) TRAVEL EXPENSES.—Subject to the availability of funds, the Secretary may reimburse a member of the Committee for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of a Federal agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Committee.''.

**SEC. 3004. HURRICANE AND STORM DAMAGE REDUCTION STUDY.**

With respect to the study for flood and storm damage reduction related to natural disasters to by carried out by the Secretary and authorized under the heading ''INVESTIGATIONS'' under title II of division A of Public Law 113–2, the Secretary shall include, to the maximum extent practicable, specific project recommendations in the report developed for that study.

**SEC. 3005. LOWER YELLOWSTONE PROJECT, MONTANA.**

Section 3109 of the Water Resources Development Act of 2007 (121 Stat. 1135) is amended—

(1) by striking ''The Secretary may'' and inserting the following:

''(a) IN GENERAL.—The Secretary may''; and

(2) by adding at the end the following:

''(b) LOCAL PARTICIPATION.—In carrying out subsection (a), the Secretary shall consult with, and consider the activities being carried out by—

''(1) other Federal agencies;

''(2) conservation districts;

''(3) the Yellowstone River Conservation District Council; and

''(4) the State of Montana.''.

**SEC. 3006. PROJECT DEAUTHORIZATIONS.**

(a) GOOSE CREEK, SOMERSET COUNTY, MARYLAND.—The project for navigation, Goose Creek, Somerset County, Maryland, carried out pursuant to section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577), is realigned as follows: Beginning at Goose Creek Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 0+00, coordinates North 157851.80, East 1636954.70, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, July 2003; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: S. 63 degrees 26 minutes 06 seconds E., 1460.05 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 973.28 feet to a point, thence; N. 26 degrees 13 minutes 09 seconds W., 240.39 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 42+57.54, coordinates North 157357.84, East 1640340.23. Geometry Left Toe of the 60-foot-wide main navigational ship channel, Left Toe Station No. 0+00, coordinates North 157879.00, East 1636967.40, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 12 seconds E., 1583.91 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following eight courses and distances: S. 63 degrees 25 minutes 38 seconds E., 1366.25 feet to a point, thence; N. 83 degrees 36 minutes 24 seconds E., 125.85 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 805.19 feet to a point, thence; N. 12 degrees 12 minutes 29 seconds E., 78.33 feet to a point thence; N. 26 degrees 13 minutes 28 seconds W., 46.66 feet to a point thence; S. 63 degrees 45 minutes 41 seconds W., 54.96 feet to a point thence; N. 26 degrees 13 minutes 24 seconds W., 119.94 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 41+81.10, coordinates North 157320.30, East 1640264.00. Geometry Right Toe of the 60-foot-wide main navigational ship channel, Right Toe Station No. 0+00, coordinates North 157824.70, East 1636941.90, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following six courses and distances: S. 63 degrees 25 minutes 47 seconds E., 1478.79 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 1016.69 feet to a point, thence; N. 26 degrees 14 minutes 49 seconds W., 144.26 feet to a point, thence; N. 63 degrees 54 minutes 03 seconds E., 55.01 feet to a point thence; N. 26 degrees 12 minutes 08 seconds W., 120.03 feet to a point a point on the Right Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+98.61, coordinates North 157395.40, East 1640416.50.

(b) LOWER THOROUGHFARE, DEAL ISLAND, MARYLAND.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Lower Thoroughfare, Maryland, authorized by the Act of June 25, 1910 (36 Stat. 630, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), that begins at Lower Thoroughfare Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 44+88, coordinates North 170435.62, East 1614588.93, as stated and depicted on the Condition Survey Lower Thoroughfare, Deal Island, Sheet 1 of 3, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence

*departing the aforementioned centerline traveling the following courses and distances: S. 42 degrees 20 minutes 44 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 64 degrees 08 minutes 55 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 43 seconds W., 250.08 feet to a point, thence; N. 47 degrees 39 minutes 03 seconds E., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 44 seconds E., 300.07 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76; thence; continuing with the aforementioned centerline the following courses and distances: S. 42 degrees 20 minutes 42 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 20 degrees 32 minutes 06 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 49 seconds W., 250.08 feet to a point, thence; S. 47 degrees 39 minutes 03 seconds W., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 46 seconds E., 300.08 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76.*

*(c) THOMASTON HARBOR, GEORGES RIVER, MAINE.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), and modified by section 317 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2604), that lies northwesterly of a line commencing at point N87,220.51, E321,065.80 thence running northeasterly about 125 feet to a point N87,338.71, E321,106.46.*

*(d) WARWICK COVE, RHODE ISLAND.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Warwick Cove, Rhode Island, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) that is located within the 5 acre anchorage area east of the channel and lying east of the line beginning at a point with coordinates N220,349.79, E357,664.90 thence running north 9 degrees 10 minutes 21.5 seconds west 170.38 feet to a point N220,517.99, E357,637.74 thence running north 17 degrees 44 minutes 30.4 seconds west 165.98 feet to a point N220,676.08, E357,587.16 thence running north 0 degrees 46 minutes 0.9 seconds east 138.96 feet to a point N220,815.03, E357,589.02 thence running north 8 degrees 36 minutes 22.9 seconds east 101.57 feet to a point N220,915.46, E357,604.22 thence running north 18 degrees 18 minutes 27.3 seconds east 168.20 feet to a point N221,075.14, E357,657.05 thence running north 34 degrees 42 minutes 7.2 seconds east 106.4 feet to a point N221,162.62, E357,717.63 thence running south 29 degrees 14 minutes 17.4 seconds east 26.79 feet to a point N221,139.24, E357,730.71 thence running south 30 degrees 45 minutes 30.5 seconds west 230.46 feet to a point N220,941.20, E357,612.85 thence running south 10 degrees 49 minutes 12.0 seconds west 95.46 feet to a point N220,847.44, E357,594.93 thence running south 9 degrees 13 minutes 44.5 seconds east 491.68 feet to a point N220,362.12, E357,673.79 thence running south 35 degrees 47 minutes 19.4 seconds west 15.20 feet to the point of origin.*

*(e) CLATSOP COUNTY DIKING DISTRICT NO. 10, KARLSON ISLAND, OREGON.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the Diking District No. 10, Karlson Island portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (as amended) (33 U.S.C. 701h).*

*(f) NUMBERG DIKE NO. 34 LEVEED AREA, CLATSOP COUNTY DIKING DISTRICT NO. 13, CLATSOP COUNTY, OREGON (WALLUSKI-YOUNGS).—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the Numberg Dike No. 34 leveed area, Clatsop County Diking District, No. 13, Walluski River and Youngs River dikes, portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (as amended) (33 U.S.C. 701h).*

*(g) PORT OF HOOD RIVER, OREGON.—*

*(1) EXTINGUISHMENT OF PORTIONS OF EXISTING FLOWAGE EASEMENT.—With respect to the properties described in paragraph (2), beginning on the date of enactment of this Act, the flowage easement identified as Tract 1200E–6 on the Easement Deed recorded as Instrument No. 740320 is extinguished above elevation 79.39 feet (NGVD 29) the Ordinary High Water Line.*

*(2) AFFECTED PROPERTIES.—The properties referred to in paragraph (1), as recorded in Hood River County, Oregon, are as follows:*

*(A) Instrument Number 2010–1235*
*(B) Instrument Number 2010–02366.*
*(C) Instrument Number 2010–02367.*
*(D) Parcel 2 of Partition Plat #2011–12P.*
*(E) Parcel 1 of Partition Plat 2005–26P.*

*(3) FEDERAL LIABILITIES; CULTURAL, ENVIRONMENTAL, AND OTHER REGULATORY REVIEWS.—*

*(A) FEDERAL LIABILITY.—The United States shall not be liable for any injury caused by the extinguishment of the easement under this subsection.*

*(B) CULTURAL AND ENVIRONMENTAL REGULATORY ACTIONS.—Nothing in this subsection establishes any cultural or environmental regulation relating to the properties described in paragraph (2).*

*(4) EFFECT ON OTHER RIGHTS.—Nothing in this subsection affects any remaining right or interest of the Corps of Engineers in the properties described in paragraph (2).*

***SEC. 3007. RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NEW JERSEY.***

*Title I of the Energy and Water Development Appropriations Act, 1998 (Public Law 105–62; 111 Stat. 1327) is amended by striking section 102.*

***SEC. 3008. RED RIVER BASIN, OKLAHOMA, TEXAS, ARKANSAS, LOUISIANA.***

*(a) IN GENERAL.—The Secretary is authorized to reassign unused irrigation storage within a reservoir on the Red River Basin to municipal and industrial water supply for use by a non-Federal interest if that non-Federal interest has already contracted for a share of municipal and industrial water supply on the same reservoir.*

*(b) NON-FEDERAL INTEREST.—A reassignment of storage under subsection (a) shall be contingent upon the execution of an agreement between the Secretary and the applicable non-Federal interest.*

***SEC. 3009. POINT JUDITH HARBOR OF REFUGE, RHODE ISLAND.***

*The project for the Harbor of Refuge at Point Judith, Narragansett, Rhode Island, adopted by the Act of September 19, 1890 (commonly known as the ''River and Harbor Act of 1890'') (26 Stat. 426, chapter 907), House Document numbered 66, 51st Congress, 1st Session, and modified to include the west shore arm breakwater under the first section of the Act of June 25, 1910 (commonly known as the ''River and Harbor Act of 1910'') (36 Stat. 632, chapter 382), is further modified to include shore protection and erosion control as project purposes.*

## *TITLE IV—WATER RESOURCE STUDIES*

***SEC. 4001. PURPOSE.***

*The purpose of this title is to direct the Corps of Engineers to study and recommend solutions for water resource issues relating to flood risk and storm damage reduction, navigation, and ecosystem restoration.*

***SEC. 4002. INITIATION OF NEW WATER RESOURCES STUDIES.***

*(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the Secretary may initiate a study—*

*(1) to determine the feasibility of carrying out 1 or more projects for flood risk management, storm damage reduction, ecosystem restoration, navigation, hydropower, or related purposes; or*

*(2) to carry out watershed and river basin assessments in accordance with section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a).*

*(b) CRITERIA.—The Secretary may only initiate a study under subsection (a) if—*

*(1) the study—*

*(A) has been requested by an eligible non-Federal interest;*

*(B) is for an area that is likely to include a project with a Federal interest; and*

*(C) addresses a high-priority water resource issue necessary for the protection of human life and property, the environment, or the national security interests of the United States; and*

*(2) the non-Federal interest has demonstrated—*

*(A) that local support exists for addressing the water resource issue; and*

*(B) the financial ability to provide the required non-Federal cost-share.*

*(c) CONGRESSIONAL APPROVAL.—*

*(1) SUBMISSION TO CONGRESS.—Prior to initiating a study under subsection (a), the Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House—*

*(A) a description of the study, including the geographical area addressed by the study;*

*(B) a description of how the study meets each of the requirements of subsection (b); and*

*(C) a certification that the proposed study can be completed within 3 years and for a Federal cost of not more than $3,000,000.*

*(2) EXPENDITURE OF FUNDS.—No funds may be spent on a study initiated under subsection (a) unless—*

*(A) the required information is submitted to Congress under paragraph (1); and*

*(B) after such submission, amounts are appropriated to initiate the study in an appropriations or other Act.*

*(3) ADDITIONAL NOTIFICATION.—The Secretary shall notify each Senator or Member of Congress with a State or congressional district in the study area described in paragraph (1)(A).*

*(d) LIMITATIONS.—*

*(1) IN GENERAL.—Subsection (a) shall not apply to a project for which a study has been authorized prior to the date of enactment of this Act.*

*(2) NEW STUDIES.—In each fiscal year, the Secretary may initiate not more than—*

*(A) 3 new studies in each of the primary areas of responsibility of the Corps of Engineers; and*

*(B) 3 new studies from any 1 division of the Corps of Engineers.*

*(e) TERMINATION.—The authority under subsection (a) expires on the date that is 3 years after the date of enactment of this Act.*

*(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2014 through 2017.*

***SEC. 4003. APPLICABILITY.***

*(a) IN GENERAL.—Nothing in this title authorizes the construction of a water resources project.*

*(b) NEW AUTHORIZATION REQUIRED.—New authorization from Congress is required before any project evaluated in a study under this title is constructed.*

## *TITLE V—REGIONAL AND NONPROJECT PROVISIONS*

***SEC. 5001. PURPOSE.***

*The purpose of this title is to authorize regional, multistate authorities to address water resource needs and other non-project provisions.*

***SEC. 5002. NORTHEAST COASTAL REGION ECOSYSTEM RESTORATION.***

*(a) IN GENERAL.—The Secretary shall plan, design, and construct projects for aquatic ecosystem restoration within the coastal waters of*

the Northeastern United States from the State of Virginia to the State of Maine, including associated bays, estuaries, and critical riverine areas.

(b) GENERAL COASTAL MANAGEMENT PLAN.—

(1) ASSESSMENT.—The Secretary, in coordination with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, the Governors of the coastal States from Virginia to Maine, nonprofit organizations, and other interested parties, shall assess the needs regarding, and opportunities for, aquatic ecosystem restoration within the coastal waters of the Northeastern United States.

(2) PLAN.—The Secretary shall develop a general coastal management plan based on the assessment carried out under paragraph (1), maximizing the use of existing plans and investigation, which plan shall include—

(A) an inventory and evaluation of coastal habitats;

(B) identification of aquatic resources in need of improvement;

(C) identification and prioritization of potential aquatic habitat restoration projects; and

(D) identification of geographical and ecological areas of concern, including—

(i) finfish habitats;

(ii) diadromous fisheries migratory corridors;

(iii) shellfish habitats;

(iv) submerged aquatic vegetation;

(v) wetland; and

(vi) beach dune complexes and other similar habitats.

(c) ELIGIBLE PROJECTS.—The Secretary may carry out an aquatic ecosystem restoration project under this section if the project—

(1) is consistent with the management plan developed under subsection (b); and

(2) provides for—

(A) the restoration of degraded aquatic habitat (including coastal, saltmarsh, benthic, and riverine habitat);

(B) the restoration of geographical or ecological areas of concern, including the restoration of natural river and stream characteristics;

(C) the improvement of water quality; or

(D) other projects or activities determined to be appropriate by the Secretary.

(d) COST SHARING.—

(1) MANAGEMENT PLAN.—The management plan developed under subsection (b) shall be completed at Federal expense.

(2) RESTORATION PROJECTS.—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.

(e) COST LIMITATION.—Not more than $10,000,000 in Federal funds may be allocated under this section for an eligible project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including funds for the completion of the management plan) $25,000,000 for each of fiscal years 2014 through 2018.

**SEC. 5003. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.**

Section 510 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3759; 121 Stat. 1202) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''pilot program'' and inserting ''program''; and

(ii) by inserting ''in the basin States described in subsection (f) and the District of Columbia'' after ''interests''; and

(B) by striking paragraph (2) and inserting the following:

''(2) FORM.—The assistance under paragraph (1) shall be in the form of design and construction assistance for water-related resource protection and restoration projects affecting the Chesapeake Bay estuary, based on the comprehensive plan under subsection (b), including projects for—

''(A) sediment and erosion control;

''(B) protection of eroding shorelines;

''(C) ecosystem restoration, including restoration of submerged aquatic vegetation;

''(D) protection of essential public works;

''(E) beneficial uses of dredged material; and

''(F) other related projects that may enhance the living resources of the estuary.'';

(2) by striking subsection (b) and inserting the following:

''(b) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Water Resources Development Act of 2013, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Chesapeake Bay restoration plan to guide the implementation of projects under subsection (a)(2).

''(2) COORDINATION.—The restoration plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.

''(3) PRIORITIZATION.—The restoration plan described in paragraph (1) shall give priority to projects eligible under subsection (a)(2) that will also improve water quality or quantity or use natural hydrological features and systems.

''(4) ADMINISTRATION.—The Federal share of the costs of carrying out paragraph (1) shall be 75 percent.'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''to provide'' and all that follows through the period at the end and inserting ''for the design and construction of a project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b).'';

(B) in paragraph (2)(A), by striking ''facilities or resource protection and development plan'' and inserting ''resource protection and restoration plan''; and

(C) by adding at the end the following:

''(3) PROJECTS ON FEDERAL LAND.—A project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b) that is located on Federal land shall be carried out at the expense of the Federal agency that owns the land on which the project will be a carried out.

''(4) NON-FEDERAL CONTRIBUTIONS.—A Federal agency carrying out a project described in paragraph (3) may accept contributions of funds from non-Federal entities to carry out that project.'';

(4) by striking subsection (e) and inserting the following:

''(e) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—

''(1) the heads of appropriate Federal agencies, including—

''(A) the Administrator of the Environmental Protection Agency;

''(B) the Secretary of Commerce, acting through the Administrator of the National Oceanographic and Atmospheric Administration;

''(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

''(D) the heads of such other Federal agencies as the Secretary determines to be appropriate; and

''(2) agencies of a State or political subdivision of a State, including the Chesapeake Bay Commission.'';

(5) by striking subsection (f) and inserting the following:

''(f) PROJECTS.—The Secretary shall establish, to the maximum extent practicable, at least 1 project under this section in—

''(1) regions within the Chesapeake Bay watershed of each of the basin States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; and

''(2) the District of Columbia.'';

(6) by striking subsection (h); and

(7) by redesignating subsection (i) as subsection (h).

**SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, TEXAS.**

Section 5056 of the Water Resources Development Act of 2007 (121 Stat. 1213) is amended—

(1) in subsection (b)(2)—

(A) in the matter preceding subparagraph (A), by striking ''2008'' and inserting ''2014''; and

(B) in subparagraph (C), by inserting ''and an assessment of needs for other related purposes in the Rio Grande Basin, including flood damage reduction'' after ''assessment'';

(2) in subsection (c)(2)—

(A) by striking ''an interagency agreement with'' and inserting ''1 or more interagency agreements with the Secretary of State and''; and

(B) by inserting ''or the U.S. Section of the International Boundary and Water Commission'' after ''the Department of the Interior''; and

(3) in subsection (f), by striking ''2011'' and inserting ''2024''.

**SEC. 5005. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ECOSYSTEM RESTORATION, OREGON AND WASHINGTON.**

Section 536(g) of the Water Resources Development Act of 2000 (114 Stat. 2661) is amended by striking ''$30,000,000'' and inserting ''$75,000,000''.

**SEC. 5006. ARKANSAS RIVER, ARKANSAS AND OKLAHOMA.**

(a) PROJECT GOAL.—The goal for operation of the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma, shall be to maximize the use of the system in a balanced approach that incorporates advice from representatives from all project purposes to ensure that the full value of the system is realized by the United States.

(b) MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma, project authorized by the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(2) DUTIES.—The advisory committee shall—

(A) serve in an advisory capacity only; and

(B) provide information and recommendations to the Corps of Engineers relating to the efficiency, reliability, and availability of the operations of the McClellan-Kerr Arkansas River navigation system.

(3) SELECTION AND COMPOSITION.—The advisory committee shall be—

(A) selected jointly by the Little Rock district engineer and the Tulsa district engineer; and

(B) composed of members that equally represent the McClellan-Kerr Arkansas River navigation system project purposes.

(4) AGENCY RESOURCES.—The Little Rock district and the Tulsa district of the Corps of Engineers, under the supervision of the southwestern division, shall jointly provide the advisory committee with adequate staff assistance, facilities, and resources.

(5) TERMINATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the advisory committee shall terminate on the date on which the Secretary submits a report to Congress demonstrating increases in the efficiency, reliability, and availability of the McClellan-Kerr Arkansas River navigation system.

(B) RESTRICTION.—The advisory committee shall terminate not less than 2 calendar years after the date on which the advisory committee is established.

**SEC. 5007. AQUATIC INVASIVE SPECIES PREVENTION AND MANAGEMENT; COLUMBIA RIVER BASIN.**

(a) IN GENERAL.—The Secretary may establish a program to prevent and manage aquatic invasive species in the Columbia River Basin in

the States of Idaho, Montana, Oregon, and Washington.

(b) WATERCRAFT INSPECTION STATIONS.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall establish watercraft inspection stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species into reservoirs operated and maintained by the Secretary.

(2) INCLUSIONS.—Locations identified under paragraph (1) may include—

(A) State border crossings;

(B) international border crossings; and

(C) highway entry points that are used by owners of watercraft to access boat launch facilities owned or managed by the Secretary.

(3) COST-SHARE.—The non-Federal share of the cost of operating and maintaining watercraft inspection stations described in paragraph (1) (including personnel costs) shall be 50 percent.

(4) OTHER INSPECTION SITES.—The Secretary may establish watercraft inspection stations using amounts made available to carry out this section in States other than those described in paragraph (1) at or near boat launch facilities that the Secretary determines are regularly used by watercraft to enter the States described in paragraph (1).

(c) MONITORING AND CONTINGENCY PLANNING.—The Secretary shall—

(1) carry out risk assessments of each major public and private water resources facility in the Columbia River Basin;

(2) establish an aquatic invasive species monitoring program in the Columbia River Basin;

(3) establish a Columbia River Basin watershed-wide plan for expedited response to an infestation of aquatic invasive species; and

(4) monitor water quality, including sediment cores and fish tissue samples, at facilities owned or managed by the Secretary in the Columbia River Basin.

(d) COORDINATION.—In carrying out this section, the Secretary shall consult and coordinate with—

(1) the States described in subsection (a);

(2) Indian tribes; and

(3) other Federal agencies, including—

(A) the Department of Agriculture;

(B) the Department of Energy;

(C) the Department of Homeland Security;

(D) the Department of Commerce; and

(E) the Department of the Interior.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000, of which $5,000,000 may be used to carry out subsection (c).

**SEC. 5008. UPPER MISSOURI BASIN FLOOD AND DROUGHT MONITORING.**

(a) IN GENERAL.—The Secretary, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of the Bureau of Reclamation, shall establish a program to provide for—

(1) soil moisture and snowpack monitoring in the Upper Missouri River Basin to reduce flood risk and improve river and water resource management in the Upper Missouri River Basin, as outlined in the February 2013 report entitled ''Upper Missouri Basin Monitoring Committee—Snow Sampling and Instrumentation Recommendations'';

(2) restoring and maintaining existing mid- and high-elevation snowpack monitoring sites operated under the SNOTEL program of the Natural Resources Conservation Service; and

(3) operating streamflow gages and related interpretive studies in the Upper Missouri River Basin under the cooperative water program and the national streamflow information program of the United States Geological Service.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $11,250,000.

(c) USE OF FUNDS.—Amounts made available to the Secretary under this section shall be used to complement other related activities of Federal agencies that are carried out within the Missouri River Basin.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) identifies progress made by the Secretary and other Federal agencies to implement the recommendations contained in the report described in subsection (a)(1) with respect to enhancing soil moisture and snowpack monitoring in the Upper Missouri Basin; and

(2) includes recommendations to enhance soil moisture and snowpack monitoring in the Upper Missouri Basin.

**SEC. 5009. NORTHERN ROCKIES HEADWATERS EXTREME WEATHER MITIGATION.**

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall establish a program to mitigate the impacts of extreme weather events, such as floods and droughts, on communities, water users, and fish and wildlife located in and along the headwaters of the Columbia, Missouri, and Yellowstone Rivers (including the tributaries of those rivers) in the States of Idaho and Montana by carrying out river, stream, and floodplain protection and restoration projects, including—

(1) floodplain restoration and reconnection;

(2) floodplain and riparian area protection through the use of conservation easements;

(3) instream flow restoration projects;

(4) fish passage improvements;

(5) channel migration zone mapping; and

(6) invasive weed management.

(b) RESTRICTION.—All projects carried out using amounts made available to carry out this section shall emphasize the protection and enhancement of natural riverine processes.

(c) NON-FEDERAL COST SHARE.—The non-Federal share of the costs of carrying out a project under this section shall not exceed 35 percent of the total cost of the project.

(d) COORDINATION.—In carrying out this section, the Secretary—

(1) shall consult and coordinate with the appropriate State natural resource agency in each State; and

(2) may—

(A) delegate any authority or responsibility of the Secretary under this section to those State natural resource agencies; and

(B) provide amounts made available to the Secretary to carry out this section to those State natural resource agencies.

(e) LIMITATIONS.—Nothing in this section invalidates, preempts, or creates any exception to State water law, State water rights, or Federal or State permitted activities or agreements in the States of Idaho and Montana or any State containing tributaries to rivers in those States.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000.

**SEC. 5010. AQUATIC NUISANCE SPECIES PREVENTION, GREAT LAKES AND MISSISSIPPI RIVER BASIN.**

(a) IN GENERAL.—The Secretary is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with any modifications or any emergency measures that the Secretary determines to be appropriate to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

(b) REPORTS.—The Secretary shall report to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives any emergency actions taken pursuant to this section.

## TITLE VI—LEVEE SAFETY

**SEC. 6001. SHORT TITLE.**

This title may be cited as the ''National Levee Safety Program Act''.

**SEC. 6002. FINDINGS; PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) there is a need to establish a national levee safety program to provide national leadership and encourage the establishment of State and tribal levee safety programs;

(2) according to the National Committee on Levee Safety, ''the level of protection and robustness of design and construction of levees vary considerably across the country'';

(3) knowing the location, condition, and ownership of levees, as well as understanding the population and infrastructure at risk in leveed areas, is necessary for identification and prioritization of activities associated with levees;

(4) levees are an important tool for reducing flood risk and should be considered in the context of broader flood risk management efforts;

(5) States and Indian tribes—

(A) are uniquely positioned to oversee, coordinate, and regulate local and regional levee systems; and

(B) should be encouraged to participate in a national levee safety program by establishing individual levee safety programs; and

(6) States, Indian tribes, and local governments that do not invest in protecting the individuals and property located behind levees place those individuals and property at risk.

(b) PURPOSES.—The purposes of this title are—

(1) to promote sound technical practices in levee design, construction, operation, inspection, assessment, security, and maintenance;

(2) to ensure effective public education and awareness of risks involving levees;

(3) to establish and maintain a national levee safety program that emphasizes the protection of human life and property; and

(4) to implement solutions and incentives that encourage the establishment of effective State and tribal levee safety programs.

**SEC. 6003. DEFINITIONS.**

In this title:

(1) BOARD.—The term ''Board'' means the National Levee Safety Advisory Board established under section 6005.

(2) CANAL STRUCTURE.—

(A) IN GENERAL.—The term ''canal structure'' means an embankment, wall, or structure along a canal or manmade watercourse that—

(i) constrains water flows;

(ii) is subject to frequent water loading; and

(iii) is an integral part of a flood risk reduction system that protects the leveed area from flood waters associated with hurricanes, precipitation events, seasonal high water, and other weather-related events.

(B) EXCLUSION.—The term ''canal structure'' does not include a barrier across a watercourse.

(3) FEDERAL AGENCY.—The term ''Federal agency'' means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a levee.

(4) FLOOD DAMAGE REDUCTION SYSTEM.—The term ''flood damage reduction system'' means a system designed and constructed to have appreciable and dependable effects in reducing damage by floodwaters.

(5) FLOOD MITIGATION.—The term ''flood mitigation'' means any structural or nonstructural measure that reduces risks of flood damage by reducing the probability of flooding, the consequences of flooding, or both.

(6) FLOODPLAIN MANAGEMENT.—The term ''floodplain management'' means the operation

*of a community program of corrective and preventative measures for reducing flood damage.*

*(7) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).*

*(8) LEVEE.—*

*(A) IN GENERAL.—The term ''levee'' means a manmade barrier (such as an embankment, floodwall, or other structure)—*

*(i) the primary purpose of which is to provide hurricane, storm, or flood protection relating to seasonal high water, storm surges, precipitation, or other weather events; and*

*(ii) that is normally subject to water loading for only a few days or weeks during a calendar year.*

*(B) INCLUSIONS.—The term ''levee'' includes a levee system, including—*

*(i) levees and canal structures that—*

*(I) constrain water flows;*

*(II) are subject to more frequent water loading; and*

*(III) do not constitute a barrier across a watercourse; and*

*(ii) roadway and railroad embankments, but only to the extent that the embankments are integral to the performance of a flood damage reduction system.*

*(C) EXCLUSIONS.—The term ''levee'' does not include—*

*(i) a roadway or railroad embankment that is not integral to the performance of a flood damage reduction system;*

*(ii) a canal constructed completely within natural ground without any manmade structure (such as an embankment or retaining wall to retain water or a case in which water is retained only by natural ground);*

*(iii) a canal regulated by a Federal or State agency in a manner that ensures that applicable Federal safety criteria are met;*

*(iv) a levee or canal structure—*

*(I) that is not a part of a Federal flood damage reduction system;*

*(II) that is not recognized under the National Flood Insurance Program as providing protection from the 1-percent-annual-chance or greater flood;*

*(III) that is not greater than 3 feet high;*

*(IV) the population in the leveed area of which is less than 50 individuals; and*

*(V) the leveed area of which is less than 1,000 acres; or*

*(v) any shoreline protection or river bank protection system (such as revetments or barrier islands).*

*(9) LEVEE FEATURE.—The term ''levee feature'' means a structure that is critical to the functioning of a levee, including—*

*(A) an embankment section;*

*(B) a floodwall section;*

*(C) a closure structure;*

*(D) a pumping station;*

*(E) an interior drainage work; and*

*(F) a flood damage reduction channel.*

*(10) LEVEE SAFETY GUIDELINES.—The term ''levee safety guidelines'' means the guidelines established by the Secretary under section 6004(c)(1).*

*(11) LEVEE SEGMENT.—The term ''levee segment'' means a discrete portion of a levee system that is owned, operated, and maintained by a single entity or discrete set of entities.*

*(12) LEVEE SYSTEM.—The term ''levee system'' means 1 or more levee segments, including all levee features that are interconnected and necessary to ensure protection of the associated leveed areas—*

*(A) that collectively provide flood damage reduction to a defined area; and*

*(B) the failure of 1 of which may result in the failure of the entire system.*

*(13) LEVEED AREA.—The term ''leveed area'' means the land from which flood water in the adjacent watercourse is excluded by the levee system.*

*(14) NATIONAL LEVEE DATABASE.—The term ''national levee database'' means the levee database established under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303).*

*(15) PARTICIPATING PROGRAM.—The term ''participating program'' means a levee safety program developed by a State or Indian tribe that includes the minimum components necessary for recognition by the Secretary.*

*(16) REHABILITATION.—The term ''rehabilitation'' means the repair, replacement, reconstruction, or removal of a levee that is carried out to meet national levee safety guidelines.*

*(17) RISK.—The term ''risk'' means a measure of the probability and severity of undesirable consequences.*

*(18) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.*

*(19) STATE.—The term ''State'' means—*

*(A) each of the several States of the United States;*

*(B) the District of Columbia;*

*(C) the Commonwealth of Puerto Rico;*

*(D) Guam;*

*(E) American Samoa;*

*(F) the Commonwealth of the Northern Mariana Islands;*

*(G) the Federated States of Micronesia;*

*(H) the Republic of the Marshall Islands;*

*(I) the Republic of Palau; and*

*(J) the United States Virgin Islands.*

***SEC. 6004. NATIONAL LEVEE SAFETY PROGRAM.***

*(a) ESTABLISHMENT.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish a national levee safety program to provide national leadership and consistent approaches to levee safety, including—*

*(1) a national levee database;*

*(2) an inventory and inspection of Federal and non-Federal levees;*

*(3) national levee safety guidelines;*

*(4) a hazard potential classification system for Federal and non-Federal levees;*

*(5) research and development;*

*(6) a national public education and awareness program, with an emphasis on communication regarding the residual risk to communities protected by levees and levee systems;*

*(7) coordination of levee safety, floodplain management, and environmental protection activities;*

*(8) development of State and tribal levee safety programs; and*

*(9) the provision of technical assistance and materials to States and Indian tribes relating to—*

*(A) developing levee safety programs;*

*(B) identifying and reducing flood risks associated with residual risk to communities protected by levees and levee systems;*

*(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and*

*(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.*

*(b) MANAGEMENT.—*

*(1) IN GENERAL.—The Secretary shall appoint—*

*(A) an administrator of the national levee safety program; and*

*(B) such staff as is necessary to implement the program.*

*(2) ADMINISTRATOR.—The sole duty of the administrator appointed under paragraph (1)(A) shall be the management of the national levee safety program.*

*(c) LEVEE SAFETY GUIDELINES.—*

*(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with State and local governments and organizations with expertise in levee safety, shall establish a set of voluntary, comprehensive, national levee safety guidelines that—*

*(A) are available for common, uniform use by all Federal, State, tribal, and local agencies;*

*(B) incorporate policies, procedures, standards, and criteria for a range of levee types, canal structures, and related facilities and features; and*

*(C) provide for adaptation to local, regional, or watershed conditions.*

*(2) REQUIREMENT.—The policies, procedures, standards, and criteria under paragraph (1)(B) shall be developed taking into consideration the levee hazard potential classification system established under subsection (d).*

*(3) ADOPTION BY FEDERAL AGENCIES.—All Federal agencies shall consider the levee safety guidelines in activities relating to the management of levees.*

*(4) PUBLIC COMMENT.—Prior to finalizing the guidelines under this subsection, the Secretary shall—*

*(A) issue draft guidelines for public comment; and*

*(B) consider any comments received in the development of final guidelines.*

*(d) HAZARD POTENTIAL CLASSIFICATION SYSTEM.—*

*(1) ESTABLISHMENT.—The Secretary shall establish a hazard potential classification system for use under the national levee safety program and participating programs.*

*(2) REVISION.—The Secretary shall review and, as necessary, revise the hazard potential classification system not less frequently than once every 5 years.*

*(3) CONSISTENCY.—The hazard potential classification system established pursuant to this subsection shall be consistent with and incorporated into the levee safety action classification tool developed by the Corps of Engineers.*

*(e) TECHNICAL ASSISTANCE AND MATERIALS.—*

*(1) ESTABLISHMENT.—The Secretary, in coordination with the Board, shall establish a national levee safety technical assistance and training program to develop and deliver technical support and technical assistance materials, curricula, and training in order to promote levee safety and assist States, communities, and levee owners in—*

*(A) developing levee safety programs;*

*(B) identifying and reducing flood risks associated with levees;*

*(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and*

*(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.*

*(2) USE OF SERVICES.—In establishing the national levee safety training program under paragraph (1), the Secretary may use the services of—*

*(A) the Corps of Engineers;*

*(B) the Federal Emergency Management Agency;*

*(C) the Bureau of Reclamation; and*

*(D) other appropriate Federal agencies, as determined by the Secretary.*

*(f) COMPREHENSIVE NATIONAL PUBLIC EDUCATION AND AWARENESS CAMPAIGN.—*

*(1) ESTABLISHMENT.—The Secretary, in coordination with the Administrator of the Federal Emergency Management Agency and the Board, shall establish a national public education and awareness campaign relating to the national levee safety program.*

*(2) PURPOSES.—The purposes of the campaign under paragraph (1) are—*

*(A) to educate individuals living in leveed areas regarding the risks of living in those areas;*

*(B) to promote consistency in the transmission of information regarding levees among government agencies; and*

*(C) to provide national leadership regarding risk communication for implementation at the State and local levels.*

*(g) COORDINATION OF LEVEE SAFETY, FLOODPLAIN MANAGEMENT, AND ENVIRONMENTAL CONCERNS.—The Secretary, in coordination with the Board, shall evaluate opportunities to coordinate—*

(1) public safety, floodplain management, and environmental protection activities relating to levees; and

(2) environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws.

(h) LEVEE INSPECTION.—

(1) IN GENERAL.—The Secretary shall carry out a one-time inventory and inspection of all levees identified in the national levee database.

(2) NO FEDERAL INTEREST.—The inventory and inspection under paragraph (1) does not create a Federal interest in the construction, operation, or maintenance any levee that is included in the inventory or inspected under this subsection.

(3) INSPECTION CRITERIA.—In carrying out the inventory and inspection, the Secretary shall use the levee safety action classification criteria to determine whether a levee should be classified in the inventory as requiring a more comprehensive inspection.

(4) STATE AND TRIBAL PARTICIPATION.—At the request of a State or Indian tribe with respect to any levee subject to inspection under this subsection, the Secretary shall—

(A) allow an official of the State or Indian tribe to participate in the inspection of the levee; and

(B) provide information to the State or Indian tribe relating to the location, construction, operation, or maintenance of the levee.

(5) EXCEPTIONS.—In carrying out the inventory and inspection under this subsection, the Secretary shall not be required to inspect any levee that has been inspected by a State or Indian tribe using the same methodology described in paragraph (3) during the 1-year period immediately preceding the date of enactment of this Act if the Governor of the State or tribal government, as applicable, requests an exemption from the inspection.

(i) STATE AND TRIBAL LEVEE SAFETY PROGRAM.—

(1) GUIDELINES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in coordination with the Board, the Secretary shall issue guidelines that establish the minimum components necessary for recognition of a State or tribal levee safety program as a participating program.

(B) GUIDELINE CONTENTS.—The guidelines under subparagraph (A) shall include provisions and procedures requiring each participating State and Indian tribe to certify to the Secretary that the State or Indian tribe, as applicable—

(i) has the authority to participate in the national levee safety program;

(ii) can receive funds under this title;

(iii) has adopted any national levee safety guidelines developed under this title;

(iv) will carry out levee inspections;

(v) will carry out, consistent with applicable requirements, flood risk management and any emergency action planning procedures the Secretary determines to be necessary relating to levees;

(vi) will carry out public education and awareness activities consistent with the national public education and awareness campaign established under subsection (f); and

(vii) will collect and share information regarding the location and condition of levees.

(C) PUBLIC COMMENT.—Prior to finalizing the guidelines under this paragraph, the Secretary shall—

(i) issue draft guidelines for public comment; and

(ii) consider any comments received in the development of final guidelines.

(2) GRANT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall provide grants to assist States and Indian tribes in establishing participating programs, conducting levee inventories, and carrying out this title.

(B) REQUIREMENTS.—To be eligible to receive grants under this section, a State or Indian tribe shall—

(i) meet the requirements of a participating program established by the guidelines issued under paragraph (1);

(ii) use not less than 25 percent of any amounts received to identify and assess non-Federal levees within the State or on land of the Indian tribe;

(iii) submit to the Secretary any information collected by the State or Indian tribe in carrying out this subsection for inclusion in the national levee safety database; and

(iv) identify actions to address hazard mitigation activities associated with levees and leveed areas identified in the hazard mitigation plan of the State approved by the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(j) LEVEE REHABILITATION ASSISTANCE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall provide assistance to States, Indian tribes, and local governments in addressing flood mitigation activities that result in an overall reduction in flood risk.

(2) REQUIREMENTS.—To be eligible to receive assistance under this subsection, a State, Indian tribe, or local government shall—

(A) participate in, and comply with, all applicable Federal floodplain management and flood insurance programs;

(B) have in place a hazard mitigation plan that—

(i) includes all levee risks; and

(ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552);

(C) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

(D) comply with such minimum eligibility requirements as the Secretary, in consultation with the Board, may establish to ensure that each owner and operator of a levee under a participating State or tribal levee safety program—

(i) acts in accordance with the guidelines developed in subsection (c); and

(ii) carries out activities relating to the public in the leveed area in accordance with the hazard mitigation plan described in subparagraph (B).

(3) FLOODPLAIN MANAGEMENT PLANS.—

(A) IN GENERAL.—Not later than 1 year after the date of execution of a project agreement for assistance under this subsection, a State, Indian tribe, or local government shall prepare a floodplain management plan in accordance with the guidelines under subparagraph (D) to reduce the impacts of future flood events in each applicable leveed area.

(B) INCLUSIONS.—A plan under subparagraph (A) shall address potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in each applicable leveed area.

(C) IMPLEMENTATION.—Not later than 1 year after the date of completion of construction of the applicable project, a floodplain management plan prepared under subparagraph (A) shall be implemented.

(D) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop such guidelines for the preparation of floodplain management plans prepared under this paragraph as the Secretary determines to be appropriate.

(E) TECHNICAL SUPPORT.—The Secretary may provide technical support for the development and implementation of floodplain management plans prepared under this paragraph.

(4) USE OF FUNDS.—

(A) IN GENERAL.—Assistance provided under this subsection may be used—

(i) for any rehabilitation activity to maximize overall risk reduction associated with a levee under a participating State or tribal levee safety program; and

(ii) only for a levee that is not federally operated and maintained.

(B) PROHIBITION.—Assistance provided under this subsection shall not be used—

(i) to perform routine operation or maintenance for a levee; or

(ii) to make any modification to a levee that does not result in an improvement to public safety.

(5) NO PROPRIETARY INTEREST.—A contract for assistance provided under this subsection shall not be considered to confer any proprietary interest on the United States.

(6) COST-SHARE.—The maximum Federal share of the cost of any assistance provided under this subsection shall be 65 percent.

(7) PROJECT LIMIT.—The maximum amount of Federal assistance for a project under this subsection shall be $10,000,000.

(8) OTHER LAWS.—Assistance provided under this subsection shall be subject to all applicable laws (including regulations) that apply to the construction of a civil works project of the Corps of Engineers.

(k) EFFECT OF SECTION.—Nothing in this section—

(1) affects the requirement under section 100226(b)(2) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942); or

(2) confers any regulatory authority on—

(A) the Secretary; or

(B) the Director of the Federal Emergency Management Agency, including for the purpose of setting premium rates under the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

**SEC. 6005. NATIONAL LEVEE SAFETY ADVISORY BOARD.**

(a) ESTABLISHMENT.—The Secretary, in coordination with the Administrator of the Federal Emergency Management Agency, shall establish a board, to be known as the ''National Levee Safety Advisory Board''—

(1) to advise the Secretary and Congress regarding consistent approaches to levee safety;

(2) to monitor the safety of levees in the United States;

(3) to assess the effectiveness of the national levee safety program; and

(4) to ensure that the national levee safety program is carried out in a manner that is consistent with other Federal flood risk management efforts.

(b) MEMBERSHIP.—

(1) VOTING MEMBERS.—The Board shall be composed of the following 14 voting members, each of whom shall be appointed by the Secretary, with priority consideration given to representatives from those States that have the most Corps of Engineers levees in the State, based on mileage:

(A) 8 representatives of State levee safety programs, 1 from each of the civil works divisions of the Corps of Engineers.

(B) 2 representatives of the private sector who have expertise in levee safety.

(C) 2 representatives of local and regional governmental agencies who have expertise in levee safety.

(D) 2 representatives of Indian tribes who have expertise in levee safety.

(2) NONVOTING MEMBERS.—The Secretary (or a designee of the Secretary), the Administrator of the Federal Emergency Management Agency (or a designee of the Administrator), and the administrator of the national levee safety program appointed under section 6004(b)(1)(A) shall serve as nonvoting members of the Board.

(3) CHAIRPERSON.—The voting members of the Board shall appoint a chairperson from among the voting members of the Board, to serve a term of not more than 2 years.

(c) QUALIFICATIONS.—

(1) INDIVIDUALS.—Each voting member of the Board shall be knowledgeable in the field of

*levee safety, including water resources and flood risk management.*

*(2) AS A WHOLE.—The membership of the Board, considered as a whole, shall represent the diversity of skills required to advise the Secretary regarding levee issues relating to—*

*(A) engineering;*

*(B) public communications;*

*(C) program development and oversight;*

*(D) with respect to levees, flood risk management and hazard mitigation; and*

*(E) public safety and the environment.*

*(d) TERMS OF SERVICE.—*

*(1) IN GENERAL.—A voting member of the Board shall be appointed for a term of 3 years, except that, of the members first appointed—*

*(A) 5 shall be appointed for a term of 1 year;*

*(B) 5 shall be appointed for a term of 2 years; and*

*(C) 4 shall be appointed for a term of 3 years.*

*(2) REAPPOINTMENT.—A voting member of the Board may be reappointed to the Board, as the Secretary determines to be appropriate.*

*(3) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the original appointment was made.*

*(e) STANDING COMMITTEES.—*

*(1) IN GENERAL.—The Board shall be supported by Standing Committees, which shall be comprised of volunteers from all levels of government and the private sector, to advise the Board regarding the national levee safety program.*

*(2) ESTABLISHMENT.—The Standing Committees of the Board shall include—*

*(A) the Standing Committee on Participating Programs, which shall advise the Board regarding—*

*(i) the development and implementation of State and tribal levee safety programs; and*

*(ii) appropriate incentives (including financial assistance) to be provided to States, Indian tribes, and local and regional entities;*

*(B) the Standing Committee on Technical Issues, which shall advise the Board regarding—*

*(i) the management of the national levee database;*

*(ii) the development and maintenance of levee safety guidelines;*

*(iii) processes and materials for developing levee-related technical assistance and training; and*

*(iv) research and development activities relating to levee safety;*

*(C) the Standing Committee on Public Education and Awareness, which shall advise the Board regarding the development, implementation, and evaluation of targeted public outreach programs—*

*(i) to gather public input;*

*(ii) to educate and raise awareness in leveed areas of levee risks;*

*(iii) to communicate information regarding participating programs; and*

*(iv) to track the effectiveness of public education efforts relating to levee risks;*

*(D) the Standing Committee on Safety and Environment, which shall advise the Board regarding—*

*(i) operation and maintenance activities for existing levee projects;*

*(ii) opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees;*

*(iii) opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and*

*(iv) opportunities for collaboration by environmental protection and public safety interests in leveed areas and adjacent areas; and*

*(E) such other standing committees as the Secretary, in consultation with the Board, determines to be necessary.*

*(3) MEMBERSHIP.—*

*(A) IN GENERAL.—The Board shall recommend to the Secretary for approval individuals for membership on the Standing Committees.*

*(B) QUALIFICATIONS.—*

*(i) INDIVIDUALS.—Each member of a Standing Committee shall be knowledgeable in the issue areas for which the Committee is charged with advising the Board.*

*(ii) AS A WHOLE.—The membership of each Standing Committee, considered as a whole, shall represent, to the maximum extent practicable, broad geographical diversity.*

*(C) LIMITATION.—Each Standing Committee shall be comprised of not more than 10 members.*

*(f) DUTIES AND POWERS.—The Board—*

*(1) shall submit to the Secretary and Congress an annual report regarding the effectiveness of the national levee safety program in accordance with section 6007; and*

*(2) may secure from other Federal agencies such services, and enter into such contracts, as the Board determines to be necessary to carry out this subsection.*

*(g) TASK FORCE COORDINATION.—The Board shall, to the maximum extent practicable, coordinate the activities of the Board with the Federal Interagency Floodplain Management Task Force.*

*(h) COMPENSATION.—*

*(1) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.*

*(2) NON-FEDERAL EMPLOYEES.—To the extent amounts are made available to carry out this section in appropriations Acts, the Secretary shall provide to each member of the Board who is not an officer or employee of the United States a stipend and a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Board.*

*(3) STANDING COMMITTEE MEMBERS.—Each member of a Standing Committee shall—*

*(A) serve in a voluntary capacity; but*

*(B) receive a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Board.*

*(i) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or the Standing Committees.*

***SEC. 6006. INVENTORY AND INSPECTION OF LEVEES.***

*Section 9004(a)(2)(A) of the Water Resources Development Act of 2007 (33 U.S.C. 3303(a)(2)(A)) is amended by striking ''and, for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies'' and inserting ''and updated levee information provided by States, Indian tribes, Federal agencies, and other entities''.*

***SEC. 6007. REPORTS.***

*(a) STATE OF LEVEES.—*

*(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Secretary in coordination with the Board, shall submit to Congress a report describing the state of levees in the United States and the effectiveness of the national levee safety program, including—*

*(A) progress achieved in implementing the national levee safety program;*

*(B) State and tribal participation in the national levee safety program;*

*(C) recommendations to improve coordination of levee safety, floodplain management, and environmental protection concerns, including—*

*(i) identifying and evaluating opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees; and*

*(ii) evaluating opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and*

*(D) any recommendations for legislation and other congressional actions necessary to ensure national levee safety.*

*(2) INCLUSION.—Each report under paragraph (1) shall include a report of the Board that describes the independent recommendations of the Board for the implementation of the national levee safety program.*

*(b) NATIONAL DAM AND LEVEE SAFETY PROGRAM.—Not later than 3 years after the date of enactment of this Act, to the maximum extent practicable, the Secretary, in coordination with the Board, shall submit to Congress a report that includes recommendations regarding the advisability and feasibility of, and potential approaches for, establishing a joint national dam and levee safety program.*

*(c) ALIGNMENT OF FEDERAL PROGRAMS RELATING TO LEVEES.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on opportunities for alignment of Federal programs to provide incentives to State, tribal, and local governments and individuals and entities—*

*(1) to promote shared responsibility for levee safety;*

*(2) to encourage the development of strong State and tribal levee safety programs;*

*(3) to better align the national levee safety program with other Federal flood risk management programs; and*

*(4) to promote increased levee safety through other Federal programs providing assistance to State and local governments.*

*(d) LIABILITY FOR CERTAIN LEVEE ENGINEERING PROJECTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes recommendations that identify and address any legal liability associated with levee engineering projects that prevent—*

*(1) levee owners from obtaining needed levee engineering services; or*

*(2) development and implementation of a State or tribal levee safety program.*

***SEC. 6008. EFFECT OF TITLE.***

*Nothing in this title—*

*(1) establishes any liability of the United States or any officer or employee of the United States (including the Board and the Standing Committees of the Board) for any damages caused by any action or failure to act; or*

*(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability incident to the ownership or operation of the levee.*

***SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated to the Secretary to carry out this title—*

*(1) for funding the administration and staff of the national levee safety program, the Board, the Standing Committees of the Board, and participating programs, $5,000,000 for each of fiscal years 2014 through 2023;*

*(2) for technical programs, including the development of levee safety guidelines, publications, training, and technical assistance—*

*(A) $5,000,000 for each of fiscal years 2014 through 2018;*

*(B) $7,500,000 for each of fiscal years 2019 and 2020; and*

*(C) $10,000,000 for each of fiscal years 2021 through 2023;*

*(3) for public involvement and education programs, $3,000,000 for each of fiscal years 2014 through 2023;*

*(4) to carry out the levee inventory and inspections under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303), $30,000,000 for each of fiscal years 2014 through 2018;*

*(5) for grants to State and tribal levee safety programs, $300,000,000 for fiscal years 2014 through 2023; and*

*(6) for levee rehabilitation assistance grants, $300,000,000 for fiscal years 2014 through 2023.*

***TITLE VII—INLAND WATERWAYS***

***SEC. 7001. PURPOSES.***

*The purposes of this title are—*

*(1) to improve program and project management relating to the construction and major rehabilitation of navigation projects on inland waterways;*

*(2) to optimize inland waterways navigation system reliability;*

*(3) to minimize the size and scope of inland waterways navigation project completion schedules;*

*(4) to eliminate preventable delays in inland waterways navigation project completion schedules; and*

*(5) to make inland waterways navigation capital investments through the use of prioritization criteria that seek to maximize systemwide benefits and minimize overall system risk.*

***SEC. 7002. DEFINITIONS.***

*In this title:*

*(1) INLAND WATERWAYS TRUST FUND.—The term ''Inland Waterways Trust Fund'' means the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.*

*(2) QUALIFYING PROJECT.—The term ''qualifying project'' means any construction or major rehabilitation project for navigation infrastructure of the inland and intracoastal waterways that is—*

*(A) authorized before, on, or after the date of enactment of this Act;*

*(B) not completed on the date of enactment of this Act; and*

*(C) funded at least in part from the Inland Waterways Trust Fund.*

*(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.*

***SEC. 7003. PROJECT DELIVERY PROCESS REFORMS.***

*(a) REQUIREMENTS FOR QUALIFYING PROJECTS.—With respect to each qualifying project, the Secretary shall require—*

*(1) formal project management training and certification for each project manager;*

*(2) assignment as project manager only of personnel fully certified by the Chief of Engineers; and*

*(3) for an applicable cost estimation, that—*

*(A) the estimation—*

*(i) is risk-based; and*

*(ii) has a confidence level of at least 80 percent; and*

*(B) a risk-based cost estimate shall be implemented—*

*(i) for a qualified project that requires an increase in the authorized amount in accordance with section 902 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4183), during the preparation of a post-authorization change report or other similar decision document;*

*(ii) for a qualified project for which the first construction contract has not been awarded, prior to the award of the first construction contract;*

*(iii) for a qualified project without a completed Chief of Engineers report, prior to the completion of such a report; and*

*(iv) for a qualified project with a completed Chief of Engineers report that has not yet been authorized, during design for the qualified project.*

*(b) ADDITIONAL PROJECT DELIVERY PROCESS REFORMS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—*

*(1) establish a system to identify and apply on a continuing basis lessons learned from prior or ongoing qualifying projects to improve the likelihood of on-time and on-budget completion of qualifying projects;*

*(2) evaluate early contractor involvement acquisition procedures to improve on-time and on-budget project delivery performance; and*

*(3) implement any additional measures that the Secretary determines will achieve the purposes of this title and the amendments made by this title, including, as the Secretary determines to be appropriate—*

*(A) the implementation of applicable practices and procedures developed pursuant to management by the Secretary of an applicable military construction program;*

*(B) the establishment of 1 or more centers of expertise for the design and review of qualifying projects;*

*(C) the development and use of a portfolio of standard designs for inland navigation locks;*

*(D) the use of full-funding contracts or formulation of a revised continuing contracts clause; and*

*(E) the establishment of procedures for recommending new project construction starts using a capital projects business model.*

*(c) PILOT PROJECTS.—*

*(1) IN GENERAL.—Subject to paragraph (2), the Secretary may carry out 1 or more pilot projects to evaluate processes or procedures for the study, design, or construction of qualifying projects.*

*(2) INCLUSIONS.—At a minimum, the Secretary shall carry out pilot projects under this subsection to evaluate—*

*(A) early contractor involvement in the development of features and components;*

*(B) an appropriate use of continuing contracts for the construction of features and components; and*

*(C) applicable principles, procedures, and processes used for military construction projects.*

*(d) INLAND WATERWAYS USER BOARD.—Section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251) is amended—*

*(1) by striking subsection (b) and inserting the following:*

*''(b) DUTIES OF USERS BOARD.—*

*''(1) IN GENERAL.—The Users Board shall meet not less frequently than semiannually to develop and make recommendations to the Secretary and Congress regarding the inland waterways and inland harbors of the United States.*

*''(2) ADVICE AND RECOMMENDATIONS.—For commercial navigation features and components of the inland waterways and inland harbors of the United States, the Users Board shall provide—*

*''(A) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary regarding construction and rehabilitation priorities and spending levels;*

*''(B) advice and recommendations to Congress regarding any report of the Chief of Engineers relating to those features and components;*

*''(C) advice and recommendations to Congress regarding an increase in the authorized cost of those features and components;*

*''(D) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding construction and rehabilitation priorities and spending levels; and*

*''(E) a long-term capital investment program in accordance with subsection (d).*

*''(3) PROJECT DEVELOPMENT TEAMS.—The chairperson of the Users Board shall appoint a representative of the Users Board to serve on the project development team for a qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.*

*''(4) INDEPENDENT JUDGMENT.—Any advice or recommendation made by the Users Board to the Secretary shall reflect the independent judgment of the Users Board.'';*

*(2) by redesignating subsection (c) as subsection (f); and*

*(3) by inserting after subsection (b) the following:*

*''(c) DUTIES OF SECRETARY.—The Secretary shall—*

*''(1) communicate not less than once each quarter to the Users Board the status of the study, design, or construction of all commercial navigation features or components of the inland waterways or inland harbors of the United States; and*

*''(2) submit to the Users Board a courtesy copy of all reports of the Chief of Engineers relating to a commercial navigation feature or component of the inland waterways or inland harbors of the United States.*

*''(d) CAPITAL INVESTMENT PROGRAM.—*

*''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Users Board, shall develop, and submit to Congress a report describing, a 20-year program for making capital investments on the inland and intracoastal waterways, based on the application of objective, national project selection prioritization criteria.*

*''(2) CONSIDERATION.—In developing the program under paragraph (1), the Secretary shall take into consideration the 20-year capital investment strategy contained in the Inland Marine Transportation System (IMTS) Capital Projects Business Model, Final Report published on April 13, 2010, as approved by the Users Board.*

*''(3) CRITERIA.—In developing the plan and prioritization criteria under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that investments made under the 20-year program described in paragraph (1)—*

*''(A) are made in all geographical areas of the inland waterways system; and*

*''(B) ensure efficient funding of inland waterways projects.*

*''(4) STRATEGIC REVIEW AND UPDATE.—Not later than 5 years after the date of enactment of this subsection, and not less frequently than once every 5 years thereafter, the Secretary, in conjunction with the Users Board, shall—*

*''(A) submit to Congress a strategic review of the 20-year program in effect under this subsection, which shall identify and explain any changes to the project-specific recommendations contained in the previous 20-year program (including any changes to the prioritization criteria used to develop the updated recommendations); and*

*''(B) make such revisions to the program as the Secretary and Users Board jointly consider to be appropriate.*

*''(e) PROJECT MANAGEMENT PLANS.—The chairperson of the Users Board and the project development team member appointed by the chairperson under subsection (b)(3) shall sign the project management plan for the qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.''.*

***SEC. 7004. MAJOR REHABILITATION STANDARDS.***

*(a) IN GENERAL.—The Secretary shall develop a methodology for applying standard accounting principles when classifying activities as major rehabilitation projects.*

*(b) EVALUATIONS.—The Secretary shall evaluate the effect of applying the methodology developed under subsection (a) to not less than 3 qualifying projects.*

*(c) REPORT.—The Secretary shall submit to Congress a report on the evaluation under subsection (b).*

***SEC. 7005. INLAND WATERWAYS SYSTEM REVENUES.***

*(a) FINDINGS.—Congress finds that—*

(1) there are approximately 12,000 miles of Federal waterways, known as the inland waterways system, that are supported by user fees and managed by the Corps of Engineers;

(2) the inland waterways system spans 38 States and handles approximately one-half of all inland waterway freight;

(3) according to the final report of the Inland Marine Transportation System Capital Projects Business Model, freight traffic on the Federal fuel-taxed inland waterways system accounts for 546,000,000 tons of freight each year;

(4) expenditures for construction and major rehabilitation projects on the inland waterways system are equally cost-shared between the Federal Government and the Inland Waterways Trust Fund;

(5) the Inland Waterways Trust Fund is financed through a fee of $0.20 per gallon on fuel used by commercial barges;

(6) the balance of the Inland Waterways Trust Fund has declined significantly in recent years;

(7) according to the final report of the Inland Marine Transportation System Capital Projects Business Model, the estimated financial need for construction and major rehabilitation projects on the inland waterways system for fiscal years 2011 through 2030 is approximately $18,000,000,000; and

(8) users of the inland waterways system are supportive of an increase in the existing revenue sources for inland waterways system construction and major rehabilitation activities to expedite the most critical of those construction and major rehabilitation projects.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the existing revenue sources for inland waterways system construction and rehabilitation activities are insufficient to cover the costs of non-Federal interests of construction and major rehabilitation projects on the inland waterways system; and

(2) the issue described in paragraph (1) should be addressed.

**SEC. 7006. EFFICIENCY OF REVENUE COLLECTION.**

Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare a report on the efficiency of collecting the fuel tax for the Inland Waterways Trust Fund, which shall include—

(1) an evaluation of whether current methods of collection of the fuel tax result in full compliance with requirements of the law;

(2) whether alternative methods of collection would result in increased revenues into the Inland Waterways Trust Fund; and

(3) an evaluation of alternative collection options.

## TITLE VIII—HARBOR MAINTENANCE

**SEC. 8001. SHORT TITLE.**

This title may be cited as the ''Harbor Maintenance Trust Fund Act of 2013''.

**SEC. 8002. PURPOSES.**

The purposes of this title are—

(1) to ensure that revenues collected into the Harbor Maintenance Trust Fund are used for the intended purposes of those revenues;

(2) to increase investment in the operation and maintenance of United States ports, which are critical for the economic competitiveness of the United States;

(3) to promote equity among ports nationwide; and

(4) to ensure United States ports are prepared to meet modern shipping needs, including the capability to receive large ships that require deeper drafts.

**SEC. 8003. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.**

(a) HARBOR MAINTENANCE TRUST FUND GUARANTEE.—

(1) IN GENERAL.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year. Such amounts may be used only for harbor maintenance programs described in section 9505(c) of such Code.

(2) GUARANTEE.—No funds may be appropriated for harbor maintenance programs described in such section unless the amount described in paragraph (1) has been provided.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) TOTAL BUDGET RESOURCES.—The term ''total budget resources'' means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term ''level of receipts plus interest'' means the level of taxes and interest credited to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177; 99 Stat. 1092) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(c) ENFORCEMENT OF GUARANTEES.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for harbor maintenance programs described in subsection (b)(1) for such fiscal year to be less than the amount required by subsection (a)(1) for such fiscal year.

**SEC. 8004. HARBOR MAINTENANCE TRUST FUND PRIORITIZATION.**

(a) IN GENERAL.—Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended by adding at the end the following:

''(c) PRIORITIZATION.—

''(1) IN GENERAL.—Of the amounts made available under this section to carry out projects described in subsection (a)(2), the Secretary of the Army, acting through the Chief of Engineers, shall give priority to those projects in the following order:

''(A) In any fiscal year in which all projects subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or successor regulation) are not maintained to their authorized width and depth, the Secretary shall prioritize amounts made available under this section for those projects that are high-use deep draft.

''(B) In any fiscal year in which the projects described in subparagraph (A) are maintained to their constructed width and depth as of the date of enactment of the Water Resources Development Act of 2013, the Secretary shall prioritize not more than 20 percent of remaining amounts made available under this section for projects—

''(i) that have been maintained at less than their authorized width and depth during the preceding 5 fiscal years; and

''(ii) for which significant State and local investments in infrastructure have been made at those projects.

''(2) ADMINISTRATION.—For purposes of this subsection, State and local investments in infrastructure shall include infrastructure investments made using amounts made available for activities under section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)).

''(3) APPLICATION.—The prioritization criteria under paragraph (1) shall not be implemented in any fiscal year in which the guarantee in section 8003 of the Water Resources Development Act of 2013 is not fully enforced.''.

(b) OPERATION AND MAINTENANCE.—Section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)) is amended—

(1) in paragraph (1), by striking ''45 feet'' and inserting ''50 feet''; and

(2) by adding at the end the following:

''(3) OPERATION AND MAINTENANCE ACTIVITIES DEFINED.—

''(A) SCOPE OF OPERATION AND MAINTENANCE ACTIVITIES.—Notwithstanding any other provision of law (including regulations and guidelines) and subject to subparagraph (B), for purposes of this subsection, operation and maintenance activities that are eligible for the Federal cost share under paragraph (1) shall include—

''(i) the dredging of berths in a harbor that is accessible to a Federal channel, if the Federal channel has been constructed to a depth equal to the authorized depth of the channel; and

''(ii) the dredging and disposal of legacy-contaminated sediments and sediments unsuitable for ocean disposal that—

''(I) are located in or affect the maintenance of Federal navigation channels; or

''(II) are located in berths that are accessible to Federal channels.

''(B) LIMITATIONS.—

''(i) IN GENERAL.—For each fiscal year, subparagraph (A) shall only apply if all operation and maintenance activities that are eligible for the Federal cost share under paragraph (1) in a State described in clause (ii) have been funded.

''(ii) STATE LIMITATION.—For each fiscal year, the operation and maintenance activities described in subparagraph (A) may only be carried out in a State—

''(I) in which the total amounts collected pursuant to section 4461 of the Internal Revenue Code of 1986 comprise not less than 2.5 percent annually of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986; and

''(II) that received less than 50 percent of the total amounts collected in that State pursuant to section 4461 of the Internal Revenue Code of 1986 in the previous 3 fiscal years.

''(iii) PRIORITIZATION.—In allocating amounts made available under this paragraph, the Secretary shall give priority to projects that have received the lowest rate of funding from the Harbor Maintenance Trust fund in the previous 3 fiscal years.''.

(c) CONFORMING AMENDMENT.—Section 9505(c)(1) of the Internal Revenue Code of 1986 is amended by striking ''as in effect on the date of the enactment of the Water Resources Development Act of 1996'' and inserting ''as in effect on the date of the enactment of the Harbor Maintenance Trust Fund Act of 2013''.

**SEC. 8005. CIVIL WORKS PROGRAM OF THE CORPS OF ENGINEERS.**

(a) POINT OF ORDER.—

(1) IN GENERAL.—Subject to subsections (b) and (c), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would result in making the amounts made available for a given fiscal year to carry out all programs, projects, and activities of the civil works program of the Corps of Engineers other than the harbor maintenance programs to be less than the amounts made available for those purposes in the previous fiscal year.

(2) CALCULATION OF AMOUNTS.—For each fiscal year, the amounts made available to carry out all programs, projects, and activities of the civil works program of the Corps of Engineers shall not include any amounts that are designated by Congress—

(A) as being for emergency requirements pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); or

(B) as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)).

(b) EXCEPTIONS.—Subsection (a) shall not apply if amounts made available for the civil

works program of the Corps of Engineers for a fiscal year is less than the amounts made available for the civil works program in the previous fiscal year if the reduction in amounts made available—

(1) applies to all discretionary funds and programs of the Federal Government; and

(2) is applied to the civil works program in the same percentage and manner as other discretionary funds and programs.

(c) WAIVER AND APPEAL.—

(1) SENATE.—

(A) IN GENERAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn.

(B) APPEAL.—An affirmative vote of 3/5 of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(2) HOUSE OF REPRESENTATIVES.—The Committee on Rules of the House of Representatives may not report a rule or order that would waive a point of order to a bill or joint resolution from being made under subsection (a).

## TITLE IX—DAM SAFETY

**SEC. 9001. SHORT TITLE.**

This title may be cited as the ''Dam Safety Act of 2013''.

**SEC. 9002. PURPOSE.**

The purpose of this title and the amendments made by this title is to reduce the risks to life and property from dam failure in the United States through the reauthorization of an effective national dam safety program that brings together the expertise and resources of the Federal Government and non-Federal interests in achieving national dam safety hazard reduction.

**SEC. 9003. ADMINISTRATOR.**

(a) IN GENERAL.—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Administrator''.

(b) CONFORMING AMENDMENT.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.''.

**SEC. 9004. INSPECTION OF DAMS.**

Section 3(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467a(b)(1)) is amended by striking ''or maintenance'' and inserting ''maintenance, condition, or provisions for emergency operations''.

**SEC. 9005. NATIONAL DAM SAFETY PROGRAM.**

(a) OBJECTIVES.—Section 8(c) of the National Dam Safety Program Act (33 U.S.C. 467f(c)) is amended by striking paragraph (4) and inserting the following:

''(4) develop and implement a comprehensive dam safety hazard education and public awareness program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents;''.

(b) BOARD.—Section 8(f)(4) of the National Dam Safety Program Act (33 U.S.C. 467f(f)(4)) is amended by inserting '', representatives from nongovernmental organizations,'' after ''State agencies''.

**SEC. 9006. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.**

The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended—

(1) by redesignating sections 11, 12, and 13 as sections 12, 13, and 14, respectively; and

(2) by inserting after section 10 (33 U.S.C. 467g–1) the following:

**''SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.**

''The Administrator, in consultation with other Federal agencies, State and local governments, dam owners, the emergency management community, the private sector, nongovernmental organizations and associations, institutions of higher education, and any other appropriate entities shall carry out a nationwide public awareness and outreach program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents.''.

**SEC. 9007. AUTHORIZATION OF APPROPRIATIONS.**

(a) NATIONAL DAM SAFETY PROGRAM.—

(1) ANNUAL AMOUNTS.—Section 14(a)(1) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking ''$6,500,000'' and all that follows through ''2011'' and inserting ''$9,200,000 for each of fiscal years 2014 through 2018''.

(2) MAXIMUM AMOUNT OF ALLOCATION.—Section 14(a)(2)(B) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(2)(B)) (as so redesignated) is amended—

(A) by striking ''The amount'' and inserting the following:

''(i) IN GENERAL.—The amount''; and

(B) by adding at the end the following:

''(ii) FISCAL YEAR 2014 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2014 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities.''.

(b) NATIONAL DAM INVENTORY.—Section 14(b) of the National Dam Safety Program Act (33 U.S.C. 467j(b)) (as so redesignated) is amended by striking ''$650,000'' and all that follows through ''2011'' and inserting ''$500,000 for each of fiscal years 2014 through 2018''.

(c) PUBLIC AWARENESS.—Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) (as so redesignated) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) PUBLIC AWARENESS.—There is authorized to be appropriated to carry out section 11 $1,000,000 for each of fiscal years 2014 through 2018.''.

(d) RESEARCH.—Section 14(d) of the National Dam Safety Program Act (as so redesignated) is amended by striking ''$1,600,000'' and all that follows through ''2011'' and inserting ''$1,450,000 for each of fiscal years 2014 through 2018''.

(e) DAM SAFETY TRAINING.—Section 14(e) of the National Dam Safety Program Act (as so redesignated) is amended by striking ''$550,000'' and all that follows through ''2011'' and inserting ''$750,000 for each of fiscal years 2014 through 2018''.

(f) STAFF.—Section 14(f) of the National Dam Safety Program Act (as so redesignated) is amended by striking ''$700,000'' and all that follows through ''2011'' and inserting ''$1,000,000 for each of fiscal years 2014 through 2018''.

## TITLE X—INNOVATIVE FINANCING PILOT PROJECTS

**SEC. 10001. SHORT TITLE.**

This title may be cited as the ''Water Infrastructure Finance and Innovation Act of 2013''.

**SEC. 10002. PURPOSES.**

The purpose of this title is to establish a pilot program to assess the ability of innovative financing tools to—

(1) promote increased development of critical water resources infrastructure by establishing additional opportunities for financing water resources projects that complement but do not replace or reduce existing Federal infrastructure financing tools such as the State water pollution control revolving loan funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12);

(2) attract new investment capital to infrastructure projects that are capable of generating revenue streams through user fees or other dedicated funding sources;

(3) complement existing Federal funding sources and address budgetary constraints on the Corps of Engineers civil works program and existing wastewater and drinking water infrastructure financing programs;

(4) leverage private investment in water resources infrastructure;

(5) align investments in water resources infrastructure to achieve multiple benefits; and

(6) assist communities facing significant water quality, drinking water, or flood risk challenges with the development of water infrastructure projects.

**SEC. 10003. DEFINITIONS.**

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COMMUNITY WATER SYSTEM.—The term ''community water system'' has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

(3) FEDERAL CREDIT INSTRUMENT.—The term ''Federal credit instrument'' means a secured loan or loan guarantee authorized to be made available under this title with respect to a project.

(4) INVESTMENT-GRADE RATING.—The term ''investment-grade rating'' means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to project obligations.

(5) LENDER.—

(A) IN GENERAL.—The term ''lender'' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or a successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)).

(B) INCLUSIONS.—The term ''lender'' includes—

(i) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

(ii) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

(6) LOAN GUARANTEE.—The term ''loan guarantee'' means any guarantee or other pledge by the Secretary or the Administrator to pay all or part of the principal of, and interest on, a loan or other debt obligation issued by an obligor and funded by a lender.

(7) OBLIGOR.—The term ''obligor'' means an eligible entity that is primarily liable for payment of the principal of, or interest on, a Federal credit instrument.

(8) PROJECT OBLIGATION.—

(A) IN GENERAL.—The term ''project obligation'' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project.

(B) EXCLUSION.—The term ''project obligation'' does not include a Federal credit instrument.

(9) RATING AGENCY.—The term ''rating agency'' means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

(10) SECURED LOAN.—The term ''secured loan'' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 10010.

(11) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(12) STATE INFRASTRUCTURE FINANCING AUTHORITY.—The term ''State infrastructure financing authority'' means the State entity established or designated by the Governor of a

*State to receive a capitalization grant provided by, or otherwise carry out the requirements of, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et. seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).*

*(13) SUBSIDY AMOUNT.—The term ''subsidy amount'' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, as calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).*

*(14) SUBSTANTIAL COMPLETION.—The term ''substantial completion'', with respect to a project, means the earliest date on which a project is considered to perform the functions for which the project is designed.*

*(15) TREATMENT WORKS.—The term ''treatment works'' has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).*

***SEC. 10004. AUTHORITY TO PROVIDE ASSISTANCE.***

*(a) IN GENERAL.—The Secretary and the Administrator may provide financial assistance under this title to carry out pilot projects, which shall be selected to ensure a diversity of project types and geographical locations.*

*(b) RESPONSIBILITY.—*

*(1) SECRETARY.—The Secretary shall carry out all pilot projects under this title that are eligible projects under section 10007(1).*

*(2) ADMINISTRATOR.—The Administrator shall carry out all pilot projects under this title that are eligible projects under paragraphs (2), (3), (4), (5), (6), and (8) of section 10007.*

*(3) OTHER PROJECTS.—The Secretary or the Administrator, as applicable, may carry out eligible projects under paragraph (7) or (9) of section 10007.*

***SEC. 10005. APPLICATIONS.***

*(a) IN GENERAL.—To receive assistance under this title, an eligible entity shall submit to the Secretary or the Administrator, as applicable, an application at such time, in such manner, and containing such information as the Secretary or the Administrator may require.*

*(b) COMBINED PROJECTS.—In the case of an eligible project described in paragraph (8) or (9) of section 10007, the Secretary or the Administrator, as applicable, shall require the eligible entity to submit a single application for the combined group of projects.*

***SEC. 10006. ELIGIBLE ENTITIES.***

*The following entities are eligible to receive assistance under this title:*

*(1) A corporation.*

*(2) A partnership.*

*(3) A joint venture.*

*(4) A trust.*

*(5) A Federal, State, or local governmental entity, agency, or instrumentality.*

*(6) A tribal government or consortium of tribal governments.*

*(7) A State infrastructure financing authority.*

***SEC. 10007. PROJECTS ELIGIBLE FOR ASSISTANCE.***

*The following projects may be carried out with amounts made available under this title:*

*(1) A project for flood control or hurricane and storm damage reduction that the Secretary has determined is technically sound, economically justified, and environmentally acceptable, including—*

*(A) a structural or nonstructural measure to reduce flood risk, enhance stream flow, or protect natural resources; and*

*(B) a levee, dam, tunnel, aqueduct, reservoir, or other related water infrastructure.*

*(2) 1 or more activities that are eligible for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)), notwithstanding the public ownership requirement under paragraph (1) of that subsection.*

*(3) 1 or more activities described in section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)).*

*(4) A project for enhanced energy efficiency in the operation of a public water system or a publicly owned treatment works.*

*(5) A project for repair, rehabilitation, or replacement of a treatment works, community water system, or aging water distribution or waste collection facility.*

*(6) A brackish or sea water desalination project, a managed aquifer recharge project, or a water recycling project.*

*(7) Acquisition of real property or an interest in real property—*

*(A) if the acquisition is integral to a project described in paragraphs (1) through (6); or*

*(B) pursuant to an existing plan that, in the judgment of the Administrator or the Secretary, as applicable, would mitigate the environmental impacts of water resources infrastructure projects otherwise eligible for assistance under this section.*

*(8) A combination of projects, each of which is eligible under paragraph (2) or (3), for which a State infrastructure financing authority submits to the Administrator a single application.*

*(9) A combination of projects secured by a common security pledge, each of which is eligible under paragraph (1), (2), (3), (4), (5), (6), or (7), for which an eligible entity, or a combination of eligible entities, submits a single application.*

***SEC. 10008. ACTIVITIES ELIGIBLE FOR ASSISTANCE.***

*For purposes of this title, an eligible activity with respect to an eligible project includes the cost of—*

*(1) development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;*

*(2) construction, reconstruction, rehabilitation, and replacement activities;*

*(3) the acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land), environmental mitigation (including acquisitions pursuant to section 10007(7)), construction contingencies, and acquisition of equipment;*

*(4) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction; and*

*(5) refinancing interim construction funding, long-term project obligations, or a secured loan or loan guarantee made under this title.*

***SEC. 10009. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.***

*(a) ELIGIBILITY REQUIREMENTS.—To be eligible to receive financial assistance under this title, a project shall meet the following criteria, as determined by the Secretary or Administrator, as applicable:*

*(1) CREDITWORTHINESS.—*

*(A) IN GENERAL.—Subject to subparagraph (B), the project shall be creditworthy, which shall be determined by the Secretary or the Administrator, as applicable, who shall ensure that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment.*

*(B) PRELIMINARY RATING OPINION LETTER.—The Secretary or the Administrator, as applicable, shall require each project applicant to provide a preliminary rating opinion letter from at least 1 rating agency indicating that the senior obligations of the project (which may be the Federal credit instrument) have the potential to achieve an investment-grade rating.*

*(C) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—The Administrator shall develop a credit evaluation process for a Federal credit instrument provided to a State infrastructure financing authority for a project under section 10007(8) or an entity for a project under section 10007(9), which may include requiring the provision of a preliminary rating opinion letter from at least 1 rating agency.*

*(2) ELIGIBLE PROJECT COSTS.—The eligible project costs of a project shall be reasonably anticipated to be not less than $20,000,000.*

*(3) DEDICATED REVENUE SOURCES.—The Federal credit instrument for the project shall be repayable, in whole or in part, from dedicated revenue sources that also secure the project obligations.*

*(4) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project carried out by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project shall be publicly sponsored.*

*(5) LIMITATION.—No project receiving Federal credit assistance under this title may be financed or refinanced (directly or indirectly), in whole or in part, with proceeds of any obligation—*

*(A) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or*

*(B) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.*

*(b) SELECTION CRITERIA.—*

*(1) ESTABLISHMENT.—The Secretary or the Administrator, as applicable, shall establish criteria for the selection of projects that meet the eligibility requirements of subsection (a), in accordance with paragraph (2).*

*(2) CRITERIA.—The selection criteria shall include the following:*

*(A) The extent to which the project is nationally or regionally significant, with respect to the generation of economic and public benefits, such as—*

*(i) the reduction of flood risk;*

*(ii) the improvement of water quality and quantity, including aquifer recharge;*

*(iii) the protection of drinking water; and*

*(iv) the support of international commerce.*

*(B) The extent to which the project financing plan includes public or private financing in addition to assistance under this title.*

*(C) The likelihood that assistance under this title would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.*

*(D) The extent to which the project uses new or innovative approaches.*

*(E) The amount of budget authority required to fund the Federal credit instrument made available under this title.*

*(F) The extent to which the project—*

*(i) protects against extreme weather events, such as floods or hurricanes; or*

*(ii) helps maintain or protect the environment.*

*(G) The extent to which a project serves regions with significant energy exploration, development, or production areas.*

*(H) The extent to which a project serves regions with significant water resource challenges, including the need to address—*

*(i) water quality concerns in areas of regional, national, or international significance;*

*(ii) water quantity concerns related to groundwater, surface water, or other water sources;*

*(iii) significant flood risk;*

*(iv) water resource challenges identified in existing regional, State, or multistate agreements; or*

*(v) water resources with exceptional recreational value or ecological importance.*

*(I) The extent to which assistance under this title reduces the contribution of Federal assistance to the project.*

*(3) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—For a project described in section 10007(8), the Administrator shall only consider the criteria described in subparagraphs (B) through (I) of paragraph (2).*

*(c) FEDERAL REQUIREMENTS.—Nothing in this section supersedes the applicability of other requirements of Federal law (including regulations).*

***SEC. 10010. SECURED LOANS.***

*(a) AGREEMENTS.—*

*(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Secretary or the Administrator, as applicable, may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—*

*(A) to finance eligible project costs of any project selected under section 10009;*

*(B) to refinance interim construction financing of eligible project costs of any project selected under section 10009; or*

*(C) to refinance long-term project obligations or Federal credit instruments, if that refinancing provides additional funding capacity for the completion, enhancement, or expansion of any project that—*

*(i) is selected under section 10009; or*

*(ii) otherwise meets the requirements of section 10009.*

*(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A secured loan under paragraph (1) shall not be used to refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the applicable project.*

*(3) FINANCIAL RISK ASSESSMENT.—Before entering into an agreement under this subsection for a secured loan, the Secretary or the Administrator, as applicable, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section 10009(a)(1)(B), shall determine an appropriate capital reserve subsidy amount for the secured loan, taking into account each such preliminary rating opinion letter.*

*(4) INVESTMENT-GRADE RATING REQUIREMENT.—The execution of a secured loan under this section shall be contingent on receipt by the senior obligations of the project of an investment-grade rating.*

*(b) TERMS AND LIMITATIONS.—*

*(1) IN GENERAL.—A secured loan provided for a project under this section shall be subject to such terms and conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits), as the Secretary or the Administrator, as applicable, determines to be appropriate.*

*(2) MAXIMUM AMOUNT.—The amount of a secured loan under this section shall not exceed the lesser of—*

*(A) an amount equal to 49 percent of the reasonably anticipated eligible project costs; and*

*(B) if the secured loan does not receive an investment-grade rating, the amount of the senior project obligations of the project.*

*(3) PAYMENT.—A secured loan under this section—*

*(A) shall be payable, in whole or in part, from State or local taxes, user fees, or other dedicated revenue sources that also secure the senior project obligations of the relevant project;*

*(B) shall include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and*

*(C) may have a lien on revenues described in subparagraph (A), subject to any lien securing project obligations.*

*(4) INTEREST RATE.—The interest rate on a secured loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.*

*(5) MATURITY DATE.—*

*(A) IN GENERAL.—The final maturity date of a secured loan under this section shall be not later than 35 years after the date of substantial completion of the relevant project.*

*(B) SPECIAL RULE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—The final maturity date of a secured loan to a State infrastructure financing authority under this section shall be not later than 35 years after the date on which amounts are first disbursed.*

*(6) NONSUBORDINATION.—A secured loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor of the project.*

*(7) FEES.—The Secretary or the Administrator, as applicable, may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.*

*(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this section may be used to pay any non-Federal share of project costs required if the loan is repayable from non-Federal funds.*

*(9) MAXIMUM FEDERAL INVOLVEMENT.—*

*(A) IN GENERAL.—Except as provided in subparagraph (B), for each project for which assistance is provided under this title, the total amount of Federal assistance shall not exceed 80 percent of the total project cost.*

*(B) EXCEPTION.—Subparagraph (A) shall not apply to any rural water project—*

*(i) that is authorized to be carried out by the Secretary of the Interior;*

*(ii) that includes among its beneficiaries a federally recognized Indian tribe; and*

*(iii) for which the authorized Federal share of the total project costs is greater than the amount described in subparagraph (A).*

*(c) REPAYMENT.—*

*(1) SCHEDULE.—The Secretary or the Administrator, as applicable, shall establish a repayment schedule for each secured loan provided under this section, based on the projected cash flow from project revenues and other repayment sources.*

*(2) COMMENCEMENT.—*

*(A) IN GENERAL.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.*

*(B) SPECIAL RULE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—Scheduled loan repayments of principal or interest on a secured loan to a State infrastructure financing authority under this title shall commence not later than 5 years after the date on which amounts are first disbursed.*

*(3) DEFERRED PAYMENTS.—*

*(A) AUTHORIZATION.—If, at any time after the date of substantial completion of a project for which a secured loan is provided under this section, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary or the Administrator, as applicable, subject to subparagraph (C), may allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.*

*(B) INTEREST.—Any payment deferred under subparagraph (A) shall—*

*(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and*

*(ii) be scheduled to be amortized over the remaining term of the secured loan.*

*(C) CRITERIA.—*

*(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting such criteria as the Secretary or the Administrator, as applicable, may establish.*

*(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.*

*(4) PREPAYMENT.—*

*(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay a secured loan under this section without penalty.*

*(B) USE OF PROCEEDS OF REFINANCING.—A secured loan under this section may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.*

*(d) SALE OF SECURED LOANS.—*

*(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after the date of substantial completion of a project and after providing a notice to the obligor, the Secretary or the Administrator, as applicable, may sell to another entity or reoffer into the capital markets a secured loan for a project under this section, if the Secretary or the Administrator, as applicable, determines that the sale or reoffering can be made on favorable terms.*

*(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary or the Administrator, as applicable, may not change the original terms and conditions of the secured loan without the written consent of the obligor.*

*(e) LOAN GUARANTEES.—*

*(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may provide a loan guarantee to a lender in lieu of making a secured loan under this section, if the Secretary or the Administrator, as applicable, determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.*

*(2) TERMS.—The terms of a loan guarantee provided under this subsection shall be consistent with the terms established in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary or the Administrator, as applicable.*

***SEC. 10011. PROGRAM ADMINISTRATION.***

*(a) REQUIREMENT.—The Secretary or the Administrator, as applicable, shall establish a uniform system to service the Federal credit instruments made available under this title.*

*(b) FEES.—*

*(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may collect and spend fees, contingent on authority being provided in appropriations Acts, at a level that is sufficient to cover—*

*(A) the costs of services of expert firms retained pursuant to subsection (d); and*

*(B) all or a portion of the costs to the Federal Government of servicing the Federal credit instruments provided under this title.*

*(c) SERVICER.—*

*(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may appoint a financial entity to assist the Secretary or the Administrator in servicing the Federal credit instruments provided under this title.*

*(2) DUTIES.—A servicer appointed under paragraph (1) shall act as the agent for the Secretary or the Administrator, as applicable.*

*(3) FEE.—A servicer appointed under paragraph (1) shall receive a servicing fee, subject to approval by the Secretary or the Administrator, as applicable.*

*(d) ASSISTANCE FROM EXPERTS.—The Secretary or the Administrator, as applicable, may retain the services, including counsel, of organizations and entities with expertise in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments provided under this title.*

*(e) APPLICABILITY OF OTHER LAWS.—Section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) applies to the construction of a project carried out, in whole or in part, with assistance made available through a Federal credit instrument under this title in the same manner that section applies to a treatment works for which a grant is made available under that Act.*

***SEC. 10012. STATE, TRIBAL, AND LOCAL PERMITS.***

*The provision of financial assistance for project under this title shall not—*

*(1) relieve any recipient of the assistance of any obligation to obtain any required State, local, or tribal permit or approval with respect to the project;*

*(2) limit the right of any unit of State, local, or tribal government to approve or regulate any rate of return on private equity invested in the project; or*

*(3) otherwise supersede any State, local, or tribal law (including any regulation) applicable to the construction or operation of the project.*

***SEC. 10013. REGULATIONS.***

*The Secretary or the Administrator, as applicable, may promulgate such regulations as the Secretary or Administrator determines to be appropriate to carry out this title.*

***SEC. 10014. FUNDING.***

*(a) IN GENERAL.—There is authorized to be appropriated to each of the Secretary and the Administrator to carry out this title $50,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.*

*(b) ADMINISTRATIVE COSTS.—Of the funds made available to carry out this title, the Secretary or the Administrator, as applicable, may use for the administration of this title, including for the provision of technical assistance to aid project sponsors in obtaining the necessary approvals for the project, not more than $2,200,000 for each of fiscal years 2014 through 2018.*

***SEC. 10015. REPORT TO CONGRESS.***

*Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary or the Administrator, as applicable, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report summarizing for the projects that are receiving, or have received, assistance under this title—*

*(1) the financial performance of those projects, including a recommendation as to whether the objectives of this title are being met; and*

*(2) the public benefit provided by those projects, including, as applicable, water quality and water quantity improvement, the protection of drinking water, and the reduction of flood risk.*

***TITLE XI—EXTREME WEATHER***

***SEC. 11001. STUDY ON RISK REDUCTION.***

*(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall enter into an arrangement with the National Academy of Sciences to carry out a study and make recommendations relating to infrastructure and coastal restoration options for reducing risk to human life and property from extreme weather events, such as hurricanes, coastal storms, and inland flooding.*

*(b) CONSIDERATIONS.—The study under subsection (a) shall include—*

*(1) an analysis of strategies and water resources projects, including authorized water resources projects that have not yet been constructed, and other projects implemented in the United States and worldwide to respond to risk associated with extreme weather events;*

*(2) an analysis of historical extreme weather events and the ability of existing infrastructure to mitigate risks associated with those events;*

*(3) identification of proven, science-based approaches and mechanisms for ecosystem protection and identification of natural resources likely to have the greatest need for protection, restoration, and conservation so that the infrastructure and restoration projects can continue safeguarding the communities in, and sustaining the economy of, the United States;*

*(4) an estimation of the funding necessary to improve infrastructure in the United States to reduce risk associated with extreme weather events;*

*(5) an analysis of the adequacy of current funding sources and the identification of potential new funding sources to finance the necessary infrastructure improvements referred to in paragraph (3); and*

*(6) an analysis of the Federal, State, and local costs of natural disasters and the potential cost-savings associated with implementing mitigation measures.*

*(c) COORDINATION.—The National Academy of Sciences may cooperate with the National Academy of Public Administration to carry out 1 or more aspects of the study under subsection (a).*

*(d) PUBLICATION.—Not later than 30 days after completion of the study under subsection (a), the National Academy of Sciences shall—*

*(1) submit a copy of the study to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and*

*(2) make a copy of the study available on a publicly accessible Internet site.*

***SEC. 11002. GAO STUDY ON MANAGEMENT OF FLOOD, DROUGHT, AND STORM DAMAGE.***

*(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a study of the strategies used by the Corps of Engineers for the comprehensive management of water resources in response to floods, storms, and droughts, including an historical review of the ability of the Corps of Engineers to manage and respond to historical drought, storm, and flood events.*

*(b) CONSIDERATIONS.—The study under subsection (a) shall address—*

*(1) the extent to which existing water management activities of the Corps of Engineers can better meet the goal of addressing future flooding, drought, and storm damage risks, which shall include analysis of all historical extreme weather events that have been recorded during the previous 5 centuries as well as in the geological record;*

*(2) whether existing water resources projects built or maintained by the Corps of Engineers, including dams, levees, floodwalls, flood gates, and other appurtenant infrastructure were designed to adequately address flood, storm, and drought impacts and the extent to which the water resources projects have been successful at addressing those impacts;*

*(3) any recommendations for approaches for repairing, rebuilding, or restoring infrastructure, land, and natural resources that consider the risks and vulnerabilities associated with past and future extreme weather events;*

*(4) whether a reevaluation of existing management approaches of the Corps of Engineers could result in greater efficiencies in water management and project delivery that would enable the Corps of Engineers to better prepare for, contain, and respond to flood, storm, and drought conditions;*

*(5) any recommendations for improving the planning processes of the Corps of Engineers to provide opportunities for comprehensive management of water resources that increases efficiency and improves response to flood, storm, and drought conditions; and*

*(6) any recommendations for improving approaches to rebuilding or restoring infrastructure and natural resources that contribute to risk reduction, such as coastal wetlands, to prepare for flood and drought.*

***SEC. 11003. POST-DISASTER WATERSHED ASSESSMENTS.***

*(a) WATERSHED ASSESSMENTS.—*

*(1) IN GENERAL.—In an area that the President has declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may carry out a watershed assessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and storm damage reduction, or ecosystem restoration project recommendations that will help to rehabilitate and improve the resiliency of damaged infrastructure and natural resources to reduce risks to human life and property from future natural disasters.*

*(2) EXISTING PROJECTS.—A watershed assessment carried out paragraph (1) may identify existing projects being carried out under 1 or more of the authorities referred to in subsection (b)(1).*

*(3) DUPLICATE WATERSHED ASSESSMENTS.—In carrying out a watershed assessment under paragraph (1), the Secretary shall use all existing watershed assessments and related information developed by the Secretary or other Federal, State, or local entities.*

*(b) PROJECTS.—*

*(1) IN GENERAL.—The Secretary may carry out 1 or more small projects identified in a watershed assessment under subsection (a) that the Secretary would otherwise be authorized to carry out under—*

*(A) section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s);*

*(B) section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i);*

*(C) section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);*

*(D) section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a);*

*(E) section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577); or*

*(F) section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).*

*(2) EXISTING PROJECTS.—In carrying out a project under paragraph (1), the Secretary shall—*

*(A) to the maximum extent practicable, use all existing information and studies available for the project; and*

*(B) not require any element of a study completed for the project prior to the disaster to be repeated.*

*(c) REQUIREMENTS.—All requirements applicable to a project under the Acts described in subsection (b) shall apply to the project.*

*(d) LIMITATIONS ON ASSESSMENTS.—*

*(1) IN GENERAL.—A watershed assessment under subsection (a) shall be initiated not later than 2 years after the date on which the major disaster declaration is issued.*

*(2) FEDERAL SHARE.—The Federal share of the cost of carrying out a watershed assessment under subsection (a) shall not exceed $1,000,000.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2018.*

Mr. COWAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mrs. BOXER. Madam President, what is the order at this time?

The PRESIDING OFFICER. The bill S. 601 is pending.

## MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business for 30 minutes and that we then return to S. 601, with Senators permitted to speak for up to 10 minutes each.

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

The PRESIDING OFFICER. The Senator from Michigan.

## THE BUDGET

Ms. STABENOW. Madam President, I would like to speak for a few minutes

today about the importance of getting a budget done today, all the way through the process. Senator REID, our majority leader, last evening spoke again about the fact that we have had 15 days now of trying to just come together to create a conference committee to work out differences between the House and the Senate on a budget. For some reason, after talk for the last 3 years that I can remember from colleagues on the other side of the aisle saying that we need regular order, we need regular order, we need to get a budget done, they now are objecting to getting a budget done, which is extraordinary. The fact is that we cannot get a budget done if the House and the Senate do not appoint conferees and sit down and negotiate differences.

There are huge differences, I might add, between the House and the Senate. It is true that we will not accept, in the Senate, eliminating Medicare as an insurance plan for seniors and the disabled in this country, which the House does in their plan, turning it into a government voucher, putting seniors back into the private sector to try to find insurance. We certainly will not accept that, it is true. There are other areas of that budget we absolutely will not accept, but we know the first step in coming together to find something we can accept is to sit down and talk. I mean, I am very proud of what we were able to do in March. We had 110 amendments. We all remember. We were here until the wee hours of the morning. We got a budget done in regular order.

We have been hearing from colleagues across the aisle that we need to have regular order. I support that. In fact, I was proud of the fact that last year we did a farm bill in regular order and plowed through 73 amendments and worked together and passed a bipartisan bill. We hope we are going to be bringing a bill to the floor very soon as well to do it again.

I am a huge supporter of giving people an opportunity to state their differences, to be able to work out amendments, and to be able to get a bill done. We did that with 50 hours of debate on the budget, 110 amendments that we took up. We got it done. Now, all of a sudden, colleagues on the other side of the aisle do not want regular order anymore. They have decided somehow that actively blocking us from actually getting a budget for the Nation is more advantageous to them for some reason or something that appeals to them more than actually getting the budget done.

I urge our colleagues on the other side of the aisle to take another look at this, to look at their own words over the last number of years. Our colleague from Texas who objected to the majority leader's motion to actually do the next step and get a budget done said back in January on national television: We have a crisis. Well, what was the crisis he was talking about?

There is no doubt the Senate has not done its job. The Senate should pass a budget.

Well, we did. We passed a budget. It may not be something my colleague from Texas supported. That is the democratic process. The majority of people agreed in this body, and we passed a budget. He may be more inclined to support the House budget, which eliminates Medicare as an insurance plan and does a number of other things that I think go right to the heart of middle-class families and so on. That is his right. That is a right we all have, to have a position as to which budget we support. But we also know that in the democratic process under our Constitution—and we all talk about the Constitution and the democratic process—the way we actually get to a final budget is to get folks in a room to talk, to negotiate, and to see if there is some way to work issues out. We are now being blocked from being able to get in the room to talk to each other.

The American people want us to talk, want us to negotiate, want us to work things out. That is what we ought to be doing. So I would strongly urge that we move to conference. I do not know why in the world anyone would be objecting to putting together a group of people, Democrats and Republicans in the Senate, Democrats and Republicans in the House, to sit down and work out the priorities for our country.

Will we have different perspectives on Medicare, whether we should have Medicare? Yes, we will. Will we have different perspectives on where the brunt of the cutbacks should be and whether middle-class families have been hit enough, which I believe they have? Yes, we will have a disagreement on how to balance the budget. But we all know that we need to get the job done. We have done our part in passing a Senate budget. The House passed a House budget. It is a very different vision of the world, different vision of what should happen in terms of innovation, education, and investing in the future of our country—very different views. But those views deserve to be aired sitting around a conference table to try to work out some way to come together to pass a budget.

I urge colleagues to stop obstructing, stop stalling, allow us to move forward in a balanced way, and give us the opportunity to do what everyone in the country wants us to do, which is to come up with a bipartisan, balanced, fair budget for the country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Madam President, I ask unanimous consent that I speak in morning business, followed by the Senator from New Hampshire, Ms. AYOTTE.

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

(The remarks of Mrs. MURRAY and Ms. AYOTTE pertaining to the introduction of S. 871 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

## WATER RESOURCES DEVELOPMENT ACT OF 2013—Continued

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

The PRESIDING OFFICER. S. 601 is now pending.

Mrs. BOXER. Madam President, I want to speak now on a bill that Senator VITTER and I are very proud of. But, first, I ask unanimous consent to withdraw the committee-reported substitute amendment.

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

AMENDMENT NO. 799

(Purpose: In the nature of a substitute)

Mrs. BOXER. Now I call up the Boxer-Vitter substitute amendment No. 799 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. VITTER, proposes an amendment numbered 799.

Mrs. BOXER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mrs. BOXER. Madam President, I will make an opening statement and then turn it over to my colleague, Senator VITTER, for his opening statement.

I want to just say this is a good day for the Senate to get on a bill that is a bipartisan bill, where we have had unanimous support in the Environment and Public Works Committee. This is a bill that will create or save half a million jobs for our Nation, and it has been a long time in coming. The last WRDA bill—the Water Resources Development Act—was in 2007. It took a lot of work to get here. The reason for that is we had to deal with changing the culture of the Senate away from earmarks in a bill like this where projects were named and figure out a way we could move forward with these projects without earmarks. It was difficult.

Senator VITTER and I and our staffs have worked hard to get to this point. I particularly want to say to both staffs that we couldn't have done it without your amazing focus. We are so appreciative.

Our bill did make it through EPW without a single ''no'' vote. Since then we have been working with almost every Senator to hear their ideas, to get their reactions, and to see if there were ways we could change the bill. This substitute Senator VITTER and I have put forward incorporates the

views of a whole array of Senators, and they know who they are. There are many of them, and we are very happy we were able to work with them. Of course, we will continue to work with them if there are ways we can improve this bill even more.

So this is long past time. As I said, it was 2007 when the last WRDA bill became law, so we have an infrastructure that is critical, and part of it is the water infrastructure. That is what we deal with.

Now, what does this bill do? We focus on flood control. We focus on ports and environmental restoration projects where the corps has completed a comprehensive study. Then we also incorporate authorizations for projects that need modifications, and the modifications don't add to the overall cost of the project. For the future, we have developed a system that allows local sponsors to make their case directly to the corps because we are fearful that as new needs come up, there is no path forward. So we do all that in this bill.

I am proud of a lot of provisions in this bill, but one of them is what we call WIFIA—the Water Infrastructure Finance and Innovation Act. It is a way to assist localities in need of loans for flood control or wastewater and drinking water infrastructure to receive these loans upfront.

Let me explain that. We expanded a program called TIFIA in the Transportation bill dealing with transportation infrastructure. We said where a local government or a region came forward with, say, a sales tax or bond for a series of transportation projects, and they wanted to move quickly and build them in a shorter timeframe, as long as they had that steady stream of funding, the Federal Government, with virtually no risk, could advance these funds and let them build these projects quicker, creating jobs and improving the infrastructure quicker.

So we did this same thing with water. It is a small project, and it is not a replacement for our existing funding through the corps and EPA, but it is a supplement. It is a supplement that would help existing programs leverage more investment in our infrastructure. So WIFIA will allow localities an opportunity to move forward with water infrastructure projects in the same way TIFIA works.

This bill is critical. I mean, let's just say what it is. I know there are people who will offer amendments on subjects ranging—well, let's just say broad-ranging subjects. And it is their right to do it. Senator VITTER and I know that, and it is what it is. It is the Senate and people will come forward. But we hope we will not get bogged down on these nongermane amendments because so much is at stake.

I think this would be a good time for me to mention some of the supporters of our bill: the American Association of Port Authorities, the American Concrete Pressure Pipe Association, the American Council of Engineering Companies, the American Farm Bureau, the American Foundry Society, the American Public Works Association, the American Road and Transportation Builders Association. This list goes on and on.

I ask unanimous consent to have printed in the RECORD the list of these supporting organizations.

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

NATIONAL ORGANIZATIONS SUPPORTING S. 601

American Association of Port Authorities, American Concrete Pressure Pipe Association, American Council of Engineering Companies, American Farm Bureau Federation, American Foundry Society, American Public Works Association, American Road and Transportation Builders Association, American Society of Civil Engineers, American Soybean Association, Associated General Contractors of America, Association of Equipment Manufacturers, Clean Water Construction Coalition, Concrete Reinforcing Steel Institute, Construction Management Association of America, International Liquid Terminals Association, International Propeller Club of the United States.

International Union of Operating Engineers, Laborers International Union of North America, Management Association for Private Photogrammetric Surveyors (MAPPS), NAIOP, the Commercial Real Estate Development Association, National Grain and Feed Association, National Ready Mixed Concrete Association, National Retail Federation, National Society of Professional Surveyors (NSPS), National Stone, Sand & Gravel Association, National Waterways Conference, Inc., Plumbing Manufacturers International, Portland Cement Association, The American Institute of Architects, The Fertilizer Institute, U.S. Chamber of Commerce, United Brotherhood of Carpenters and Joiners of America, Waterways Council Inc.

Letter signed by 160 organizations to Members of the United States Senate (April 29, 2013).

Mrs. BOXER. I will say that we are looking at the U.S. Chamber of Commerce supporting this bill, the United Brotherhood of Carpenters and Joiners of America, the Waterways Council, Inc., and the Plumbing Manufacturers, International. Wherever we look, whether it is business or labor, whether it is governmental entities—even the American Farm Bureau Federation, as I said, and Laborers International Union of North America—it is a really important bill. Even the Commercial Real Estate Development Association. Why? Because they know if you are going to sell a house in an area that gets flooded, you need to address the flooding problems. So we do address flooding problems.

We do address port deepening. Believe me, without these port deepenings in a lot of our ports—not all our ports need to do it—commerce could come to a halt, and I would say almost a screeching halt. There may be better terminology, but you have to dredge those ports to a certain depth so those vessels can move in and out.

Let me talk about just one area in my home State. Senator VITTER and I often say we see the world a little differently—or a lot differently when it comes to a lot of issues, but when it comes to infrastructure, we have a lot in common. He had to face the horrific catastrophic situation during and after Katrina, and I look at that issue and say: Oh, my Lord, if we had something like that happen in Sacramento, what would happen? We have so many more people than they have in his State. We have more commerce there. We have the seat of the State government in the Natomas Basin. So we have to strengthen the levees, and we are talking about $7 billion in property. So we are talking about a need to prevent terrible flooding.

Now, that is just one area of my State—and I want to thank Congresswoman DORIS MATSUI for all the work she has done over on the House side, and the many others who have helped her over there. I just mention her name because she has been so involved in representing Sacramento.

Our bill provides lifesaving flood protection for more than 200,000 residents of Fargo, ND, and Moorhead, MN, who have been fighting rising waters in recent weeks, just as they do most years after the spring thaw. The bill will restore the viability of the levee system that protects Topeka, KS. These levees protect thousands of homes and businesses, and this project will return over $13 in benefits for every dollar invested.

I know our current Presiding Officer is a fiscal conservative. We are talking about a bill that invests $1 and gets $13 back. So flood control and flood protection are critical. All we have to do is look at Sandy to see what happened and look at the cost—one event, $60 billion. So if we were to invest a portion of that into trying to mitigate these problems before they start, that is what the WRDA bill is all about and why it is so important and essential. So I hope it doesn't get bogged down in extraneous amendments.

I talked about the ports. One of those projects is in Texas, to widen and deepen the Sabine-Neches Waterway, which will have over $115 million in annual benefits. It transports 100,000 tons of goods every year. It is the top port for the movement of commercial military goods.

Whether you are in a red State, whether you are in a blue State, whether you are in a purple State or, frankly, any other State if there are any, you are protected in this bill. You are covered in this bill.

Look at Florida, the Port of Jacksonville, with safety concerns there for ships entering and exiting this port because of dangerous cross currents. This bill will make it possible to protect that port.

Critical ecosystem restoration: The Florida Everglades. If you have never been to the Everglades, you should go to the Everglades. It is a miraculous place, a God-given treasure. We have to restore it. It needs our attention. We definitely have four new Everglades restoration projects that will move forward in this bill.

For the Chesapeake Bay and the Columbia River Basin, we enable the Corps to work with States along the North Atlantic coast to restore vital coastal habitats from Virginia to Maine, and allow the Corps to implement projects to better prepare for extreme weather in the northern Rocky Mountain States of Montana and Idaho.

In addition—this is important. I talked a little bit about Superstorm Sandy—we have a new extreme weather title I am very proud of. This will enable the Corps to help communities better prepare for and reduce the risks of extreme weather-related disasters. How does it do it? For the first time, the Boxer-Vitter bill allows the Corps to conduct immediate assessments of affected watersheds following extreme weather events. For example, if this had been operational right after Katrina, the Corps would have gone right in there. They would not have had to wait for an authorization. They would not have had to wait for an emergency supplemental. They would have identified and constructed small flood control projects immediately, such as building levees, flood walls, restoring wetlands, and would not have to go through the full study process and receive authorization.

After an extreme weather event—Senator VITTER and our whole committee believe it is an extraordinary circumstance—if you can move in there and mitigate the damage right away, you should do that with these smaller type projects. In this extreme weather title we also require the Corps and the National Academy of Sciences to jointly evaluate all of the options for reducing risks, including flooding and droughts, including those related to future extreme weather events because as far as we can tell, there is no specific study that looks at the future.

The cost of this bill comes in well below the last WRDA bill and we move toward a better use of the harbor maintenance trust fund. Let me be clear. Senator VITTER and I both believe it is a critical issue to use the harbor maintenance trust fund for harbor maintenance. It seems to me to be fair and it seems to him to be fair. But what has happened over the years, because we have these budgetary problems, is the harbor maintenance trust fund is used for other uses. We wanted to totally take that fund away and save it for harbors. It was not going to happen. There was too much controversy around it.

What we were able to do, though, is to make sure the appropriators knew our concerns. Senator MIKULSKI and Senator SHELBY worked with us on a letter and it commits to helping us move toward the new authorization levels in this bill which ratchet up spending on the ports.

We also make sure that some of our ports that are donor ports—let's say the one in LA and Long Beach, that do not have issues of deepening of the channel, that need to use those funds for other uses—get a chance, when those moneys come in, to get it back. Some of my people are paying in pennies on the dollar. It is not fair.

We do try to address the issue of the larger ports, even the smaller ports, Great Lakes, the seaports that are large donors to the fund. We make important reforms of the inland waterways system, which is critical for transporting goods throughout the country. Expediting project delivery is something we do.

I want to take a moment here. I want to be unequivocal on this project delivery piece. I stand here with credentials going back forever. In my case it is a long time. I can say very proudly that every single environmental law stays in place in this bill. As a matter of fact, we have a savings clause which specifically says all these laws stay in place.

Senator VITTER and I have a little disagreement over environmental laws. We have to work together. He stepped up and said: Look, some of these agencies are holding up projects for years and we are not getting our projects done. I thought he had a point. So together we worked on a compromise. It is not everything he wanted; it is not everything I wanted. But we are moving forward while saving all the environmental laws by making sure that when the Corps has a project and they complete their work, they issue something called a ROD, a record of decision. We make sure all the agencies now are involved in setting the timetable for that ROD. Then the agencies have an additional 6 months after the date they approved of to get their comments in. If they do not, yes, they will get a penalty.

Frankly, I think that is important. We do cap those penalties, but the fact is we are here to do the people's business. As long as we protect everyone's rights, which we do, and we bend over backward to make sure all the agencies are involved, making sure the timeframes around a ROD are fair and they are involved, we say, yes, you have to step to the plate.

I have examples in my State where the agencies have taken such a long time—whether, frankly, it is an environmental project or a construction project, flood control—where agencies are not talking to each other. Senator VITTER and I believed it was important to send a message.

Look, the administration doesn't love this and we understand it. But that is why we have separation of powers here. We say it is only right to work together. Our bill is not perfect, we know that, but I will tell you we support 500,000 jobs, we protect people from flooding, we enable commerce to move through our ports, we encourage innovative financing and leveraging of funds, and we begin the hard work of preparing for and responding to extreme weather. I defy anyone to tell us another bill that does those things—protects jobs, protects people from flooding, enables commerce to move through our ports, encourages innovative financing, even more jobs, and preparing for and responding to extreme weather.

I want to talk about a couple of people by name here. I will do more people later. I want to mention, of course, first and foremost Senator VITTER, who has been a pleasure to work with. We have had our moments where we have not agreed. Our staffs had their moments when they did not agree. We never got up in anger. We never walked away from the table. We stayed at the table. To me that is so important. We did it on this bill. I wish we could do it on others, but that is another day. But we are certainly doing it on this bill. First and foremost, I thank him.

Next, I thank Senators MIKULSKI and SHELBY for writing a letter to us. It is not all we want but it is a show of good faith and I think it is precedent setting, that we have this letter saying they are going to do everything in their power to help.

I thank Senator VITTER's colleague, Senator LANDRIEU. She has worked behind the scenes with me since Katrina, and I know the two of them have worked together. I think her efforts matched with Senator VITTER's are very important for Louisiana.

I have been to Louisiana many times. I have warm relationships there. I certainly helped when it came to the RESTORE Act, and I certainly intend to remember everything the people there went through and to follow through on my commitments to them.

In this bill we are fair to Louisiana, we are fair to California, we are fair to the Great Lakes, we are fair to the small port States, we are fair to the medium port States. We have done everything. We are fair to the States that have ports that now have competition from international ports. I do believe if we can get through some of the sticky wicket of some amendments that don't have anything to do with this, if we can get through with that, we will have a very good, strong, bipartisan bill. I honestly also believe Chairman SHUSTER in the House will move forward as well. He is a terrific person to work with and I enjoy working with him as well. If we produce this work product and we can get it done this week—which I hope we can—it will make a big difference.

Before I turn it over to Senator VITTER, let me say for the interests of all Members, we are working on an agreement that will allow us to go to a couple of amendments a side. One of them will be the Whitehouse amendment. A couple will be by Senator COBURN. We are looking at other amendments. We hope we can have votes this afternoon. We don't know at this point. That is certainly the hope of Senator VITTER and myself. We would very much like to proceed.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Louisiana.

Mr. VITTER. Mr. President, I join my colleague in rising in support of this strong, bipartisan, reform-oriented Water Resources Development Act bill. In doing so, I thank and salute Senator BOXER for her leadership. More than anyone else, she got us to the floor today with a strong, solid bill.

As Senator BOXER mentioned, very early on in our discussions about the work of the EPW Committee in this Congress, we set a good, solid, bipartisan, reform-oriented WRDA bill as our top immediate goal in terms of something the committee could produce and actually pass into law. In fact, those discussions even started between her and myself, in particular, before the start of this Congress. Of course they continued and they ramped up in a meaningful and substantive way. Through that give-and-take and through that real commitment to work in a bipartisan fashion on infrastructure, on jobs, on issues on which we can agree, this bill resulted.

Again, as she mentioned, we do not agree on everything. We do not agree on everything in the committee, and that committee is often very contentious and divided along ideological lines. But this is a subject where we can agree and work productively together because this bill is about infrastructure and jobs. Certainly we can come together around that. That is what it is fundamentally about—water infrastructure, commerce, and jobs. That is why the Alliance for Manufacturing said almost 24,000 jobs will be created for every $1 billion invested in levees, inland waterways, and dams. This bill does several billion dollars of that. That produces jobs because it is building the necessary infrastructure we need for waterborne commerce. Ultimately that core, that theme, that common goal is what brought us effectively together.

The proof of that is seen in the committee consideration of this bill. As you may know, the EPW Committee is a divided committee. On many key issues before us we are very divided between Republicans and Democrats. Yet because of this focus in the bill on maritime commerce, jobs, infrastructure, we won an 18-to-0 committee vote to report the bill out favorably and bring it to the floor.

Let me talk for a few minutes about exactly what is in the bill. I want to go through the highlights. I think they can best be summarized by focusing on 10 specific points, what is in the bill, what the bill does, sometimes, just as importantly, what is not in the bill and what the bill does not do.

First of all, the bill does not increase deficit and debt in any way. There is no negative impact on deficit and debt. Related to that, No. 2, there are no earmarks in the bill. The current rules of both conferences are not to support and sponsor earmarks. There are no earmarks in the bill.

What does the bill affirmatively do? No. 3, it authorizes 19 significant projects for flood protection, navigation, and ecosystem restoration. Yet at the same time, even on the authorization side, we create a mechanism—I thank Senator BARRASSO for contributing this important element to the bill—we create a BRAC-like commission to deauthorize some old projects which are not being acted upon, which are not getting built. Because of that new BRAC-like deauthorization commission, even on the authorization side, we should have a net-neutral impact on authorizations. The way we have structured it, we should not be increasing overall net authorizations.

No. 4, we have made substantial progress and reforms to the Harbor Maintenance Trust Fund and spending on dredging and other Harbor Maintenance Trust Fund projects.

As Senator BOXER mentioned, it has been an enormous frustration to many of us that this so-called trust fund is raided every year so that even in a good year, half of the supposedly dedicated revenue from the industry in those trust funds is used for other purposes. Again, this is revenue from the maritime industry. It is supposed to be protected and dedicated for dredging and other delineated purposes, but even in a good year, half is used for other things, with deficit spending.

We have negotiated with all Members of the Senate, including the leaders of the Appropriations Committee, and I think we have made substantial progress. I think we have made a big move in the right direction so we ramp up harbor maintenance trust fund spending for dredging and other delineated purposes.

In a few years—between now and roughly 2019, 2020—we have a steady ramp-up. We spend more of that trust fund on the agreed-upon delineated purposes every year. We are building toward full spend-out of the trust fund. Again, this is a product of a lot of discussion and goodwill negotiation with other Members of the Senate, including leaders of the Appropriations Committee, which is a major and positive element of this bill.

No. 5, we also made important reforms and changes to the Inland Waterways Trust Fund. Again, there has been real frustration that those inland waterways trust fund projects have been languishing and have not properly received the resources they need to be completed and get off the books. We have made real reforms on the Inland Waterway Trust Fund side that will have important and positive impacts to get those important projects built.

No. 6, we provide non-Federal sponsors of many of these projects more project management control in both the feasibility study and the construction phases of projects. This has been an idea in a stand-alone bill of Senator BILL NELSON of Florida and myself. We incorporated that reform—that pilot project—into this WRDA bill.

In several significant cases, on a sort of experimental basis, we are going to ask the non-Federal sponsors to take over project management control. We think that is going to allow these projects to get built quicker and more efficiently for less money.

No. 7, we require more accountability of the Corps of Engineers on project schedules. We increased public disclosure of internal Corps decisions, and we actually penalized the Corps for the first time ever when they missed significant deadlines. Again, Senator BOXER mentioned this.

We had discussions right out of the box and came to the agreement that we are not going to lower the bar about environmental review; we are not going to substantively change any environmental or other requirements. What we are going to do is make sure that agencies which are involved do their work in a timely and expeditious way, and that has to start with the Corps of Engineers in terms of these projects. We do that with much heightened Corps accountability.

No. 8, in a similar vein, we accelerate the NEPA and project delivery process to ensure that projects are not endlessly held up by government bureaucracy, tangles, and redtape. Again, it is exactly the same approach and agreement I mentioned with regard to point No. 7. We are not changing standards or lessening our requirements. We are appropriately streamlining the process and saying: Everybody works on deadlines, and the Federal agencies involved have to work on and respect those deadlines as well. If they miss them over and over and over, there will be negative consequences, and that is an important reform element to this bill.

No. 9, as Senator BOXER mentioned, we provide an innovative financing mechanism for water resource projects as well as water and wastewater infrastructure projects. It is called WIFIA because it is modeled on the TIFIA Program on the transportation side, and it is very much the same basic idea. TIFIA has long been a model to build public-private partnerships and has helped to finance important transportation infrastructure projects.

On the last highway bill last year that I helped work on and Senator BOXER led on, we expanded the TIFIA Program. Here we are using the same positive model for a WIFIA program.

Finally, No. 10, we provide more credit opportunities for non-Federal sponsors either in lieu of financial reimbursement or cross-crediting among projects so they can more reasonably meet their wetlands mitigation and other needs.

Wetlands mitigation requirements have grown much more onerous and expensive over time in a lot of places of the country, including Louisiana. This is simply intended to give people, local government, private industry, and others, more options. It is not to lower the standard for that mitigation, but it allows for more options to meet the standard and goals in a more efficient

and less costly way. So we do that through these credit opportunities.

Those are the important and 10 key highlights of the bill. Again, I think it is a genuine bipartisan reform-oriented effort that is, at its core, about water infrastructure, waterborne commerce, jobs, and hurricane and flood protection.

As I mentioned at the beginning, the clearest proof of that is committee consideration and committee vote. There are not many things that ever get an 18–0 vote in the Senate EPW Committee, but this did. Strong conservatives and strong liberals voted with a result of 18–0. I am very proud of that, and I think that gives us a very productive path forward.

Speaking of the path forward, let me underscore and emphasize what Senator BOXER has laid out. We want to have votes; we want to process amendments. There is no goal here to frustrate that in any way by me or Senator BOXER or anyone. In my opinion, to get that ball rolling, the best way to get there is to start taking up amendments and having votes so we can build on that momentum. What we are going to propose in the very near future is that our substitute amendment be adopted by unanimous consent to be the underlying bill. It is noncontroversial. It incorporates the ideas and suggestions of dozens of Senators. There is nothing controversial in it. In fact, the only thing it does is remove some potential controversy in the bill. So we are going to ask the full Senate allow us, by UC, to adopt that as the underlying bill.

We are also going to immediately ask to have debate and votes on three or four beginning amendments. I believe those, in fact, are going to be nongermane amendments. I think that underscores and illustrates our goodwill about processing amendments, getting it going, taking amendments, having votes, and getting through this process.

I would suggest, as Senator BOXER did, that we try to continue to focus on the important subject matter of the bill and not endlessly or needlessly go far afield. But I do think that proposing these amendment votes straight out is an important gesture of goodwill to set the right precedent and tone for a full and open debate on the floor, and so that is what we are going to do.

As soon as that UC request is drafted and ready, I will come to the full Senate with that. If we can gain consent for that, I think it will start us on a very productive path, both to consider the bill and to process amendments and have votes.

Clearly those amendments would not be the end of it, by far. We are already keying up some amendments to come forward right after that so we can debate those maybe tonight. If we do that, we can vote on those as soon as possible, perhaps in the morning, and go from there. That is my goal and expectation in terms of the near future, which Senator BOXER shares. Hopefully we will return to the full Senate quickly with that request.

Thank you, Mr. President.

I yield to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, let me thank the distinguished Senator from Louisiana for his hard work, along with Chairman BOXER, to get us to this point, which I think is a very auspicious point with a very bipartisan bill on the floor and with the Senate on the cusp of an agreement that will allow us to implement the managers' amendment and call up the first tranche of Senate amendments.

I thank him and the Chairman for agreeing that an amendment of mine will be one of that first tranche of amendments. I am not going to call it up now because the agreement is not finalized, but I will discuss it so we can save time later on once the bill is pending.

My amendment would establish a national endowment for the oceans, coasts, and Great Lakes. Our oceans and our coasts face unprecedented challenges. Our coastal States, including our Great Lakes States, badly need this endowment. Water temperatures are increasing, the sea level is rising, and ocean water is growing more acidic.

Right now, we as a country and we as States and local communities are ill prepared to engage in the research, restoration, and in the conservation work that is necessary to protect our coastal communities and our coastal economies.

The noted ocean explorer Bob Ballard, who famously discovered the wreckage of the Titanic at the bottom of the Atlantic, has said:

> a major problem . . . is the disconnect between the importance of our oceans and the meager funds we as a nation invest not only to understand their complexity, but to become responsible stewards of the bounty they represent.

Just how large is that bounty our Nation reaps from our oceans? Well, in 2010, marine activities such as fishing, energy development, and tourism contributed $258 billion to our U.S. gross domestic product and supported 2.8 million jobs. Along our coasts, shoreline counties, which actually include many of our biggest cities, generated 41 percent of our GDP, which is $6 trillion.

Coastal communities are the engines of our economy, and changes in the oceans put that economy at risk. We must find ways of using these vital resources without abusing them.

Last month the Democratic Steering and Outreach Committee heard from scientists and industry leaders from across the country who are deeply worried about threats to our oceans. On the Pacific Coast, ocean acidification is killing off the oyster harvest—a major cash crop for that region. They are being killed off by sea water too acidic for the larval oysters to form their shells.

Live coral in some Caribbean reefs is down to less than 10 percent, which is bad news for Florida, which usually sees over 15 million recreational dives every year. Think of what those 15 million dives mean for Florida's economy. This not only affects the dive boats and trainers who take people out for scuba diving, but for hotels, restaurants, and retailers.

Evan Matthews, the port director for the Port of Quonset in my home State of Rhode Island, spoke on behalf of America's port administrators to tell us that rising sea levels make port infrastructure more vulnerable to damage from waves and storms.

Virtually all of our economy is touched by what goes through our network of coastal ports, and damage to any of them—since they work as a network—could disrupt the delivery of vital goods not only to coastal States but to inland States as well. So it affects all of us.

But for the coastal States, this is very big. We have work to do preparing for changes in our oceans and preventing storm damage such as we saw in Superstorm Sandy. We need to reinforce natural coastal barriers such as dunes and estuaries that help bear the brunt of storm surges as well as acting as nurseries for our bounty of fish. We will need to relocate critical infrastructure such as water treatment plants and bridges, which are increasingly at risk of being washed away. We need to understand how ocean acidification and warming waters will affect the food chain and our fishing economies. We need to know where the high-risk areas are so coastline investors can understand the geographical risks.

These are coastal concerns, but they have implications for all 50 of our States. If you eat seafood or take a beach vacation in the summer, this concerns you. If you have purchased anything produced outside the United States and imported through our network of coastal ports, this concerns you. According to 2011 data from the National Oceanic and Atmospheric Administration, 75 percent of U.S. imports arrived on our shores through our ports, so they probably should concern you.

The National Endowment for the Oceans, Coasts, and Great Lakes can help coastal States and communities protect more habitat and infrastructure, conduct more research, and clean more waters and beaches. The need is great and we must respond.

This amendment will just authorize the National Endowment for the Oceans, Coasts, and Great Lakes. We will have to figure out how to fund it later. When we have figured out how to fund it, the endowment would make grants to coastal and Great Lakes States, to local governments, to planning bodies, to academic institutions, and to nonprofit organizations to learn more about and do a better job of protecting our coasts and oceans.

It would allow researchers to hire technicians, mechanics, computer scientists, and students. It would put people to work strengthening or relocating endangered public infrastructure. It would help scientists, businesses, and local communities work together to protect our working oceans, and it would protect jobs by restoring commercial fisheries and promoting sustainable and profitable fishing.

How great is the need for these projects? We know because a few years ago NOAA received $167 million for coastal restoration projects through the American Recovery and Reinvestment Act. When they asked for proposals, more than 800 proposals for shovel-ready construction and engineering projects came in—projects totaling $3 billion, seeking that $167 million in funding—projects from Alaska to Florida to the Carolinas to Maine. But NOAA could only fund 50 of the 800. The National Endowment for the Oceans will help us move forward with more of these key projects to help protect our oceans and drive our economy.

We will continue to take advantage of the oceans' bounty, as we should. We will trade, we will fish, and we will sail. We will dispose of waste. We will extract fuel and harness the wind. We will work our working oceans. Navies and cruise ships, sailboats and supertankers will plow their surface. We cannot—we will not—undo this part of our relationship with the sea. But what we can change is what we do in return.

We can, for the first time, give a little back. We can become stewards of our oceans—not just takers but caretakers—and we must do this sooner rather than later, as changes to our oceans pose a mounting and nationwide threat.

Let me quote Dr. Jeremy Mathis of the University of Alaska, who said this recently:

> This is going to be a shared threat. . . . [I]t's not unique to any one place or any one part of the country. And so we're going to have to tackle it as a nation, all of us working together. . . . Whether you live along the coast of Washington or Rhode Island, or whether you live in the heartland in Iowa, this is going to be something that touches everybody's lives.

So today I urge my colleagues to join me in supporting this amendment to authorize the National Endowment for the Oceans, Coasts, and Great Lakes. It will not obligate any funding. We will figure out later an appropriate way to fund it. But at least help our Nation take this important step protecting our oceans and coasts; protecting the jobs they support through fishing, research, and tourism; protecting the stability of our national economy, which depends on ports and maritime activity; and, of course, protecting the property and the lives of the millions of Americans who live and work near the sea.

Colleagues, you can help us become, as Dr. Ballard said, ''responsible stewards of the bounty [the oceans provide].''

For those who are not sure, let me add one further consideration for my colleagues, a Senate consideration. This endowment, together with funding—indeed, permanent and directed funding—was part of a negotiated package with billions of dollars in benefits to America's gulf States. For reasons that are not worth discussing and are no one side's fault, that agreement was broken and this part of that deal fell out. If you believe people should keep their word around here, if you believe agreements forged in the Senate should stick, then I would ask my colleagues, just on those grounds, to support this partial repair of that broken agreement.

I look forward, for that and other reasons, to having bipartisan support for this amendment, and I hope we can make a strong showing in this body to carry it forward as part of this important water resources development legislation.

With that, I will take this opportunity to yield the floor. Seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. BOXER.) Without objection, it is so ordered.

Mr. BLUNT. Madam President, I would like to talk about an amendment to this bill that could be offered later. I am not offering it at this time. I am being joined in this amendment by my good friend from Florida, Senator NELSON.

This amendment would be a suggestion about what we can do to be sure the things we build have a better chance of lasting, construction that meets real stress.

In both of our States, in Missouri and Florida, we have some significant experience with weather conditions that are damaging to people and property. On May 22, 2 years ago, 2011, in Joplin, MO, right on the Arkansas and the Oklahoma border, we had an EF5 tornado hit that community. It killed 61 people. It destroyed 7,000 homes, 500 businesses, and damaged others. This was a huge impact on people and the homes they had, the businesses they had. As they rebuilt, the cities tried to focus on rebuilding in a way that would protect lives and save money if something like that happens again by creating structures that can withstand the most severe storms there and in other places in our State.

We have had many stories over the years. There are people who literally got in the freezer in the garage or in the utility room or people who got in the bathtub and then pulled a mattress on top of themselves and tried to ride out the storm, and they would just as soon not do that.

I think the term that is used that we are going to be talking about is ''resilient construction''—construction that has the potential to substantially reduce property damage and loss of life resulting from natural disasters, homes and businesses that can withstand disasters, that can protect people during storms. As more disaster resilient building is done, there is less to clean up, there is less property damage, and the insurance rates are impacted in not as big a way because not so much has to be rebuilt because not so much was destroyed.

Those techniques, those resilient building techniques, can be as simple as just using longer nails or strapping down the roof so it has that one added level of security to the roof before the shingles go on. There are many simple and easy steps builders can take to ensure that a home or a business has the best chance to withstand these disasters.

This amendment that we would hope would be offered at the appropriate time later would simply add resilient construction to the list of criteria the National Academy of Sciences and the Government Accountability Office are directed to study. This adds this one thing to it from a commonsense perspective. It is obvious why knowing what building techniques work and what building techniques do not work makes a difference—the ones that minimize damage, that prevent the loss of life, that reduce the government disaster aid that has to be expended in these disasters, that are too big for families and communities and States to handle on their own.

While we are unable to predict when and why a storm might occur next, we do know there will be other problems that need to be dealt with. So studying the impact of construction techniques in storm situations is something I believe we should do. I think this would be an added benefit to this bill. At the appropriate time, I look forward to calling the actual amendment up or asking someone else to see that this amendment is called up so that my colleagues have a chance to vote on it.

I know my cosponsor, Senator NELSON, is here on the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, indeed I want to talk about this amendment and why it is a good thing, but I first want to compliment the chairman of the Environment and Public Works Committee, who is not seated at her desk in the Chamber, but she is seated as the Presiding Officer.

I want the chairman of that committee to know that she must be Merlin the Magician because in rapid fashion she brings the bill out of her committee and to the floor, along with her ranking member, the Senator from Louisiana, Mr. VITTER. This water bill is so important to the future of this country, and it is so important to infrastructure in this country. I commend the chairman and the ranking

member for the rapidity with which they have worn out the leadership in order to get the leadership's attention to bring it to the floor.

What Senator BLUNT and I are sponsoring is common sense. Anybody who has been through a hurricane, tornado, or any other kind of natural disaster knows what new building codes have done. There is a fancy new term now called ''resilient construction,'' and the resilient construction is making it more resilient in withstanding a natural disaster.

I will never forget flying in a National Guard helicopter after a monster hurricane in 1982—Hurricane Andrew—that hit a relatively unpopulated part of Miami-Dade County, the southern end, and it ended up being a $20 billion-insurance-loss storm. Had it turned 1 degree to the north and drawn a line on northern Dade County-Southern Broward County—in other words, north Miami and south Fort Lauderdale—it would have been, in 1992 dollars, a $50 billion-insurance-loss storm. That would have taken down every insurance company that was doing business in the path of the storm.

We had that warning, and we saw the results of the lack of attention to resilient construction—in other words, the building codes.

As I flew over that area of Homestead, FL, in the National Guard helicopter, everything was wiped out in homeowner areas, completely wiped out. They were gone. They were a bunch of sticks. As a matter of fact, the trees were sticks. There were no leaves and limbs left. In downtown Homestead, there were two things that were left standing: one was the bank, and the other one was an old Florida cracker house built back in the old days when they built to withstand hurricanes.

I will never forget going through and meeting the head of Habitat for Humanity. He told us stories about how he had a ''Habitat for Humanity'' sign on his briefcase, and when he walked through the airport, people would come up and say: Oh, you are with Habitat. I want you to know that all of your homes survived.

They would ask him: How did your homes survive?

He would answer and say: Inexperience.

They would say: Inexperience? What do you mean?

He would say: Well, since our homes are built by volunteers, instead of driving 2 nails, they would drive 10 nails.

This is resilient construction—extra straps on the rafters, building to the codes that will withstand the wind.

Senator BLUNT was talking about some of his constituents in Missouri and this tornado. Well, my wife Grace and I were in our condominium in Orlando, and all of a sudden—did you know that the new smartphones beep when there is a national weather warning, and you pick up—I mean, I haven't turned it on, and it will beep anyway. It says: Severe weather warning. A tornado is en route. Take cover. And I look at our condo, and it has all these glass windows, and I am thinking, what inner room can I go in? Since we have a two-story, what I decided to do was go into the elevator and put it down to the bottom floor as a place for taking cover. In Missouri, there are plenty of basements that are specifically built for the purpose of taking cover. This is what we want the construction industry to do.

What the Senator from Missouri and I are doing is saying to the National Academy of Sciences: We want you to come up with additional studies on how our people can save lives and save property with resilient construction. That is simply what this amendment does.

I would conclude by saying, my goodness, do we need another reminder of Katrina? Remember, the Katrina problem was not the wind; the Katrina problem was the wind on the back side coming across Lake Pontchartrain that caused the water to rise. The levees weren't there, and it breached the levees, and that became a multiple hundreds of billions of dollars storm. We should have learned our lessons there. Sometimes resilient construction is not only about people's homes, but it is about dikes and levees as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I thank my colleagues from Missouri and Florida for this very worthwhile amendment. I will certainly be supporting it. The plan is to have this in the second set of amendments for votes, absolutely, as soon as we can proceed to votes. That is the plan, which I fully expect to be executed. I thank them for their work and for their contribution.

In the same vein, we are expecting Senator INHOFE to join us on the floor to also present without formally calling up his germane amendment. That way, we will have that discussion ahead of time, and that also will be all teed up for the second set of amendments we hope to have on this bill.

I hope what this underscores is that we have a pretty good plan to move forward quickly, to start having votes. Sometimes around here we want to settle every possible discussion about every possible amendment vote out there. In my opinion, it is more productive to start because you can't finish unless you start. I think we want to start having important votes, including nongermane votes, and get to absolutely every amendment we can. I think we are on that path. Hopefully we will be doing that today and then formally presenting and voting on the Blunt-Nelson amendment as well as the Inhofe amendment and other amendments tomorrow.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. PRYOR. Mr. President, I ask unanimous consent there be a period for debate only until 5:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I want to mention a couple of things. First of all, the Senator from Arkansas and I have a very significant amendment, and one we will want to talk about. In fact, it is an amendment we had during the discussion on the amendments for the budget bill at something like 4 o'clock in the morning. At that time we were able to get it passed without a dissenting vote, so it is one we should be able to get through.

I will yield to the Senator from Arkansas in a moment, but before doing that I want to mention we have a set-aside amendment I am very concerned with. I certainly think the Senator in the Chair, as well as the Senator from Arkansas will both be very appreciative of this and supportive of it since they have a lot of small communities in their States, as I do in my State of Oklahoma. It uses the threshold of 25,000 people—any community that has 25,000 people or less—in order to take advantage of this set-aside money that would come within the WRDA bill.

Now, here is the problem we have. A lot of the small communities in my State of Oklahoma—and I would suggest the States of West Virginia and Arkansas are in the same situation—are not large enough to have an engineer or someone who is going to be able to put grants together. So we take 10 percent of the total amount and put it in there as a set-aside for these small communities.

This is a formula we have used before. We used the 25,000 benchmark before in the Transportation bill, in the WRDA bill, and in the farm bill, so it is one that is fairly well-accepted, and it provides a pot of money—it doesn't cost us; it is not scored—from the overall money to be reserved for the small communities, such as my communities in the State of Oklahoma.

I understand we are not to call up amendments right now, and that is fine with me, but that is one we will be offering. As I said, in just a moment I will be yielding to the Senator from Arkansas. In the meantime, I would call on the memories of those in this body back to when we had our all-night session about a month ago and the amendments that were there on the budget bill.

One of the amendments we passed was an amendment that would allow the SPCC to have farms exempt from the SPCC—the Spill Prevention Containment Control Act—so that the

farms in my State of Oklahoma and throughout America would not be treated as refiners.

Spill prevention is a very expensive process. It is one that would require double containers for farms. This is a good example.

This happens to be a container on one of the farms in my State of Oklahoma, where you have a total amount of gallons of fuel from gas or oil or other fuels. If they are less than 10,000 gallons, they would be exempt. If they are less than 42,000 gallons, they would allow them to not do it through a professional engineer but do it just within their own resources—in other words, set their own standards.

This is my State of Oklahoma. This happens to be the well-discussed pipeline that goes through Cushing, OK. This is one of the central points where oil comes in and then goes out. It comes from the north and goes back down to Texas. But these are containers that should be subject to the jurisdiction that is prescribed for refiners for the containment of oil and gas. That is what that is about. This is not what that is about. This is just a typical farmer.

I have talked to farmers, and after that amendment passed—and the occupier of the Chair will remember this because he was a very strong supporter of this particular amendment—we had phones ringing off the hook from the American Farm Bureau and all the others saying this is something that is reasonable. But here is the problem. That would have expired on May 30, and all we did with that amendment was extend that exemption to the end of the fiscal year.

So if that passed without one dissenting vote, and if it is that popular, why not go ahead and have the same type of exemption put permanently in our statutes. That is what our plan is—to do that with the Pryor-Inhofe amendment.

Our amendment is supported by the American Farm Bureau, the National Cattlemen's Beef Association, the National Council of Farmer Cooperatives, the National Wheat Growers Association, the National Cotton Council, the American Soybean Association, the National Corn Growers, and USA Rice. So almost everyone having to do with agriculture is very supportive.

It doesn't totally exempt all farmers because it establishes three categories: one with farms where, if you add the aggregate and it is less than 10,000 gallons, they would be exempt; if they are in the next level up, between 10,000 and 42,000 gallons, they would be required to maintain a self-certified spill plan; and anything greater than 42,000 would have the total requirement, which means they would have to hire an engineer and go through all this expense.

I see the prime sponsor of this amendment is on the Senate floor, so I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank my colleague and friend from Oklahoma. He was doing such a good job of explaining the amendment, I didn't want to interrupt him. But I thank him so much for yielding.

Later this week, all farms in the United States will have to comply with the EPA's spill prevention, control and countermeasures rule known as SPCC. That takes effect on May 10. But farms are not like other regulated entities in the SPCC realm. Farms are unlike other SPCC entities the agency has dealt with since 1973. They do not have, by and large, environmental manager personnel ready to follow through on these regs and to make sure they are in compliance with all the EPA stuff; whereas, other businesses with larger financial resources tend to have more resources and more people devoted to making sure they comply with all the EPA regulations.

Agriculture actually has a very good track record on fuel spills. Row crop farms, ranches, livestock operations, farmer cooperatives and other agribusinesses pose a very low risk for spills when we look at the statistics. Many of these tanks are seasonal, and they stay empty for large parts of the year. But they allow farmers to manage the high fuel costs they have to endure. In my State, it is mostly diesel—and probably mostly diesel in most parts of the country. In fact, when we look at the data, spills on farms are almost nonexistent.

This is a commonsense amendment, and I want to thank Senators INHOFE, FISHER, and LANDRIEU for joining me in this effort and taking this burden off of farmers and ranchers in implementing the SPCC rule.

Let me cite specifically what the amendment will do. It will provide realistic threshold sizes for tank regulation at the farm level and allow more farms to self-certify, thus saving time and money that would otherwise be spent in hiring professional engineers to develop and sign SPCC plans.

EPA's unusual 1,320 gallon regulatory threshold under the SPCC rule is not a normal tank size for agriculture. That may be normal in other contexts but not in agriculture. A 1,000-gallon size is much more common, and raising the threshold to 10,000 gallons in aggregate is a much more reasonable level for farmers and ranchers all over the country. So my amendment would allow most Arkansas farms—most farms in Oklahoma, and, in fact, most farms throughout the country—to use the aggregate storage capacity between 10,000 and 42,000 gallons to self-certify rather than going through the expense and time of hiring a professional engineer.

I look forward to working with the bill managers on this amendment.

I also have another amendment. I know these amendments would be objected to right now if we brought up the amendments—this is amendment No. 801—but at the appropriate time I would like to ask that it be made pending.

Mr. INHOFE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator yields.

Mr. INHOFE. I think some people might have an objection to this amendment if they thought there were some bad actors out there who, in the past, have violated or done something, in which case they would still have to comply as if they had over 42,000 in storage. This was called to my attention, and I think in the drafting of this amendment the Senator took care of that problem, I do believe.

We discussed this, I remember, the last time at 4 o'clock in the morning when we had the amendment for the budget bill, and at that time we made it very clear. The SPCC was designed for refiners. It was designed for the big operations, such as that big operation we had a picture of from Oklahoma. It doesn't affect them. They still should be and do have to comply. But the literally thousands of farms that are out there that are just trying and barely getting by, they are the ones we are speaking of.

I know the Senator from Arkansas has them as well as we do in Oklahoma, and before the Senator moves to another amendment I just wanted to be sure that part of the amendment was included in this discussion because that would offset some of the opposition that might be there to this amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. I thank the Senator from Oklahoma for pointing that out. I think he is exactly right. I am unaware of any real opposition to this amendment. There may be a little bit of opposition, but I am not aware of it. But I know we do have at least one Senator—maybe more—who is, temporarily at least, objecting to all amendments until his or a group of them can be agreed to or made pending.

I don't think any objection right now would be specific to this amendment. I also have another technical amendment that I want to call up at the appropriate time. It is not the right time now, but at the appropriate time I do have another technical amendment.

I thank my colleague from Oklahoma for his leadership and thank him for his effort, along with Senators FISCHER and LANDRIEU. This has been a team effort. It was bipartisan. We want to help American farmers. Again, the risk of spill on farms and ranches is just minuscule, almost nonexistent. If we look at the track record, there is a very good track record.

This is a good amendment, something we have been working on for a long time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I again thank my colleagues from Arkansas and Oklahoma. I support their measure. I thank them for coming down and

laying out the argument explaining their measure even before it is formally presented because that will help expedite the process. We are absolutely working on that formal consideration and vote as soon as possible, just as we are on the amendment we talked about a few minutes ago, the Blunt-Nelson amendment.

I thank them for their work. I thank them for coming to the floor to expedite debate. We are absolutely working on proceeding to get to formal consideration of their amendment and a vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE BUDGET

Mr. CRUZ. Mr. President, I rise in praise of Majority Leader HARRY REID. He said the following:

> My friend from Texas . . . is like the schoolyard bully. He pushes everyone around and is losing, and instead of playing the game according to the rules, he not only takes the ball home with him but he changes the rules.

Today Leader REID continued his demonstration of civility by referring to me as the ''very junior Senator from Texas.''

As I noted yesterday, the Senate is not a schoolyard. Setting aside the irony of calling someone a bully and then shouting them down when they attempt to respond, today I simply wish to commend my friend from Nevada for his candor.

Yesterday I expressed my concern that sending the budget to conference could be used to pass tax increases or a debt ceiling increase through reconciliation—a backdoor path that would circumvent the longstanding protections of the minority in the Senate. And I observed that I would readily consent to the leader's request if he would simply agree that no such procedural tricks would be employed. It is perhaps rare for a so-called bully to offer to waive all objections if the other side will simply agree to abide by the rules, but I commend the majority leader for his response.

He did not disagree that he hoped to use reconciliation to try to force through tax increases or a debt ceiling increase on a straight party-line vote. He did not pretend that his intentions were otherwise. When the economy is struggling so mightily, as it is now—for the past 4 years our economy has grown at just 0.9 percent a year—it would be profoundly damaging to millions of Americans to raise taxes yet again, on top of the $1.7 trillion in new taxes that have already been enacted in the last 4 years. And with our national debt approaching $17 trillion—larger than the size of our entire economy—it would be deeply irresponsible to raise the debt ceiling yet again without taking real steps to address our fiscal and economic crisis.

If done through reconciliation, the majority could increase taxes or the debt ceiling with a 50-vote threshold rather than needing 60 votes. The American people already saw ObamaCare pass through backroom deals and procedural tricks. It should not happen again.

The majority leader could have claimed that he had no intention of trying to undermine the protections of the minority or of forcing through tax increases or yet another increase in the debt ceiling. But, in a refreshing display of candor, he did not do so, and I commend him for his honesty, so that our substantive policy disagreement can be made clear to the American people.

Let me be explicit. We have no objection to proceeding to conference if the leader is willing to agree not to use it as a backdoor tool to raise the debt ceiling. If not, he is certainly being candid, but the American people are rightly tired of backroom secret deals to raise the debt ceiling even further. And we should not be complicit in digging this Nation even further into debt on merely a 50-vote threshold.

Finally, I would note that the leader made a plea to regular order, and yet he was seeking unanimous consent to set aside regular order, granting that concept could open the door to even more tax increases and crushing national debt, and in my judgment the Senate should not employ a procedural backdoor to do so.

For reasons unknown, the majority leader deemed my saying so out loud as somehow ''bullying.'' Speaking the truth, shining light on substantive disagreements of our elected representatives, is not bullying; it is the responsibility of each of us. It is what we were elected to do. All of us should speak the truth and do so in candor. All of us should work together to solve the crushing economic and fiscal challenges in this country. All of us should exercise candor, and I commend the majority leader and thank him for his willingness to do so.

I yield the floor.

The PRESIDING OFFICER (Ms. WARREN). The Senator from California.

Mrs. BOXER. Madam President, just for the interest of all Senators, we are looking at some amendments which hopefully we can vote on tonight or early in the morning. It is one of those surprises to the American people that we are on a water infrastructure bill that deals with building absolutely necessary flood control projects and making sure our commerce can move through our ports—and we have money to deepen the channels and make sure our ports are working; they take those imports, they get those exports; it all works; critical infrastructure—and the first two Republican amendments are about guns.

Let me say it again. We are working on a critical infrastructure bill, and the first two Republican amendments are not about jobs, not about business, not about commerce—about guns. So we will deal with that. We will deal with those amendments.

But I think the American people have to listen. When our colleagues on the other side of the aisle get up and talk about the economy, straight from the heart: This economy is not creating enough jobs, oh, my goodness, the first two amendments they offer on a critical infrastructure bill—that is so critical to business that the chamber of commerce has endorsed it, that every business that is involved in construction has endorsed it, that every worker organization has endorsed it, the National Governors Association has endorsed it—the first two amendments are not about jobs, they are not about commerce; they are about guns. So let's understand what we are dealing with.

BUDGET CONFERENCE

Now, I want to say to my friend from Texas—and I welcome him to the Senate—for 3 years his party has been following Democrats all over the country, yelling at us: Where is your budget? Get your budget done. For shame on you; no budget.

And what has he done, starting from yesterday? Objected to this country having a budget because he thinks maybe—he does not know this; he is guessing—that in a conference, where we try to negotiate the differences between the sides, something might happen that he does not like. Maybe we will wind up saying: Yes, there ought to be a penalty on companies that ship jobs overseas. Maybe we will tighten some tax loopholes that allow the most successful companies to pay nothing in taxes while the middle class pays through the nose. Maybe he does not like the fact that Warren Buffett—one of the most successful entrepreneurs in our Nation—got up and said: You know what, I am embarrassed. I pay a lower effective tax rate than my secretary. Maybe he thinks that is good. Fine. But do not stop us from getting a budget.

Anyone who knows how a bill becomes a law—whether they are here 15 minutes or more than 20 years, as I have been—everyone knows that the way we operate here is that the House does a budget, the Senate does a budget.

We did a budget. Republicans demanded it, and we did it for sure. And we took care of 100 amendments. We remember being in until 5 in the morning. I certainly remember that. Now the next step is that you go to conference.

So I am saying here that I will be on my feet. Every time the good Senator from Texas comes, I will come and I will say: Senator, let the process work, do not be fearful of the process, because, you know what, when you have power—as the Senator does and as I do—do not be afraid of the process. If you want to make the point that the

Buffett rule does not make sense, make your point, but do not stop us from getting a budget.

I do not understand how any conservative could stop us from getting a budget, but yet that is what we have.

So I would urge my friend to work with his colleagues on both sides of the aisle. Let's get to the conference. Let's make sure the chairman of the House Budget Committee, Mr. RYAN, who I am sure is very competent, and our chairman, Senator MURRAY, who I know is very competent—get them in the room with their conferees, and let's let democracy work. This is the way a bill becomes a law.

They have stopped us from appointing conferees for a budget conference. I could tell you, having been here for a while, it is essential that we get to conference—whether it is the WRDA bill that we are so anxious to do because it is so important for jobs or whether it is the budget or whether it is an appropriations bill. Do not be afraid of the process. This is a democracy. We take our differences into a conference room, and we work together. If you do not like the outcome, that is fair enough. I could truly say I have not liked the outcome of a number of conferences, but I do not stop people from going to the conference because that is stopping democracy. That is a dictatorship. I decide something is going to happen in conference that I do not like. Now, what if I say that what could well happen in the conference is they make the sequester permanent. That could happen in the conference. I think that is devastating, to make the sequester permanent. I want to stop the sequester. I do not like the fact that 70,000 kids cannot get Head Start. I do not like the fact that people cannot get their chemotherapy. I do not like the fact that Meals on Wheels is being cut back and senior citizens who cannot afford meals are not getting them. I do not like the fact that people are not getting HIV screenings or breast cancer screenings. That is what is happening. So I do fear, frankly, that if there is a conference, the Republicans will prevail and they may come out of this with a permanent sequester. So I could stand here and say: I object to the process because I am fearful that they will get in there and they will make the sequester permanent, and that would hurt my people in California. But you know what, I have more faith in us. I have more faith in the American people. I have more faith in the process.

So I would urge my friend to stand down on this—and his allies. I know he is sincere, but I am saying that it is against progress. We do not know if there will be a tax increase or a tax decrease. Frankly, I have some really great ideas for tax decreases that I would like to see—decreases for the middle class, decreases for the working poor. I would like to see that in a conference. But I do not know what our colleagues will come back with.

But I use this time as the manager of the water infrastructure bill to tell colleagues that we should come together, not only on this bill. Instead of offering controversial amendments on guns to a water infrastructure bill, why cannot we just focus on what is before us? Finishing this WRDA bill—getting it done for the 500,000 jobs that rely on this, getting it done for the thousands of businesses that rely on it, getting it done for organized labor and the chamber of commerce coming together here. Get it done. And on the budget front, get it done.

With that, I ask unanimous consent that there be a period of debate only until 6:30 p.m. and that at that time the majority leader or his designee be recognized.

The PRESIDING OFFICER. Is this objection?

Without objection, it is so ordered.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BUDGET CONFERENCE

Mr. LEE. Madam President, what the majority leader requested yesterday was not regular order. What would be consistent with regular order would be to send the Senate-passed budget over to the House of Representatives. And what the majority leader requested unanimous consent to do yesterday did not involve sending the American people to conference; it involved sending a small number of people to conference. And what the majority leader requested unanimous consent to do yesterday did not involve simply getting to a budget on which both Houses could agree. I do not think there is anyone here who would object to that—not one of us whom I am aware of.

What we do object to—what I strongly object to—is any procedural trick that could be used to negotiate, behind closed doors in a backroom deal, an agreement to raise the debt limit or to raise taxes. The American people do not want that. They will not accept it, and frankly they deserve better.

I have to admit I stood in a state of disbelief for a moment yesterday as I heard the majority leader say something to my friend, my colleague, the junior Senator from Texas. I at first assumed I must have misunderstood him because I thought I heard him utter words consistent with the suggestion that my friend, the junior Senator from Texas, was a schoolyard bully. I was certain the majority leader could not have meant that. He probably did not say that.

Unfortunately, as I reviewed news accounts later on yesterday, I discovered that is exactly what he had said. Only the majority leader can tell us exactly what the majority leader meant by that. It is not my place to malign his motives. If I were do so, it would run me up against Senate rule XIX. Part 2 of Senate rule XIX says that no Senator in debate shall directly or indirectly by any form of words impute to another Senator, or to other Senators, any conduct or motive unworthy or unbecoming a Senator.

Certainly that would have been in violation of rule XIX, part 2, had the majority leader actually said that and intended to do that, because when you accuse a colleague of being a schoolyard bully, it certainly is not a compliment. It is, in fact, accusing them of doing something or being something unbecoming. I, therefore, will leave it to the majority leader to tell us what exactly he meant. Things happen on this floor. Things happen in the legislative process. Things happen when we get into heated discussions about matters of important public policy that probably should not happen. Sometimes we say words we did not intend to say. Sometimes we say things that in the moment of weakness, perhaps we intended to say but should not have said.

If, in fact, the majority leader slipped and said something he did not mean to say or recognizes now that he should not have said, then I invite him to come forward. I am confident my friend, the junior Senator from Texas, will promptly and frankly accept his apology.

If, on the other hand, this was something else, then I think we need to examine this more closely. It is important to reiterate there certainly could not have been any legitimate basis for making this accusation about the junior Senator from Texas. All the junior Senator from Texas was asking is that if, in fact, we are being asked to give our consent, our unanimous consent, that means the consent of every Senator present, to send this budget resolution to conference committee, that it carry one important but simple qualification; that is, that this conference committee not be used as a ruse, whereby we create an environment in which you could develop a secret backroom deal for raising the debt limit or raising taxes without going through the regular order.

That is the furthest thing that I can think of from being a schoolyard bully, simply making a very reasonable request that we go by the normal regular order rules of the Senate in order to do that. If there is any reason why my friend, the junior Senator from Texas, could ever be accused of being a schoolyard bully, I am not aware of it. It certainly was not evident in yesterday's debate and discussion on the floor. We are owed an explanation, to the extent that anyone was making the suggestion and, in fact, meant that.

At the end of the day, I do not think any of us can dispute the fact that we face very difficult challenges in our country and that many of those challenges weigh heavily on us as Senators.

That is why sometimes people say things they later regret, but that is what apologies are for.

At the same time, we can speak with absolute certainty and unmistakable clarity in saying that while different Americans might approach this issue differently, while different Americans might take a different approach to raising taxes or raising the debt ceiling, one issue on which almost all Americans are united is the fact that these things ought to be debated and discussed in open and not through a secret backroom deal.

The dignity of this process, the dignity of this body, our commitment to honor the constitutional oaths we have all taken as Senators demands nothing less.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Madam President, I ask unanimous consent to speak as in morning business.

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

SEQUESTRATION

Mr. CARDIN. Madam President, I think 2 weeks ago the American public understood one of the consequences of the sequester cuts, these across-the-board, mindless cuts, when they saw what was going to happen with furloughs with the air traffic controllers and the air traffic service in this country.

I never supported sequestration. These are mindless across-the-board cuts. I certainly did not want to see what would have happened to the FAA happen. That was mindless across-the-board cuts. We provided system flexibility to be able to avoid that circumstance. But what we need to do is replace sequestration for all agencies that are affected because similar occurrences are happening in other agencies.

The reason is these are across-the-board mindless cuts. They are deep cuts. To the agencies that are affected, it is equivalent to about a 10-percent cut. This is on top of 3 years of reduced appropriations for these agencies. So it is affecting the core mission of the agencies. They have no flexibility, and therefore they have to cut back on their mission. That is what happened at the FAA. Of course, we provided some flexibility so they can do some other things. But we have not done that as far as providing relief from these across-the-board cuts in other agencies.

So we are going to see many Federal agencies having to fundamentally change what they do. Let me give a couple of examples. I was recently at the National Institutes of Health and saw firsthand the great work they are doing. I could tell the Presiding Officer many of the missions they are doing are critically important to our health.

I was briefed on the work they are doing for an influenza vaccine that will help us deal not with every season having to deal with a different type of influenza and not knowing whether we get it right but looking at one that will work for multiple years. That is the type of work that is done at the National Institutes of Health, the kind of work in dealing with finding the answers to cancer. I remember when I was young, if you got cancer, it was a death sentence.

Now we reduce the fatalities of cancer. The survival rates are much higher. That is the work that is done at the National Institutes of Health, NIH. That work is being compromised by these across-the-board cuts that affect the grants NIH can give to the institutes around the country, including in Massachusetts and in Maryland.

What is happening with Head Start is 70,000 children who could benefit from Head Start will not be able to this fall. Why? Because of these across-the-board cuts. Head Start is a program that works. We know that. The children who have participated in Head Start do much better. We have waiting lists now. Do we want to tell 70,000 families they are not going to be able to send their children to Head Start this fall?

Senior eating together programs are being cut. Do we truly want to reduce our commitment to seniors in this country so they can get a nutritional meal? The border security protections we are going to be debating on the floor in a short period of time, how we can deal with comprehensive immigration reform. We want to do what is right, but we want to protect our borders. Do we truly want to cut back on border security in this country?

Food safety. The list goes on and on and on to basic missions that will be affected by these across-the-board cuts. Why? I have heard people say this is not such a big deal, about 2 percent of the budget. The difficulty is it applies to only a small part of the budget; that is, basically our discretionary spending accounts. These discretionary spending accounts have already gone through several years of freezes and cuts. They have been really stretched. So the cut is condensed into a short period of time. There is no flexibility that is given in order to deal with it. It is going to have a negative impact on our economy.

I used the example at a forum I had 2 weeks ago with a group of business leaders; that is, if you had trouble in your business, you knew you had to cut back, you would look at your budget, your money planned for rent or your mortgage payment, you have some money planned for your family for the food budget, maybe you had some money put aside for a weekend vacation or trip with your family.

You do not cut every category the same. You are going to save your house and make sure there is food on the table. We have to do the same at the Federal level. We have to make the tough decisions as to where the priorities of this country need to be. I saw the impact on our Federal workforce. I am honored to represent a large number of Federal workers who are very dedicated people working to provide services to the people of this country. Many are going to go through what is known as furloughs. Furloughs are nothing more than telling you you are going to get a pay cut.

Now, they have already had 3 years of a freeze. They have seen a lot of vacant positions go unfilled so they are being asked to do more with less. Now they are being told they have to go through furloughs. That is not right. We can do better than that. This country can do better than that. What we need to do is replace sequestration and we need to do it now.

The majority leader made a unanimous consent request. I am sorry it was not agreed to. What it said, very basically, is we can find other ways to get the budget savings, but let's not do this meat-ax, across-the-board approach that compromises the missions of this country. Unfortunately, that was objected to. I have spoken on the floor before about areas we can reduce spending.

I hear my friends on the other side of the aisle talking about mandatory spending. I agree. We can save money in health care. As the Presiding Officer knows, the work being done in Massachusetts, and I can tell you the work being done in Maryland, we see how we can reduce hospital readmissions, how we can deal with individuals with complicated illnesses and treat their conditions in a more comprehensive way, saving on less tests that need to be done, saving on hospitalizations.

We know how we can reduce hospital infection rates. There are ways we can cut back on health care costs that will reduce Medicare and Medicaid and health care costs. That is what we need to do. That will save money. Let's implement some of those cost savings.

I am honored to serve on the Senate Finance Committee. Our committee has jurisdiction over the Tax Code. We spend $1.2 trillion a year in tax expenditures. That is not touched at all by sequestration. We need to take a look at the Tax Code. There are parts of the Tax Code that are not efficient. Let's get rid of those provisions and we can save money and use that to help balance the budget without these across-the-board cuts.

Then we are bringing our troops home from Afghanistan. I hope we can do that at a more rapid rate for many reasons. But those savings can also be used to close the gap on the budget problems and to allow us to replace sequestration.

The bottom line is what my constituents want is for Democrats and Republicans to work together and to come up with a responsible budget plan for this

country. They want that for many reasons. First, that is the way business should be done. Secondly, it gives predictability; we know what the budget is going to be. People can plan if they know what the Tax Code looks like and they know what the Federal budget looks like. They can plan and our economy will take off. Predictability is very important.

Bottom line, what I urge us all to do: Let's get rid of these across-the-board cuts as soon as possible. We never should have been in this position. We have seen it in a couple agencies where the public was outraged and they flooded our phones. We are going to see that happen more and more because these are irrational cuts. We have a responsibility to act. The sooner we do, the better it is going to be for the American people, the better it is going to be for our economy. It is the responsible thing for the Senate to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

Mr. MURPHY. Madam President, let me first associate myself with the comments of the Senator from Maryland. We are engaging in a bit of theater of the absurd on the floor of the Senate, as we have been chided for years now that the Senate would not and could not adopt a budget.

Having finally done that, Republicans are refusing to allow us to move forward with the process that would finally get us out of this crisis-by-crisis mentality and do what the American people have wanted us to do for a long time, which is to sit across the table with Republicans, two parties in one room, with the TV cameras on, trying to find some settlements, somewhere where 70 percent of the American public can find agreement with us.

GUN CONTROL

I am here, though, to turn back the clock about 3 weeks to another day that I would argue is amongst the saddest this Chamber has seen in a long time. That was the day in which we went against the wishes of 90 percent of the American public and refused to adopt a measure that would have applied background checks to the vast majority of gun purchases in this country, that they also would have for the first time made gun trafficking, illegal gun trafficking, a Federal crime.

During those days I came down to this floor four or five times to tell the stories of victims, the victims of Sandy Hook, but also the victims of, frankly, countless other mass shootings and routine gun violence mainly in our urban corridors. I said no matter what happens on that vote that I wouldn't stop, that I would come down here and continue to tell the real stories that should matter.

We didn't get that bill passed, even though we had the support of 55 Members of the Senate. Our fight isn't over because the plight of gun victims and the surviving of relatives of gun victims are not over either.

This is an old chart. It is one I had up here for a number of hours during that week. It displays the number of people who have been killed by guns since December 14, 2012, when my State was witness to one of the worst mass shooting tragedies this country has ever seen.

We would have to now have two charts up here to simply display the same thing, because this number, which was somewhere in the 3,000s, has now easily cleared 4,000, maybe even up close to 5,000—the number of people who since Sandy Hook have been killed across this country by gun violence.

I wanted to come back down here to the Senate floor this week, as I will next week and the week after, to continue to tell the stories of who these people are, because they deserve an answer. The status quo is not acceptable to the mounting legions of families who have lost loved ones due to gun violence that could have been prevented if we had the courage to stand up and do something in this Chamber, if we had the courage to take on the gun lobby and make some commonsense changes the majority of Americans, the vast majority of Americans, support.

Let me tell you a few of these stories today, because I know we have other issues on the floor today to talk about. Let me tell you about Shamari Jenkins. She was 21 years old, and she lived in Hartford. About a week ago, on April 29, she was gunned down while driving in a car through the city of Hartford with her boyfriend. She was driving through the city when someone shot a couple of bullets through the back of the vehicle. It hit her and killed her. It went through her torso and her shoulder. She was 4 months pregnant when she was shot and killed. She was just a couple days away from that magical day many parents have experienced when they find out whether they are having a boy or a girl. That appointment was just a couple days away when she was killed. Close friends and family describe her as sweet and upbeat, with a lot of energy. Shamari was killed in Hartford at age 21 on April 29. Every single day in this country, on average, 30 people are killed by guns, many of them stories just like this.

The ages of all of the people I have been talking about on this floor—you get a couple who are in their forties or their fifties, a few, as I will talk about later, even younger—the majority of these kids are 17, 18, 19, 20, and 21 years old. It is a cruel moment to take somebody from this world, because when you are 21 you have a vision as to who this person is going to be. You can sort of see the greatness. Her friends described her as someone who always had a smile on her face. Yet you steal so much of their life. Shamari Jenkins, 21 years old, killed a week ago.

There are younger victims such as Caroline Starks, who, 1 day after Shamari Jenkins was killed, was killed in Cumberland County, KY, by her 5-year-old brother. She was 2 years old, and she was killed in an accidental shooting by her 5-year-old brother. She was killed by a .22 caliber Crickett rifle. They were messing around in the little bit of time that their mother had stepped outside onto the porch. Her brother picked up this little Crickett rifle, one he used to go hunting with his family. He was 5 years old, and he shot his 2-year-old sister. She died. It was a Crickett rifle. It is a cute name, right? It is a cute name because it is marketed to kids and sold as ''My First Rifle.'' It is made by a company that also makes another line of guns called Chipmunk rifles.

I certainly understand that in a lot of families there is a long history of hunting together as a family. The reality is that some of these shootings are malicious, with the number of guns that are out there. A gun lobby organization that used to spend a lot of time on gun safety now spends most of its time simply arguing for laws that perpetuate the number of guns in society. These accidental shootings are happening more and more.

Another one happened 3 days before Caroline Starks was killed. Michele Wanko of Parkside, PA, lost her husband William this year when she accidentally shot and killed him in the basement of their home. He was giving her lessons on how to use a semiautomatic pistol. As he demonstrated to her how to use one, she picked up another gun and accidentally fired it into his upper chest. Her screams awoke their 5-year-old son, who was sleeping alongside their 2-year-old son upstairs. It is not just mass shootings, it is not just urban violence, it is also this rash of accidental shootings taking the lives of mothers and children that we have seen as well.

We still should talk about these mass shootings because our inaction almost guarantees it is going to happen again. A lot of people said the law that we had on the floor of the Senate a couple of weeks ago had nothing to do with Newtown, so why are we talking about a piece of legislation that ultimately wouldn't have prevented an Adam Lanza from walking into that school and shooting 26 people.

That is true, but we know from experience that a better background check system could have prevented at least one mass tragedy in this country, and that is the Columbine tragedy. The guns that were used to perpetuate that crime on April 20, 1999, were bought at a gun show, the Tanner Gun Show, by a friend of the assailants. She bought the guns at a gun show because she knew if she bought them at a federally licensed dealer, she wouldn't have been able to do so. She would not have been able to walk out of that store with a gun. She went into a gun show where she wouldn't have to go through a background check.

Perhaps if we had a stronger background check system on the books on April 20, 1999, Rachel Joy Scott would still be with us today. Rachel was an aspiring actress. Her father said she was just made for the camera. She wasn't just acting, she was writing plays. She had written one already, and she was getting ready to write another one. She was a devout Christian and she kept diaries where she wrote about her hope for living a life that would change the world with small acts of compassion.

Maybe if we had had a better background check system in 1999, Daniel Lee Rohrbaough would still be alive today. He worked in his family's car and home stereo business. He loved electronics, and he had real talent for it. He would make a little bit of money working at the store, but he would never spend it on himself. He spent almost all of the money he earned on Christmas presents. His father remembers Danny's generosity by saying he didn't spend any of the money on himself, and he was upset because he came up $4 short on the last present for Christmas.

Maybe we would still have Daniel Conner Mauser with us today. He was a straight-A student. He was the top biology student in his sophomore class. He was shy, but he knew he was shy and he wanted to overcome it, so he joined the debate team to become more confident about public speaking. He was as compassionate as Daniel was. When a neighbor became ill, he went down there, raked leaves, and asked how he could help his neighbor. He loved swimming, skiing, and hiking. He was on the school's cross-country team, a straight-A student, and the top biology student in his class. We will never get to know what Daniel Conner Mauser would have been.

If we had a better background check system, maybe Matthew Joseph Kechter would still be alive today. He was another straight-A student but a student athlete as well. He was a starting lineman on Columbine's football team. He was a great student athlete but also a great older brother. His younger brother looked up to Matthew and would wait at the mailbox for Matthew to come home from school every day. Matt hoped to attend the University of Colorado where he wanted to study engineering—a straight-A student, a student athlete who wanted to be an engineer. Doesn't that sound like the type of kid we need in this country today?

These are another half dozen of the thousands of victims we have read about in the newspapers and watched news about on TV since December 14, 2012.

One of the arguments I have heard repeated over and over, both during the debate on the floor and since then, is that even if we passed these laws, it wouldn't matter. Sure, you say the guns were purchased outside of the background check system for the Columbine shootings. Even if the background checks were required, these kids would have found another way to get the guns.

Another way of putting the argument is criminals are going to violate the law, so why pass the law in the first place? That is as absurd an argument as you can muster in this place. Frankly, that is an argument not to have any laws at all. People drive drunk and they kill people. Republicans aren't coming down to the floor of the Senate and saying we should get rid of drunk driving laws because there are people who still go out and drink and drive. There are, unfortunately, other men out there who beat their wives, but nobody is coming down to the floor of the Senate or the House and arguing we should get rid of our domestic violence laws because some people don't follow them.

The fact is we make a decision as a country what standards we are going to apply to conduct. We trust that is going to funnel some conduct away from the kinds we don't want into the kinds we want. It is also going to allow us to punish those who act outside of the boundaries we have set. That is why we still have drunk driving laws and domestic violence laws, even if some people ignore them. It is why we should have an expectation that criminals in this country shouldn't have guns, even if some criminals are still going to ignore the law and get the guns anyway. That way we can punish those people who do wrong, and we can have some comfort in knowing that some people will choose to do right because of the consequence of the law being in place.

There was no consequence for that young lady, the friend of the Columbine shooters, when she went outside the background check system to get guns for her friends. We will never know if she would have made a different decision, but why not have the law to test out the theory. For the thousands of people who have died since December 14, they would take that chance that the law will work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I first of all thank my friend, the Senator from Connecticut, for his comments today and for his leadership on this issue which is of such enormous importance.

I have been a long-time supporter of the second amendment, but like so many other Americans after Newtown, the status quo just didn't cut it. The Senator and so many others have continued to come down and raise the issue. At least we ought to make sure we have a system in place in this country to prevent criminals and those with serious mental impairment from purchasing firearms. I think it is the most reasonable of all proposals. I thank the Senator for not letting us on the Senate floor forget that tragedy and that issue. I have a sense, and I am sure it is the same in Connecticut and it probably is the same in the Commonwealth of Massachusetts, the American people haven't forgotten. There is not a day that goes by when I don't have somebody coming up and saying, you have got to bring that back up.

I again thank the Senator for his good work. I think those of us who want to put in place appropriate, reasonable restrictions that the vast majority of law-abiding gun owners support will have another day in this hall.

### THE BUDGET

Madam President, I note a lot of my colleagues have also been down today talking about the budget, an issue some would say I have been a little bit obsessed about in the 4 years I have been here.

I want to come and talk about that tomorrow, but at least tangentially I want to raise that same issue in my comments today.

### TRIBUTE TO FEDERAL EMPLOYEES TIMOTHY GRIBBEN, CHRISTINE HEFLIN, MICHELLE SILVER

Madam President, this week we celebrate Public Service Recognition Week to honor public servants at all levels of government for their admirable patriotism and contributions to our country. We talk about budgets sometimes and we forget that a lot of the resources we pay in taxes that go to budgets actually hire Americans who go to work every day trying to make our country a safer place to live and a better place to live. Quite honestly, the vast majority of folks who work in public service go about doing it with very little recognition for the work they do.

Since 2010, when I had the opportunity as a freshman Senator to preside more often than I would have liked to, I used to see then-Senator Ted Kaufman, who would come down to the floor almost every week and talk about a Federal employee. When Ted, who had served as staff director to JOE BIDEN for close to 30 years, left the Senate, I inherited that responsibility from him. While I have not been quite as conscientious as Senator Kaufman, I have tried to make certain to come down on a regular basis and call out Federal employees who deserve recognition, including even certain Federal employees who work in the Senate.

Today I want to take a moment to recognize three Federal employees who particularly are relevant to the debate we are having about budgets because one of the issues we all have to recognize is we have to find ways to make our Federal dollars go further. So I want to recognize three Federal employees who happen to be Virginians, who are working to make our government use data better to improve accountability and transparency. These are individuals whom, as chair of the Budget Committee's Government Performance Task Force, I have followed in some of their actions.

First, I want to recognize Timothy Gribben. Tim is the Director of Performance Management at the Small Business Administration, and in this role he developed SBA's quarterly performance review process that is now considered a best practice among other agencies. Because of Tim's commitment to transparent and accessible performance metrics—I know that doesn't get everybody's eyes shiny, but performance metrics is something I am pretty interested in—the American public can now more clearly track the support provided to small businesses from SBA to see where our tax dollars are headed.

Tim has been recognized by the White House's Performance Improvement Council and the American Association of Government Accountants for his leadership.

Next, I want to recognize Christine Heflin. Christine is the Director of Performance Excellence at the Department of Commerce and has established the Performance Excellence Council to bring together performance leaders from across the Department to exchange best practices. Because of Christine's expertise, she is sought by other agencies for advice, and she leads performance management 101 training across the Department to educate staff on the benefits of data-driven decisionmaking, the use of analytics, and performance improvement techniques.

Finally, I would like to recognize Michelle Silver. Michelle served as the program manager for the Bank Act IT Modernization Program. Under her leadership, the program was able to successfully modernize the Financial Crimes Enforcement Network's IT infrastructure. This significantly improved the ability of law enforcement, regulatory, and intelligence agencies to access and analyze financial data to detect and prevent financial crimes. It is important to note that Michelle's management ensured the modernization program was delivered on time and within budget. Because of people like Michelle and many other hardworking Federal employees at the Department of Treasury, our country's financial system is at least safer now than it was before from emerging threats.

I know performance metrics, data analysis, and IT improvements aren't necessarily the subject of debates every day on the floor of the Senate, but regardless of how we get our country's balance sheet back in order, I believe that will require both additional revenue and entitlement reforms so we don't keep coming back to the small portion of our budget which is discretionary programs. Even with all of that, we still need to make sure we use those dollars in the most effective and efficient process possible.

I hope my colleagues will join me in honoring Mr. Gribben, Ms. Heflin, and Ms. Silver, as well as all government employees at all levels around the country for their commitment to public service. Again, I remind all of my colleagues that as we debate budgets and we debate the future of our country, there are literally millions of folks at all levels of public service who go to work every day to make our country safer, to make our country more efficient, and to provide services for those who are in need.

A few minutes earlier today I was with seven DEA agents who had just received the Congressional Badge of Bravery. They had been recently deployed to Afghanistan. These are all people who represent the commitments we fight for on the floor of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Madam President, I ask unanimous consent that at 11:30 a.m. on Wednesday, May 8, the Senate resume consideration of S. 601 and the following amendments be the first amendments in order to the pending Boxer-Vitter substitute amendment No. 799: Coburn amendment No. 804 on ammunition; Coburn amendment No. 805 on Army Corps lands and guns; and Whitehouse amendment No. 803 on oceans; that there be no second-degree amendments in order to any of these amendments prior to votes in relation to the amendments; that the Coburn and Whitehouse amendments be subject to a 60-vote affirmative vote threshold; and that the time until 2 p.m. be equally divided between the two leaders or their designees for debate on their amendments; that Senator COBURN control 40 minutes of the Republican time; that at 2 p.m. the Senate proceed to votes in relation to the Coburn and Whitehouse amendments in the order listed; that there be 2 minutes equally divided in between the votes and all after the first vote be 10-minute votes; further, that upon disposition of the Coburn and Whitehouse amendments, the substitute amendment, as amended, if amended, be agreed to and be considered original text for the purposes of further amendment.

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

## MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## WRDA

Mrs. BOXER. Madam President, I wish to take about 2 minutes—and I know Senator BROWN is here to speak—to explain what just happened because a normal person would never follow this, in my opinion. That is just me speaking.

Let me tell my colleagues what we did. Happily, we are moving forward with the first votes on amendments to the WRDA bill—the water resources bill—tomorrow. I have to thank so much Majority Leader REID because he worked very hard on making sure we could figure out a way to move these votes forward. Senator VITTER and I both wanted to see this happen, and we are very pleased.

So what will happen is we will first have a vote on an amendment by Senator COBURN dealing with a study about ammunition. Upon disposition of that amendment, we will move to another Coburn amendment that deals with people being able to carry guns on Corps of Engineers land that has levees and dams on it and so on. We will have debate and a vote on that. Finally, we will have a vote on the Whitehouse amendment which deals with an oceans trust fund. So those three votes will be in order, and following that we believe the Boxer-Vitter amendment will be pending.

I wish to thank everybody for their cooperation in moving forward. I don't understand why and how we would have gun amendments on a water infrastructure bill, but that is just me. This is about water infrastructure. It is about flood control. It is about making sure our ports are deepened so that commerce can flow in and out. It is about water conservation. It is about wetlands conservation and restoration. So I don't quite get why we are voting on guns, but it is the Republicans' desire that the first two votes be on guns, so that is what we are going to do. We will dispose of those.

I can only say to my colleagues, my friends, on both sides of the aisle, could we keep the amendments to the subject at hand? If we could keep the amendments to the subject at hand—I know there is a desire to have votes on lots of issues, but I think we all agree that for the economic well-being of our country, we need an infrastructure that is top-notch. I hate to say it but our infrastructure has been rated as a D-plus. That means our ports are not functioning as they should and our flood control projects are not handling the extreme weather we are facing. We need to get back to work here in regular order.

I know there are people here who think more gun votes is the way to go. That is a very controversial subject. It tears at the heart of the American people in many ways. But so be it. Let the country see what we are dealing with. The first two votes by the Republicans on a water infrastructure bill are about guns. Let the people decide if they think it is appropriate on a water infrastructure bill that deals with flood

control and the adequacy of our ports and our wetlands, and restoration, if that bill should be burdened with amendments about guns. I don't think so. That is how I am talking about it. We will see what happens tomorrow, but at least we have a path forward.

Again, I thank Senator VITTER for working with me today. I thank Senator REID and all of my colleagues for their indulgence. Frankly, I hoped we would have had a few relevant amendments disposed of, but at least we have a path forward together, and I look forward to seeing everybody then.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

## WORKERS MEMORIAL DAY

Mr. BROWN. Madam President, this past week we observed in this country Workers Memorial Day—when we pause and remember those Americans who lost their lives on the job.

For generations hard-working people have left their homes every morning or for second or third shift to earn an honest living, to provide for loved ones, to put food on the table. For generations too many would leave for their jobs but return home from work injured or in far too many cases not return home at all; they died operating heavy machinery on late-night shifts; they died working in coal mines; they died building roads and bridges; they died in far too many cases from lack of basic fire safety, ventilation systems, and lighting.

I have shared with my colleagues before that over the years many times I will wear a depiction of a canary in a bird cage on my lapel that reminds me why we honor these workers and why honoring these workers' lives matters. One hundred years ago, a mine worker took the canary down in the mine in a cage. If the canary died from toxic gas or lack of oxygen, the mine worker quickly left the mine, understanding that he had no union strong enough to protect him nor a government that cared enough to protect him.

In those days 100 years ago, when they took the canary in the mine, the life expectancy for a child born in this country was only 45 or 46 years. Today we live three decades longer because we understand everything from Medicare, to civil rights, to Social Security, to workers' compensation, to minimum wage, to prohibition, to child labor, to auto safety, to safe drinking water and clean air laws.

This pin symbolizes people who work hard and play by the rules. We have taken significant steps in this country to keep American workers safe and to provide them with fair wages and benefits. We know more work needs to be done.

Since the National Labor Relations Act and the Fair Labor Standards Act were enacted into law in the 1930s, workers in this country were guaranteed the right to form a union and bargain collectively. They benefited from a minimum wage and from overtime pay.

Today we see vicious attacks on unions and collective bargaining from State legislatures at the behest of their corporate and far-right benefactors. We see obstructionists in this body who block even the most reasonable and clearly necessary nominations to the National Labor Relations Board.

Yes, there is more work to be done. Even as OSHA—the Occupational Safety and Health Administration—works to ensure safe working conditions, job fatality rates have not changed in the last few years. More than 4,600 workers—think about that: 4,600 workers—were killed on the job in 2011. That is more than 10 a day. And 4,600 American workers went to work and didn't come home that night. About 50,000 more died from occupational disease. That is almost 1,000 a week who died because of exposure to chemicals or something that happened to them in the workplace.

Given the progress we have made over the last several decades, nonetheless, Americans live longer and enjoy a better quality of life, but there is more work to be done because too many are still denied fair wages and benefits, and, equally important, too many are still at serious risk of injury or death on the job.

Just days ago, on May 4, two workers in Ohio were killed when part of a crane fell on them at a steel mill construction site in Stark County, OH, in Perry Township. Brian Black, Mark Tovissi, and their families and all the workers of the Faircrest plant deserve better and deserve answers.

So too do workers in McLennan County, TX, where a fertilizer plant exploded recently and was a major story in the national news. That facility in West, TX, had not had a health and safety inspection since 1985. This disaster shows the tragic consequences of not conducting regular workplace inspections.

Fewer American miners died or were injured in 2012 than ever before, but in the first 3 months of 2013, 11 miners were killed in accidents that the Mine Safety and Health Administration called ''preventable.''

Stephen Koff, a reporter at the Plain Dealer in Cleveland, documented some of the problems the government has faced—the agency in charge of protecting miners' safety—the problems they have in levying fines against coal mine owners who have violated public safety rules. Yet, in an interconnected, globalized society, we can't turn away from these workplace disasters—not just in our country but overseas. The struggle to ensure that workers are treated with the dignity and respect they deserve is an international, universal, fundamental right.

We have recoiled from the stories of hundreds of garment workers in Bangladesh who died in a factory that collapsed a few weeks ago and others who died in a factory fire last year. Several brand-name retailers contract work in Bangladesh. They have a responsibility, once the label of their retail establishment is sewn into these clothes, whether they own the factory or whether they are an American retailer or an American textile maker that owns the factory or whether they subcontract to others and try to wash their hands of responsibility, they have a responsibility to work with the Bangladesh Government, to work with nongovernmental institutions, and to work with the workers themselves to improve their working environment. Anything less is unacceptable.

The United States has a moral duty to lead by example. We should examine contracts with companies that sell products manufactured by workers who have been denied in these countries—similar to the way they used to be in the United States and occasionally still are—who are denied even basic worker protections.

Let's not forget the American rescue workers who put their own lives in jeopardy to save hundreds of people over the past few weeks in Texas and in the home State of the Presiding Officer, the Commonwealth of Massachusetts. First responders across our country deserve to know that we are doing everything we can to keep them and the people they protect as safe as possible. These are, generally, public employees. They generally carry a union card. While bystanders and others tend to run from disasters, they run toward those disasters.

Let us always remember those whom we have lost over the years. Whether they are public sector or private sector workers, we have lost them due to their labor. On Workers Memorial Day, particularly, remember them, but on every day.

Let us honor those workers who have died by renewing our commitment to protect hard-working American workers who get up, who go to work, who try to provide for themselves and their families.

I yield the floor.

## MARKETPLACE FAIRNESS ACT

### TAX ISSUES

Mr. ENZI. Madam President, the Marketplace Fairness Act is about States' rights and giving States the right to decide to collect or not collect taxes that are already owed. Critics have claimed that we are creating a new Internet sales tax, that businesses would have to remit sales taxes to 9,600 different tax jurisdictions, and that today's software simply isn't capable of helping businesses collect sales tax.

Nothing could be farther from the truth. On the issue of creating a new tax or imposing new taxes, we made it clear in section 3(d) of the legislation

that nothing in the bill encourages a State to impose sales and use taxes on any goods or services not subject to taxation prior to the date of enactment. This includes imposing sales and use taxes on financial transactions or services and any other good or service that a State may be considering.

We also made it clear that nothing in this legislation limits the existing authority of States to impose State and local sales and use tax on and collect such taxes directly from the purchaser. As a former mayor and State legislator, I strongly favor allowing States the authority to require sales and use tax collection from retailers on all sales for each State that chooses to do so. We need to implement a plan that will allow States to collect revenue using mechanisms already approved by their local leaders.

I would like to ask my friend Senator ALEXANDER to help me respond to some of these concerns because he has been vocal about States' rights and that this has nothing to do with taxing the Internet.

Mr. ALEXANDER. Madam President, I thank Senator ENZI for this opportunity, and in fact there is a Federal moratorium that prohibits State taxes on access to the Internet. I was in the middle of that debate several years ago, and when the Marketplace Fairness Act is enacted that ban will still be there. In other words, today there is a Federal ban on Internet access taxes, and after this law passes, there will continue to be a ban on Internet access taxes. This issue is not about taxing the Internet, it is about the collection of State sales and use taxes that are already owed.

The complexities raised by our critics are unfounded, and I would like to ask Senator DURBIN what his thoughts are on these claims.

Mr. DURBIN. Madam President, first, let me thank my colleagues Senator ENZI, Senator ALEXANDER, and Senator HEITKAMP for their work on this important issue.

Senator ALEXANDER is right about the Federal ban on Internet access taxes. I also want our colleagues to know that the Marketplace Fairness Act would dramatically simplify and streamline the country's more than 9,600 diverse State tax jurisdictions.

The bill provides States with two options that would allow them to begin collecting State sales taxes from online and catalog purchases. Both options would reduce the number of returns and audits businesses would have to file from 9,600 to fewer than 50.

The bill also exempts businesses with less than $1 million in online or out-of-State sales from collection requirements. This small business exemption will protect small merchants and give new businesses time to get started.

Critics of the bill should not get away with saying this type of simplification can't be done. The different tax rates and jurisdictions are no problem for today's software programs. When you order something online, you have to put in your zip code. The zip code will tell you exactly how much is owed in sales and use taxes. As Senator ALEXANDER has said, it is as simple as looking up the weather.

We also made it very clear in the bill that States cannot require remote sellers to collect sales and use taxes already owed under State and local law until the State implements sales and use tax simplification requirements and is able to provide software to sellers free of charge.

Our goal is to allow States to satisfy the requirement to provide software free of charge under section 2(b)(2)(D)(ii) of the Act either by developing the software themselves or by using the services of certified software providers. If a remote seller elects to deploy and utilize a certified software provider, the seller should be permitted to deploy and utilize a certified software provider of their choice per section 3(c) of the Act. It is not our intent to allow or encourage States to require remote sellers to use the software provided by the State or certified software providers or penalize remote sellers for not using such software or certified software providers.

Now I want to go back to an issue my colleague, Senator ENZI, mentioned earlier. This bill does not expand or enlarge the authority of States to impose sales and use taxes on products or services. And it does not urge States and localities to impose financial transaction taxes. The bill only applies to sales and use taxes, so financial transactions taxes are excluded from the authority under the Act.

In almost 200 years of sales and use tax history in the United States, no State or locality has imposed a sales or use tax on financial transactions and no State is proposing to do so today. The Marketplace Fairness Act simply authorizes States to require remote sellers to collect taxes that are already owed under current law. As my colleague said, the bill is very clear and states:

(d) NO NEW TAXES.—Nothing in this Act shall be construed as encouraging a State to impose sales and use taxes on any goods or services not subject to taxation prior to the date of the enactment of this Act.

I would like to ask my friend Senator ENZI if he agrees.

Mr. ENZI. Yes, we were deliberate by including language in the Marketplace Fairness Act to authorize States to require remote sellers to collect taxes that are already owed under current law. It was not our intention to urge States and localities to impose other taxes not associated with sales and use taxes.

Another issue that my colleagues and I want to make clear is the reason we included language in the perfecting amendment recognizing tribal sovereignty. Tribes that have adopted sales taxes have the same concerns as States about the collection of taxes on remote sales. During the drafting and consideration of this legislative concept in 2005, Senator Byron Dorgan of North Dakota and I began working with the National Congress for American Indians and the National Governors' Association to find common ground to allow tribal governments the opportunity to participate in the Streamlined Sales and Use Tax Agreement, SSUTA. After 2 years of deliberation, tribal government legislative language was included in the Main Street Fairness Act bill introduction in 2007.

Although not included in the introduced version of the Marketplace Fairness Act this year, tribal governments requested the ability to collect sales and use tax if they choose to participate in the alternative system, not the SSUTA. Those tribal governments who participate in a streamlined system would agree to the same rules as the States who participate in that system. At this time, the Senate bill includes tribal governments in the ''State'' definition. Although some may disagree, I do encourage my House colleagues working on the Marketplace Fairness Act to further review this specific policy issue when the bill is debated in the U.S. House of Representatives.

This is a very important issue that Senator HEITKAMP has experience with, and I would ask her to share her comments with our colleagues. I also want to say yet again how grateful, and lucky, we are to be working with Senator HEITKAMP on this issue. She has been working to solve this problem for even longer than I have, and I want to ask her for her thoughts on the legislation.

Ms. HEITKAMP. Madam President, I thank Senator ENZI, Senator DURBIN, and Senator ALEXANDER for their leadership on the Marketplace Fairness Act and am proud to join them to address an issue I have been working on for just over 20 years now.

Tribes that have adopted sales taxes are faced with the same situation as States with regard to the collection of taxes on remote sales. Tribal governments provide essential government services to their communities, and including them in the Marketplace Fairness Act simply gives them the equal footing that they deserve.

Tribal governments that attempt to collect sales and use taxes from remote sellers will have to follow the same streamlined requirements that all States must use, including software and audit compliance. Additionally, the software provided—free-of-charge—to remote sellers under this bill can easily calculate sales tax at the point of sale. Most tribal governments will negotiate agreements with their States to provide for the collection of sales and use taxes from remote sellers and remittance to the tribe. As a result, businesses will have no additional burden.

It is important to note that this bill does not authorize States to collect a

tax on sales to tribal members in Indian country. Under the bill's sourcing rules, read in conjunction with the definition of ''State,'' a sale within a tribe's jurisdiction would be subject only to the tribal tax, and not to a nontribal State or local tax. It is not the intent of the bill to subject such a sale to dual taxation—State and tribal—or to extend State taxation to tribal members residing in Indian country.

## ADDITIONAL STATEMENTS

### JEWISH COMMUNITY CENTER OF GREATER COLUMBUS

● Mr. BROWN. Madam President, today I wish to celebrate the 100th anniversary of the Jewish Community Center of Greater Columbus in Columbus, OH.

Since 1913, the JCC and its members have supported Ohioans through physical and mental well-being activities, early childhood initiatives, summer camps, and recreational sports programs.

I congratulate this vital organization on reaching this milestone and join many central Ohioans in expressing the deepest gratitude for JCC's service to the Greater Columbus community.

In 1913, Joseph Schonthal worked to help ensure Columbus's Jewish immigrant population had a place to come together in brotherhood.

He began providing meeting rooms for these newcomers and organizing activities for their children.

In 1918, he opened the Schonthal Center and the Jewish Infants Home of Ohio on East Rich Street in Columbus.

Nine years later, he purchased 25 acres of land in Union County for youth summer camps. In 1949, with the help of the United Jewish Fund, the JCC broke ground on its current home located on College Avenue.

Today's center is named in honor of Leo Yassenoff, the son of Russian immigrants, who made Columbus his home in 1912.

He graduated from The Ohio State University in 1916. After serving in World War I, Leo Yassenoff helped start F&Y Construction Company, which built many local drive-in theaters.

Yassenoff was a philanthropist throughout his life and donated a significant sum to the Jewish Center upon his death in 1971.

In 1983, the current home for the Columbus JCC was named in his honor.

In many ways, the stories of Leo Yassenoff and Joseph Schonthal are chapters in the larger American story—of neighbors coming together to make stronger communities.

Today, the Jewish Community Center has multiple locations throughout the Columbus Metropolitan area, which provide recreation facilities and preschool programs.

JCC also continues to host summer camps and educate both students and adults on Jewish cultural heritage. It remains a hub for education, the arts, and spiritual well-being.

It engages the Columbus Metropolitan area as a whole; transcending issues, cultures, ethnicities, races, and religions. JCC also provides classes to immigrants and new Americans.

It works with organizations like the United Way providing services and education opportunities for those with special needs.

Throughout the past century, the JCC has grown along with Columbus and remains focused on its goal: to serve its local community.

On behalf of the people of Ohio and the United States, I thank the JCC of Greater Columbus for all their efforts and wish them another one hundred years of success. Mazel Tov! ●

### CONGRATULATING JERRY TARKANIAN

● Mr. HELLER. Madam President, today I wish to congratulate former University of Nevada, Las Vegas, UNLV, Runnin' Rebel basketball coach Jerry Tarkanian for being selected for the Naismith Memorial Basketball Hall of Fame. Coach Tarkanian will be inducted into the Hall of Fame on September 8, 2013.

Jerry Tarkanian headed the Runnin' Rebels for 19 seasons with an aggressive and up-tempo style that captivated basketball fans in Las Vegas and across the Nation. Coach Tarkanian posted an impressive winning record at UNLV with a 509–105 winning record—in fact, he never had a losing season with UNLV. He led the Runnin' Rebels to four NCAA Final Four appearances, and a national championship in 1990 with a 103–73 runaway victory over Duke. The 1990 National Championship is still the highest margin of victory in NCAA tournament championship game history.

Not only did Jerry Tarkanian help bring UNLV basketball to national prominence, he aided the University of Nevada, Las Vegas, in gaining exposure and distinction in Nevada. It would be impossible to quantify the impact that Coach Tarkanian has had on the progress and success of UNLV, but his contributions to the State of Nevada certainly deserve our deep appreciation.

Although Coach Tarkanian has not nervously chewed on a towel in the 'Shark Tank' for more than two decades, he is still a beloved figure in the Silver State. Fans and the university community honored him when the court at the Thomas & Mack Center was named in his honor on November 26, 2005.

I ask my colleagues to join me in congratulating this great Nevadan and iconic figure in NCAA basketball history. He may now just be officially joining the Hall of Fame in Springfield, MA, but he has long been in the Hall of Fame in the minds and hearts of UNLV fans.●

### CONGRATULATING CHRIS AULT

● Mr. HELLER. Madam President, today I wish to congratulate Hall of Fame Nevada football coach Chris Ault on his retirement after 28 seasons coaching the Nevada Wolf Pack football team. Not only has Coach Ault been an unparalleled football coach, but he was also an extremely talented student-athlete at the University of Nevada Reno, UNR, as the Wolf Pack's star quarterback from 1965 to 1967.

Coach Ault was inducted into the College Football Hall of Fame in 2002 after guiding the UNR football program from Division II to Division I-AA to Division I-A. Coach Ault restored championship-caliber football to the University of Nevada by taking the Wolf Pack to seven straight bowl appearances and two WAC Championships. In 2010, he coached the team to a nearly perfect 13–1 record and finished the season ranked No. 11 in the final top 25 polls. Throughout his career, Coach Ault was named by his peers seven times as the conference's Coach of the Year, and became the 54th coach in NCAA history to win 200 games, and the 30th to win 200 games at one school.

I ask my colleagues to join me in congratulating Coach Chris Ault for a distinguished coaching career in Nevada. It is my hope that he will serve as an example of what great things a person can accomplish when they work with commitment, determination, and persistence.●

### ALASKA MARINE HIGHWAY SYSTEM

● Ms. MURKOWSKI. Madam President, today I wish to celebrate 50 years of the Alaska Marine Highway System as an essential means of transportation to the people of Southeast Alaska. The Marine Highway began with one ship in 1963 and has grown to 11 vessels serving more than 350,000 passengers and 30 communities a year, along routes that total more than 3,000 miles.

Growing up in Southeast Alaska like I did, or in other remote coastal communities, you grow to love the Marine Highway and depend on it. With 656,425 square miles of rugged wilderness, scenic beauty and abundant wildlife, Alaska is a large and diverse State. Naturally, traveling in Alaska presents some unique opportunities and challenges. Unlike the lower 48, many of our communities are not accessible by a land-based road system, and our only means of travel is by air or sea. The Marine Highway is a significant part of our highway system, and where traditional roads do not exist, it is our link to the rest of the State.

The Marine Highway began when the M/V Malaspina, a sleek blue and gold vessel named after a glacier in the panhandle of Southeast Alaska, docked in Ketchikan for the first time on January 21, 1963. Three days later it docked in Wrangell for the first time. My father, Frank Murkowski, whom at the

time was president of the Wrangell Chamber of Commerce, was aboard the Malaspina for its maiden voyage to Petersburg. In its first year of service, the Marine Highway added the Taku and Matanuska ferries, which broadened service from Ketchikan to Petersburg, Sitka, Skagway, Wrangell and Prince Rupert, British Columbia. During that inaugural year the fleet moved more than 15,000 vehicles and 80,000 passengers.

In 2005, I attended the designation ceremony to name the Marine Highway as a National Scenic Byway—All American Road, the highest recognition that can be received under the Byways Program. This designation recognized that for Southeast Alaska, the ferry system is a piece of history, a tourist attraction, and a way of life. It is the primary transportation link for many of the 30 communities it serves that populates Alaska's 35,000 miles from Bellingham, WA, up the Inside Passage, across the Gulf of Alaska and out along the 1,000 mile stretch of the Aleutian Chain to the Bering Sea. It also enables Juneau to serve as the only United States capital city not accessible by road.

The Marine Highway directly affects our school system in Southeast Alaska. Over 15 rural schools are given an economically feasible way to travel so that students may participate in competitive academic and sporting events. This allows young Alaskans opportunities that would otherwise be impossible, providing the chance to interact and identify with communities, families and other students from across the State.

To commemorate this special occasion, this summer the M/V Malaspina will sail a special voyage inspired by the 1963 inaugural sailing. The celebration will include community events across Southeast Alaska showcasing the unique culture and heritage of each community.

Much like the blue and gold of Alaska's state flag, the blue and gold ships on the Alaska Marine Highway System embody the spirit and fortitude of Alaskans. What was once called one of the most important and permanent achievements for Alaska since statehood, the Marine Highway has grown alongside the people it serves to improve life in Alaska. We share pride for our unique State, and pride in the Alaska Marine Highway System.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13338 OF MAY 11, 2004, WITH RESPECT TO THE BLOCKING OF PROPERTY OF CERTAIN PERSONS AND PROHIBITION OF EXPORTATION AND RE-EXPORTATION OF CERTAIN GOODS TO SYRIA—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency, unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions of the Government of Syria declared in Executive Order 13338 of May 11, 2004—as modified in scope and relied upon for additional steps taken in Executive Order 13399 of April 25, 2006, Executive Order 13460 of February 13, 2008, Executive Order 13572 of April 29, 2011, Executive Order 13573 of May 18, 2011, Executive Order 13582 of August 17, 2011, Executive Order 13606 of April 22, 2012, and Executive Order 13608 of May 1, 2012—is to continue in effect beyond May 11, 2013.

While the Syrian regime has reduced the number of foreign fighters bound for Iraq, the regime's brutal war on the Syrian people, who have been calling for freedom and a representative government, endangers not only the Syrian people themselves, but could yield greater instability throughout the region. The Syrian regime's actions and policies, including pursuing chemical and biological weapons, supporting terrorist organizations, and obstructing the Lebanese government's ability to function effectively, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions to address this national emergency.

In addition, the United States condemns the Assad regime's use of brutal violence and human rights abuses and calls on the Assad regime to stop its violent war and step aside to allow a political transition in Syria that will forge a credible path to a future of greater freedom, democracy, opportunity, and justice.

The United States will consider changes in the composition, policies, and actions of the Government of Syria in determining whether to continue or terminate this national emergency in the future.

BARACK OBAMA.
THE WHITE HOUSE, *May 7, 2013.*

## MESSAGE FROM THE HOUSE

At 2:19 p.m., a message from the House of Representatives, delivered by Mr. Novtony, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 291. An act to provide for the conveyance of certain cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota.

H.R. 507. An act to provide for the conveyance of certain land inholdings owned by the United States to the Pascua Yaqui Tribe of Arizona, and for other purposes.

H.R. 588. An act to provide for donor contribution acknowledgments to be displayed at the Vietnam Veterans Memorial Visitor Center, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 32. Concurrent resolution authorizing the use of the Capitol Grounds for the National Honor Guard and Pipe Band Exhibition.

The message further announced that pursuant to section 672(b) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239), the Minority Leader appoints the following individuals to the Military Compensation and Retirement Modernization Commission: Mr. Christopher Carney of Dimock, Pennsylvania and General Peter W. Chiarelli of Seattle, Washington.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 291. An act to provide for the conveyance of certain cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota; to the Committee on Energy and Natural Resources.

H.R. 507. An act to provide for the conveyance of certain land inholdings owned by the United States to the Pascua Yaqui Tribe of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

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

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–9. A concurrent resolution adopted by the General Assembly of the State of Ohio urging Congress to maintain operation of the 179th Airlift Wing at Mansfield-Lahm Regional Airport in Mansfield, Ohio; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, The United States Air Force 179th Airlift Wing is a military airlift organization assigned to the Ohio Air National Guard and stationed at Mansfield-Lahm Regional Airport; and

Whereas, Due to its superior record, the 179th Airlift Wing received a mission to operate the C–27J Spartan aircraft, a twin turboprop aircraft with short takeoff and landing capabilities, ideal for the nation's current military needs and for providing rapid response support for homeland emergencies; and

Whereas, The United States Air Force has published proposed personnel actions associated with plans to retire more than 300 aircraft nationwide, including the C–27J; and

Whereas, The United States Air Force has plans to move personnel positions among states to mitigate the impact of the reductions; and

Whereas, The United States Air National Guard, including the 179th Airlift Wing, is responsible for homeland defense, and the C–27J is an important tool in accomplishing this mission; and

Whereas, The 179th Airlift Wing has made United States Air National Guard history by deploying the C–27J in Afghanistan in Operation Enduring Freedom; and

Whereas, Closing the Air National Guard Station at Mansfield-Lahm, relocating its personnel, and diverting or retiring its C–27J aircraft would create discontinuity and weaken national defense and homeland disaster readiness; now therefore be it

*Resolved*, That the Congress of the United States is urged to maintain operation of the 179th Airlift Wing at Mansfield-Lahm Regional Airport to ensure Ohio and our nation will continue to benefit from the unique experience and capabilities of its personnel and the region; and be it further

*Resolved*, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, to the President Pro Tempore and Secretary of the United States Senate, to the Speaker and the Clerk of the United States House of Representatives, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

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POM–10. A joint memorial adopted by the Legislature of the State of New Mexico urging Congress to reauthorize the Water Resources Development Act of 2007, section 5056, and to appropriate sufficient funds to carry out the purposes of the act; to the Committee on Environment and Public Works.

HOUSE JOINT MEMORIAL NO. 7

Whereas, the Rio Grande basin spans the territory of three states, Colorado, New Mexico and Texas, and twenty-two Native American tribes and pueblos and is one of the most rapidly growing areas in the United States; and

Whereas, the Rio Grande runs the entire length of New Mexico, for more than four hundred fifty river-miles, and major tributaries to the Rio Grande are located in New Mexico, including the Pecos river, the Rio Chama, the Jemez river and the Rio Puerco, and many other smaller tributaries too numerous to list; and

Whereas, the Rio Grande mainstem and tributaries provide a renewable water supply for irrigation and drinking water and support nationally significant ecosystems for fish and wildlife and renowned tourism destinations; and

Whereas, the water quality of the Rio Grande and the Pecos river and other tributaries is impaired, in part, by high concentrations of dissolved salts and elevated levels of bacteria that can limit available water supply for municipal and agricultural use; and

Whereas, the Rio Grande and Pecos watersheds in New Mexico have the highest total number of New Mexico species of greatest conservation need across all taxa and are predicted to contain some of the greatest diversity of aquatic species of greatest conservation need; and

Whereas, water quality, supply, conveyance and delivery; ecosystem degradation; and flooding are major issues in the Rio Grande basin in New Mexico, and state and local funding to address these issues is inadequate; and

Whereas, while the United States army corps of engineers has nationwide watershed assessment and construction authorities to study problems, recommend solutions and construct projects to restore the health of rivers, all Rio Grande basin projects must compete nationally for these limited federal funds; and

Whereas, the United States congress and president of the United States established a Rio Grande basin-specific funding authority in the Water Resource Development Act of 2007 under Section 5056, called the Rio Grande environmental management program, which authorized federal funding of up to fifteen million dollars ($15,000,000) annually for the Rio Grande mainstem and tributaries and directed the secretary of the army to rehabilitate and enhance fish and wildlife habitat in partnership with local sponsors and to implement long-term monitoring, data collection and analysis, applied research and adaptive management; and

Whereas, the Rio Grande environmental management program authority expired in September 2011 before any funds could be appropriated to carry out the program, and congress is considering draft language for the next water resource development act; Now, therefore, be it

*Resolved by the Legislature of the State of New Mexico* that congress be requested to reauthorize Section 5056 of the Water Resource Development Act of 2007 and to appropriate sufficient funds to carry out work related to that legislation; and be it further

*Resolved* that copies of this memorial be transmitted to the president of the United States, the speaker of the United States house of representatives, the president of the United States senate, the members of the New Mexico congressional delegation, the commanding general of the United States army corps of engineers, the assistant secretary of the army (civil works), the district commander of the United States army corps of engineers, Albuquerque district, and the chair of the president's council on environmental quality.

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POM–11. A joint memorial adopted by the Legislature of the State of New Mexico requesting Congress to continue funding its appropriate share of the costs associated with the benefits received by Indian tribes and the United States, as trustee, from settling Indian water rights disputes; to the Committee on Indian Affairs.

HOUSE JOINT MEMORIAL NO. 22

Whereas, the United States government has a trust responsibility to American Indians established through treaties and agreements with Indian tribes and affirmed by the United States supreme court; and

Whereas, Indian tribes gave up lands in return for goods, money and other resources promised by the United States government; and

Whereas, in exchange for taking Indian land and Indian resources, the United States made binding legal agreements that tribes would exercise sovereign authority within their reservation boundaries and be funded in perpetuity by the United States government; and

Whereas, pursuant to the trust responsibility, the United States has a legal obligation to protect Indian tribes' assets and provide needed services to Indian people; and

Whereas, the United States supreme court, in Winters v. United States, established that, when the United States government established reservations for Indian tribes, it also, by implication, reserved appurtenant water, then unappropriated, to the extent needed to satisfy both present and future needs of the reservations; and

Whereas, the United States government has supported settlement negotiations that are consistent with its trust responsibilities to Indian tribes in the Aamodt, Taos and Navajo Nation water rights settlements; and

Whereas, the Aamodt, Taos and Navajo Nation water rights settlements contain appropriate funding and cost-sharing by the United States government proportionate to the benefits received by all parties benefiting from the settlements; and

Whereas, continuing to provide adequate funding for pending Indian water rights disputes in the same cost-sharing proportions as past Indian water rights settlements provides certainty for all stakeholders; and

Whereas, the New Mexico legislature created the Indian water rights settlement fund to aid the implementation of the state's portion of Indian water rights settlements based on the cost-sharing proportions of the Aamodt, Taos and Navajo Nation water rights settlements; and

Whereas, the fund is used to pay the state's portion of the cost necessary to implement Indian water rights settlements approved by the legislature and the United States congress; and

Whereas, there are still pending Indian water rights disputes in New Mexico that need to be settled to satisfy both present and future water needs of the Indian tribes, nations and pueblos of New Mexico; and

Whereas, the New Mexico legislature requires continued full funding and cost-sharing by the United States government to reach settlements in the pending Indian water rights disputes in New Mexico; now, therefore, be it

*Resolved by the Legislature of the State of New Mexico* that congress be requested to provide full funding to cover the costs associated with the benefits received by Indian tribes and the United States, as trustee, in the same cost-sharing proportions as the Aamodt, Taos and Navajo Nation water rights settlements; and be it further

*Resolved* that copies of this memorial be transmitted to the speaker of the United States house of representatives, the president pro tempore of the United States senate, the New Mexico congressional delegation, the assistant secretary for Indian affairs of the department of the interior and the state engineer.

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POM–12. A joint memorial adopted by the Legislature of the State of New Mexico requesting reauthorization of the Federal Violence Against Women Act 1994; to the Committee on the Judiciary.

HOUSE JOINT MEMORIAL NO. 34

Whereas, the federal Violence Against Women Act of 1994 recognizes the insidious and pervasive nature of domestic violence, dating violence, sexual assault and stalking and created comprehensive, effective cost-saving responses to these crimes; and

Whereas, domestic violence and sexual assault affect millions of Americans every year regardless of their age, economic status, race, religion or education; and

Whereas, nearly one in four women is beaten or raped by a partner during adulthood, and each year approximately two million three hundred thousand people are raped or physically assaulted by a current or former intimate partner; and

Whereas, New Mexico law enforcement identified twenty-one thousand three hundred sixty-eight victims of domestic violence in 2011 and six thousand two hundred nineteen children who were present and witnessed domestic violence; and

Whereas, New Mexico receives approximately one million two hundred thousand dollars ($1,200,000) in funding for domestic violence, teen dating violence, sexual assault and stalking program services through the Violence Against Women Act; and

Whereas, it has been more than two years since the Violence Against Women Act expired; Now, therefore, be it

*Resolved by the Senate of the State of New Mexico* that it encourage the New Mexico congressional delegation in Washington, D.C., to immediately vote in favor of reauthorizing the Violence Against Women Act of 1994 in a bipartisan manner to protect all victims of intimate partner violence; and be it further

*Resolved* that copies of this memorial be transmitted to each member of the New Mexico congressional delegation and to the chief clerks of the United States Senate and the United States House of Representatives.

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POM–13. A joint resolution adopted by the General Assembly of the State of Tennessee urging the United States Congress to adopt a balanced budget; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 38

Whereas, with each passing year our nation falls further into debt as federal government expenditures repeatedly exceed available revenue; and

Whereas, the annual federal budget has risen to unprecedented levels, demonstrating an unwillingness or inability of both the Legislative and Executive branches of federal government to control the federal debt; and

Whereas, knowledgeable planning and fiscal prudence require that the budget reflect all federal spending and that the budget be in balance; and

Whereas, fiscal discipline is a powerful means for strengthening our nation; with less of America's future financial resources channeled into servicing the national debt, more of our tax dollars would be available for public endeavors that reflect our national priorities, such as education, health, the security of our nation, and the creation of jobs; and

Whereas, Thomas Jefferson recognized the importance of a balanced budget when he wrote: ''The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay for them ourselves.''; and

Whereas, state legislatures overwhelmingly recognize the necessity of maintaining a balanced budget; whether through constitutional requirement or by statute, forty-nine states require a balanced budget; and

Whereas, the federal government's unlimited ability to borrow involves decisions of such magnitude, with such potentially profound consequences for the nation and its people, today and in the future, that it is of vital importance to the future of the United States of America that a balanced budget be adopted on an annual basis; now, therefore, be it

*Resolved* by the Senate of the One Hundred Eighth General Assembly of the State of Tennessee, the House of Representatives concurring, that we hereby strongly urge the United States Congress to adopt a balanced federal budget on an annual basis, and be it further

*Resolved*, that an enrolled copy of this resolution be transmitted to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and each member of Tennessee's Congressional delegation.

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POM–14. A resolution adopted by the Municipal Legislature of Toa Alta, Puerto Rico relative to urging the President and the Congress of the United States of America to act on the results from the November 6, 2012 plebiscite by the Commonwealth of Puerto Rico, which would assure democratic justice for 3.7 million U.S. citizens; to the Committee on Energy and Natural Resources.

POM–15. A resolution adopted by the Senate of the Legislature of the Northern Marianas Commonwealth requesting the Governor of the North Marinas Islands appoint a special representative for 902 Talks to discuss matters that are currently affecting the relationship between the Northern Mariana Islands and the United States; and for other purposes; to the Committee on Energy and Natural Resources.

POM–16. A resolution adopted by the Conservation Federation of Missouri relative to appropriating funds for the North American Wetlands Conservation Act; to the Committee on Environment and Public Works.

POM–17. A resolution adopted by the Council of the City of Monterey, California relative to supporting ratification of the United Nations Convention on the Elimination of All forms of Discrimination Against Women (CEDAW); to the Committee on Foreign Relations.

POM–18. A resolution adopted by the Senate of the Legislature of the Northern Marianas Commonwealth requesting the United States Congress to officially acknowledge the Chamorro and Carolinian people of the Commonwealth of the Northern Mariana Islands as Native Americans and to include the Chamorro and Carolinian people in definitions set forth under 25 U.S.C. Chapter 14, Subchapter II, Indian Self-Determination and Education Assistance, Section 450(b)(e); to the Committee on Indian Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELLER (for himself and Ms. HIRONO):

S. 868. A bill to require the Secretary of Defense to establish a process to determine whether individuals claiming certain service in the Philippines during World War II are eligible for certain benefits despite not being on the Missouri List, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHELBY (for himself and Mr. SESSIONS):

S. 869. A bill to establish the Alabama Black Belt National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of New Mexico (for himself and Ms. HIRONO):

S. 870. A bill to authorize the Secretary of Education to make grants to promote the education of pregnant and parenting students; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Ms. AYOTTE, and Mr. BLUMENTHAL):

S. 871. A bill to amend title 10, United States Code, to enhance assistance for victims of sexual assault committed by members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. TOOMEY (for himself and Mr. PRYOR):

S. 872. A bill to amend the Securities Exchange Act of 1934, to make the shareholder threshold for registration of savings and loan holding companies the same as for bank holding companies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S. 873. A bill to amend title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. INHOFE, and Mr. COATS):

S. 874. A bill to prohibit universal service support of commercial mobile service through the Lifeline program; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY:

S. 875. A bill to amend title 38, United States Code, to require the reporting of cases of infectious diseases at facilities of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BLUMENTHAL (for himself and Mr. MURPHY):

S. 876. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend public safety officers' death benefits to fire police officers; to the Committee on the Judiciary.

By Mr. BEGICH:

S. 877. A bill to require the Secretary of Veterans Affairs to allow public access to research of the Department, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FRANKEN (for himself, Mr. LEAHY, Ms. WARREN, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. HIRONO, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. HARKIN, Mr. MENENDEZ, Mr. SCHATZ, Ms. HEITKAMP, Mr. BROWN, Mrs. BOXER, Mr. WYDEN, and Mr. LAUTENBERG):

S. 878. A bill to amend title 9 of the United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 879. A bill to support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market production of maple products, and greater access to lands containing maple trees for maple-sugaring activities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. FEINSTEIN, and Mrs. MCCASKILL)):

S. 880. A bill to amend title 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. GILLIBRAND (for herself and Mr. SCHATZ):

S. 881. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of certain infertility treatments, and for other purposes; to the Committee on Finance.

By Mr. REED (for himself and Mr. COCHRAN):

S. 882. A bill to amend the Workforce Investment Act of 1998 to integrate public libraries into State and local workforce investment boards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW:

S. 883. A bill to reform and modernize domestic refugee resettlement programs, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. COBURN, and Mr. ROCKEFELLER):

S. 884. A bill to require the Director of National Intelligence to develop a watch list and a priority watch list of foreign countries that engage in economic or industrial espionage in cyberspace with respect to United States trade secrets or proprietary information, and for other purposes; to the Committee on Finance.

By Mr. SANDERS (for himself and Mr. LEAHY):

S. 885. A bill to designate the facility of the United States Postal Service located at 35 Park Street in Danville, Vermont, as the ''Thaddeus Stevens Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEE (for himself, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. ENZI, Mr. CHAMBLISS, Mr. COATS, Mr. COCHRAN, Mr. COBURN, Mr. CORNYN, Mr. CRAPO, Mr. CRUZ, Mrs. FISCHER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. INHOFE, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. MCCONNELL, Mr. MORAN, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SCOTT, Mr. SESSIONS, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER):

S. 886. A bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PAUL:

S. 887. A bill to repeal the violation of sovereign nations' laws and privacy matters; to the Committee on Finance.

By Mr. JOHANNS (for himself, Mr. TESTER, Mr. BLUNT, Mr. CRAPO, Mr. DONNELLY, Mrs. HAGAN, Ms. HEITKAMP, Ms. KLOBUCHAR, Mr. MORAN, Mr. SHELBY, Mr. TOOMEY, and Mr. WARNER):

S. 888. A bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934; read the first time.

By Mr. BOOZMAN (for himself, Mr. MANCHIN, Mr. MORAN, and Mr. TESTER):

S. 889. A bill to amend title 10, United States Code, to improve the Transition Assistance Program of the Department of Defense, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAUL (for himself, Mr. LEE, Mr. RUBIO, Mr. VITTER, and Mr. MCCONNELL):

S. 890. A bill to clarify the definition of navigable waters, and for other purposes; to the Committee on Environment and Public Works.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR (for herself and Mr. THUNE):

S. Res. 130. A resolution designating the week of May 1 through May 7, 2013, as ''National Physical Education and Sport Week''; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 33

At the request of Mr. CASEY, his name was added as a cosponsor of S. 33, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 62

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 62, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate overpayments of tax as contributions and to make additional contributions to the Homeless Veterans Assistance Fund, and for other purposes.

S. 123

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 123, a bill to modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes.

S. 313

At the request of Mr. CASEY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 314

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. 314, a bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life.

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 314, supra.

S. 316

At the request of Mr. SANDERS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 316, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, to eliminate the requirement that the United States Postal Service prefund the Postal Service Retiree Health Benefits Fund, to place restrictions on the closure of postal facilities, to create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 323

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 323, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 382

At the request of Mr. SCHUMER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 382, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 403

At the request of Mr. CASEY, the names of the Senator from Connecticut (Mr. MURPHY), the Senator from Rhode Island (Mr. REED) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 403, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 413

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include human trafficking as a part 1 violent crime for purposes of the Edward Byrne Memorial Justice Assistance Grant Program.

S. 456

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 456, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in prekindergarten through higher education.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 479

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 479, a bill to amend the Internal Revenue Code of 1986 to clarify the

employment tax treatment and reporting of wages paid by professional employer organizations, and for other purposes.

S. 496

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 496, a bill to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms.

S. 545

At the request of Ms. MURKOWSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 545, a bill to improve hydropower, and for other purposes.

S. 554

At the request of Mr. ISAKSON, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 554, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 577

At the request of Mr. NELSON, the name of the Senator from Massachusetts (Mr. COWAN) was added as a cosponsor of S. 577, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 604

At the request of Mr. HELLER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 604, a bill to recognize Jerusalem as the capital of Israel, to relocate to Jerusalem the United States Embassy in Israel, and for other purposes.

S. 617

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 617, a bill to provide humanitarian assistance and support a democratic transition in Syria, and for other purposes.

S. 650

At the request of Ms. LANDRIEU, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 650, a bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers.

S. 679

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 679, a bill to promote local and regional farm and food systems, and for other purposes.

S. 717

At the request of Ms. KLOBUCHAR, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 717, a bill to direct the Secretary of Energy to establish a pilot program to award grants to nonprofit organizations for the purpose of retrofitting nonprofit buildings with energy-efficiency improvements.

S. 728

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 728, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 731

At the request of Mr. MANCHIN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 731, a bill to require the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency to conduct an empirical impact study on proposed rules relating to the International Basel III agreement on general risk-based capital requirements, as they apply to community banks.

S. 734

At the request of Mr. NELSON, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 734, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 754

At the request of Mr. COWAN, his name was added as a cosponsor of S. 754, a bill to amend the Specialty Crops Competitiveness Act of 2004 to include farmed shellfish as specialty crops.

S. 772

At the request of Mr. NELSON, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 772, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 777

At the request of Mrs. GILLIBRAND, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 777, a bill to restore the previous policy regarding restrictions on use of Department of Defense medical facilities.

S. 790

At the request of Mrs. MCCASKILL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 790, a bill to require the United States International Trade Commission to recommend temporary duty suspensions and reductions to Congress, and for other purposes.

S. 798

At the request of Mr. KIRK, his name was withdrawn as a cosponsor of S. 798, a bill to address equity capital requirements for financial institutions, bank holding companies, subsidiaries, and affiliates, and for other purposes.

S. 809

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 809, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that genetically engineered food and foods that contain genetically engineered ingredients be labeled accordingly.

S. 813

At the request of Mr. BLUMENTHAL, his name was added as a cosponsor of S. 813, a bill to require that Peace Corps volunteers be subject to the same limitations regarding coverage of abortion services as employees of the Peace Corps with respect to coverage of such services, and for other purposes.

At the request of Mr. BROWN, his name was added as a cosponsor of S. 813, supra.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 813, supra.

At the request of Mr. COONS, his name was added as a cosponsor of S. 813, supra.

S. 815

At the request of Mr. MERKLEY, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Maryland (Mr. CARDIN), the Senator from Oregon (Mr. WYDEN) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 815, a bill to prohibit the employment discrimination on the basis of sexual orientation or gender identity.

S. 845

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 845, a bill to amend title 38, United States Code, to improve the Department of Veterans Affairs Health Professionals Educational Assistance Program, and for other purposes.

S. 850

At the request of Mr. ALEXANDER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 850, a bill to prohibit the National Labor Relations Board from taking any action that requires a quorum of the members of the Board until such time as Board constituting a quorum shall have been confirmed by the Senate, the Supreme Court issues a decision on the constitutionality of the appointments to the Board made in January 2012, or the adjournment sine die of the first session of the 113th Congress.

S. 865

At the request of Mr. WHITEHOUSE, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from

Maine (Ms. COLLINS) were added as cosponsors of S. 865, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. RES. 65

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 65, a resolution strongly supporting the full implementation of United States and international sanctions on Iran and urging the President to continue to strengthen enforcement of sanctions legislation.

S. RES. 126

At the request of Mr. CARDIN, his name was added as a cosponsor of S. Res. 126, a resolution recognizing the teachers of the United States for their contributions to the development and progress of our country.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Ms. AYOTTE, and Mr. BLUMENTHAL):

S. 871. A bill to amend title 10, United States Code, to enhance assistance for victims of sexual assault committed by members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

Mrs. MURRAY. Mr. President, I come to the floor because I believe the great strength of our military is in the character and dedication of our men and women who wear the uniform. It is the courage of these Americans to volunteer to serve. That is the Pentagon's greatest asset.

I know it is said a lot, but take a minute to think about that. Our servicemembers volunteer to face danger, to put their lives on the line to protect our country and all of its people. When we think of those dangers, we think of IEDs. We think of battles with insurgents, many of whom are so cowardly and evil that they refuse to even wear a uniform themselves, and they seek to kill innocent civilians.

There are, unfortunately, other dangers as well, dangers that cannot be expected and none of our courageous servicemembers should ever have to face. That is what I am speaking about, sexual assault. That continues to plague the ranks of our military services.

It is absolutely unconscionable that a fellow servicemember, the person whom you rely on to have your back and be there for you, would commit such a terrible crime. It is simply appalling that they could commit such a personal violation of their brother or sister in uniform.

Even worse is the prevalence of these crimes. Just today, we are hearing the alarming statistic that the number of cases has increased by more than one-third since 2010. For the estimated 26,000 cases of military sexual assault in 2012, less than 3,000 of them were reported. Out of 26,000, only 3,000 were reported. What is even more startling is that of those who bravely came forward and reported the abuse, an astounding 62 percent of them were retaliated against in one way or another.

According to the Department of Veterans Affairs, about one in five female veterans treated by the VA has suffered from military sexual trauma. That is certainly not the act of a comrade. It is not in keeping with the ethos in any service, and it can no longer be tolerated. We still have not done enough to put an end to these shameful acts.

Today I am taking action to change that. Today Senator AYOTTE and I joined to introduce the Combatting Military Sexual Assault Act of 2013. This is bipartisan legislation that we have worked on to make several vital improvements to protect our servicemembers, to assist the victims, and to punish the criminals. Our bill, the Combatting Military Sexual Assault Act, will create a new category of legal advocates called special victims' counsels who would be responsible for advocating on behalf of the interests of the victim. These SVCs, special victims' counsels, would advise the victim on the range of legal issues they might face. For example, when a young private first class is intimidated into not reporting a sexual assault, by threatening her with unrelated legal charges such as underage drinking, this new advocate, the SVC, would be there to protect her and tell her the truth.

This bill would also enhance the responsibilities and authority of the Department of Defense Sexual Assault Prevention and Response Office, known as the SAPRO, to provide better oversight of efforts to combat military sexual assault across our Armed Forces. SAPRO would also be required to regularly track and report on a range of MSA statistics, including assault rates, the number of cases brought to trial, and compliance within each of these individual services.

Some of this data collection and reporting is already being done, so this requirement is not going to be burdensome. It would give that office statutory authority to track and report to us on the extent of the problem.

The Combatting Military Sexual Assault Act would also require sexual assault cases to be referred to the next superior competent authority for court martial when there is a conflict of interest in the immediate chain of command. This is very important. This will help ensure that sexual assault allegations get a fair, impartial,and thorough investigation. The President of the Military Officers Association of America agrees. They stated:

Preventing sexual assault is a duty of everyone in the chain of command. This legislation will increase support for sexual assault victims and strengthen policies and procedures for such cases in our Nation's Armed Forces.

This legislation would also prohibit sexual contact between military instructors and servicemembers during basic training or its equivalent or within 30 days after the training. As we have seen, with disturbing frequency at places such as Lackland Air Force Base or the Air Force Academy, new servicemembers are too often taken advantage of and abused.

In these settings, new servicemembers have every aspect of their life controlled by their instructor. While this is appropriate for military training, in this type of setting it is entirely inappropriate for senior servicemembers to seek a sexual relationship with a junior subordinate. It is our view it is impossible for a servicemember to freely give consent in that setting.

This bill will also ensure that sexual assault response coordinators are available to members of the National Guard and Reserve at all times. I was told a very disturbing story recently by a female servicemember from the National Guard in my home State of Washington. After being sexually assaulted during her monthly drill on a military base, she took all the necessary steps, including calling the sexual assault response coordinator. When she called, she was told that because the assault happened during a monthly drill, not on Active Duty, the sexual response coordinator could not help her. Those services were only reserved for those on Active Duty.

That is absolutely unacceptable. When one of our men and women in uniform is the victim of a sexual assault, and they have the courage to come forward and ask for help, the answer never, ever should be, sorry, there are regulations, nothing I can do for you.

This bill is one step to address the crises we have in our own Armed Forces, and it needs to be done now. Yesterday's news that the Air Force's chief of sexual assault prevention was arrested for sexual assault is another reminder that we have to change the culture around this issue.

I want to be very clear. The military has taken some steps on its own. For instance, I am looking forward to seeing Secretary Hagel's proposal on how to reform article 60 of the Uniform Code of Military Justice. As I think most of our colleagues know, under article 60, the convening authority of a court martial is empowered to dismiss the judgment of the court martial and overturn their verdict. Many of us, myself included, have had serious concerns about how that authority has been used in sexual assault cases.

We are here today to introduce this bill, and I wish to thank the Senator from New Hampshire for her advocacy on this issue and for her help in putting this legislation together.

I also wish to thank Representative TIM RYAN for his leadership and championing our companion bill in the other Chamber.

When I asked Navy Secretary Ray Mabus about the sexual assault epidemic, I was glad to hear him say ''concern'' wasn't a strong enough word to describe how he felt about this problem. He said he was angry about it.

I know a lot of us share this feeling. We want it to stop. I am very hopeful both Chambers can work quickly to do right by our Nation's heroes. When our best and brightest put on a uniform and joined our U.S. Armed Forces, they do so with the understanding they will sacrifice much in the name of defending our country and its people. That sacrifice should not have to come in the form of unwanted sexual contact from within the ranks.

I am very pleased to introduce this bill. I wish to thank Senator AYOTTE again for her hard work and advocacy. It is a pleasure to work with her.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 871

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Combating Military Sexual Assault Act of 2013''.

**SEC. 2. SPECIAL VICTIMS' COUNSEL FOR VICTIMS OF SEXUAL ASSAULT COMMITTED BY MEMBERS OF THE ARMED FORCES.**

(a) SPECIAL VICTIMS' COUNSEL FOR VICTIMS OF SEXUAL ASSAULT COMMITTED BY MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall each implement a program on the provision of a Special Victims' Counsel to victims of a sexual assault committed by a member of the Armed Forces.

(2) QUALIFICATION.—An individual may not be designated as a Special Victims' Counsel under this subsection unless the individual is—

(A) a judge advocate who is a graduate of an accredited law school or is a member of the bar of a Federal court or the highest court of a State; and

(B) is certified as competent to be designated as a Special Victims' Counsel by the Judge Advocate General of the Armed Force of which the individual is a member.

(3) DUTIES.—

(A) IN GENERAL.—Subject to subparagraph (C), the duties of a Special Victims' Counsel shall include the provision of legal advice and assistance to a victim in connection with criminal and civil legal matters related to the sexual assault committed against the victim, including the following:

(i) Legal advice and assistance regarding criminal liability of the victim.

(ii) Legal advice and assistance regarding the victim's responsibility to testify, and other duties to the court.

(iii) Legal advice regarding the potential for civil litigation against other parties (other than the Department of Defense).

(iv) Legal advice regarding any proceedings of the military justice process which the victim may observe.

(v) Legal advice and assistance regarding any proceeding of the military justice process in which the victim may participate as a witness or other party.

(vi) Legal advice and assistance regarding available military or civilian restraining or protective orders.

(vii) Legal advice and assistance regarding available military and veteran benefits.

(viii) Legal assistance in personal civil legal matters in connection with the sexual assault in accordance with section 1044 of title 10, United States Code.

(ix) Such other legal advice and assistance as the Secretary of the military department concerned shall specify for purposes of the program implemented under this subsection.

(B) NATURE OF RELATIONSHIP.—The relationship between a Special Victims' Counsel and a victim in the provision of legal advice and assistance shall be the relationship between an attorney and client.

(b) ASSISTANCE AND REPORTING.—

(1) ASSISTANCE.—Section 1565b of title 10, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) AVAILABILITY OF SPECIAL VICTIMS' COUNSEL FOR VICTIMS OF SEXUAL ASSAULT COMMITTED BY MEMBERS OF THE ARMED FORCES.—(1) A member of the armed forces, or a dependent of a member, who is the victim of a sexual assault described in paragraph (2) may be provided assistance by a Special Victims' Counsel.

''(2) A sexual assault described in this paragraph is any offense if alleged to have been committed by a member of the armed forces as follows:

''(A) Rape or sexual assault under section 920 of this title (article 120 of the Uniform Code of Military Justice).

''(B) An attempt to commit an offense specified in subparagraph (A) as punishable under section 880 of this title (article 80 of the Uniform Code of Military Justice).

''(3) A member of the armed forces or dependent who is the victim of sexual assault described in paragraph (2) shall be informed of the availability of assistance under paragraph (1) as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator, a Sexual Assault Victim Advocate, a military criminal investigator, a victim/witness liaison, a trial counsel, health care providers, or any other personnel designated by the Secretary of the military department concerned for purposes of this paragraph. The member or dependent shall also be informed that the assistance of a Special Victims' Counsel under paragraph (1) is optional and may be declined, in whole or in part, at any time.

''(4) Assistance of a Special Victims' Counsel under paragraph (1) shall be available to a member or dependent regardless of whether the member or dependent elects unrestricted or restricted (confidential) reporting of the sexual assault.''.

(2) REPORTING.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is further amended in paragraph (2)—

(A) by redesignating subparagraph (C) as subparagraph (D); and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) A Special Victims' Counsel.''.

(c) CONFORMING AMENDMENTS TO AUTHORITY ON SARC, SAVA, AND RELATED ASSISTANCE.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking ''may'' and inserting ''shall, upon request,''; and

(2) in paragraph (2)—

(A) by inserting ''a Special Victims' Counsel,'' after ''a Sexual Assault Victim Advocate,''; and

(B) by striking ''or a trial counsel'' and inserting ''a trial counsel, health care providers, or any other personnel designated by the Secretary of the military department concerned for purposes of this paragraph''.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

**''§ 1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Coordinators, Sexual Assault Victim Advocates, and Special Victims' Counsels''.**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 80 of such title is amended by striking the item relating to section 1565b and inserting the following new item:

''1565b. Victims of sexual assault: access to legal assistance and services of Sexual Assault Coordinators, Sexual Assault Victim Advocates, and Special Victims' Counsels.''.

**SEC. 3. ENHANCED RESPONSIBILITIES OF SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE FOR DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.**

(a) IN GENERAL.—Section 1611(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended by striking ''shall—'' and all that follows and inserting ''shall do the following:

''(1) Oversee development and implementation of the comprehensive policy for the Department of Defense sexual assault prevention and response program, including guidance and assistance for the military departments in addressing matters relating to sexual assault prevention and response.

''(2) Serve as the single point of authority, accountability, and oversight for the sexual assault prevention and response program.

''(3) Undertake responsibility for the oversight of the implementation of the sexual assault prevention and response program by the Armed Forces.

''(4) Collect and maintain data of the military departments on sexual assault in accordance with section 1615.

''(5) Provide oversight to ensure that the military departments maintain documents relating to the following:

''(A) Allegations and complaints of sexual assault involving members of the Armed Forces.

''(B) Courts-martial or trials of members of the Armed Forces for offenses relating to sexual assault.

''(6) Act as liaison between the Department of Defense and other Federal and State agencies on programs and efforts relating to sexual assault prevention and response.

''(7) Oversee development of strategic program guidance and joint planning objectives for resources in support of the sexual assault prevention and response program, and make recommendations on modifications to policy, law, and regulations needed to ensure the continuing availability of such resources.

''(8) Provide to the Secretary of Veterans Affairs any records or documents on sexual assault in the Armed Forces, including restricted reports with the approval of the individuals who filed such reports, that are required by the Secretary for purposes of the administration of the laws administered by the Secretary.''.

(b) COLLECTION AND MAINTENANCE OF DATA.—Subtitle A of title XVI of such Act (10 U.S.C. 1561 note) is amended by adding at the end the following new section:

**''SEC. 1615. COLLECTION AND MAINTENANCE OF DATA OF MILITARY DEPARTMENTS ON SEXUAL ASSAULT PREVENTION AND RESPONSE.**

''In carrying out the requirements of section 1611(b)(4), the Director of the Sexual Assault Prevention and Response Office shall do the following:

''(1) Collect from each military department on a quarterly and annual basis data of such military department on sexual assaults involving members of the Armed Forces in a manner consistent with the policy and procedures developed pursuant to section 586 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 1561 note) that protect the privacy of individuals named in records and the status of records.

''(2) Maintain data collected from the military departments under paragraph (1).

''(3) Assemble from the data collected and maintained under this section quarterly and annual reports on the involvement of members of the Armed Forces in incidents of sexual assault.

''(4) Develop metrics to measure the effectiveness of, and compliance with, training and awareness objectives of the military departments on sexual assault prevention and response.

''(5) Establish categories of information to be provided by the military departments in connection with reports on sexual assault prevention and response, including, but not limited to, the annual reports required by section 1631, and ensure that the submittals of the military departments for purposes of such reports include data within such categories.''.

(c) ELEMENT ON UNIT OF ACCUSED AND VICTIM IN CASE SYNOPSES IN ANNUAL REPORT ON SEXUAL ASSAULTS.—

(1) IN GENERAL.—Section 1631(f) of such Act (10 U.S.C. 1561 note) is amended—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following new paragraph (5):

''(5) The case synopsis shall indicate the unit of each member of the Armed Forces accused of committing a sexual assault and the unit of each member of the Armed Forces who is a victim of sexual assault.''.

(2) APPLICATION OF AMENDMENTS.—The amendments made by paragraph (1) shall apply beginning with the report regarding sexual assaults involving members of the Armed Forces required to be submitted by March 1, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

**SEC. 4. DISPOSITION AND OTHER REQUIREMENTS FOR RAPE AND SEXUAL ASSAULT OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.**

(a) DISPOSITION AND OTHER REQUIREMENTS.—

(1) IN GENERAL.—Subchapter VI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 830 (article 30) the following new section (article):

**''§ 830a. Art. 30a. Rape and sexual assault offenses: disposition and other requirements**

''(a) IN GENERAL.—Notwithstanding any other provision of this chapter, charges on offenses specified in subsection (b) shall be subject to the disposition requirement in subsection (c) and subject to the other requirements and limitations set forth this section.

''(b) COVERED OFFENSES.—The charges on offenses specified in this subsection are charges on the offenses as follows:

''(1) Rape or sexual assault under section 920 of this title (article 120).

''(2) An attempt to commit an offense specified in paragraph (1) as punishable under section 880 of this title (article 80).

''(c) DISPOSITION REQUIREMENTS.—(1) Subject to paragraph (2), the charges on any offense specified in subsection (b) shall be referred to an appropriate authority for convening general courts-martial under section 822 of this title (article 22) for disposition.

''(2) If the appropriate authority to which charges described in paragraph (1) would be referred under that paragraph is a member with direct supervisory authority over the member alleged to have committed the offense, such charges shall be referred to a superior authority competent to convene a general court-martial.

''(d) VICTIM'S RIGHTS.—A victim of an offense specified in subsection (b) shall have rights as follows:

''(1) To a Special Victims' Counsel provided under section 1565b(b) of this title.

''(2) To have all communications between the victim and any Sexual Assault Response Coordinator, Sexual Assault Victim Advocate, or Special Victims' Counsel for the victim considered privileged communications for purposes of the case and any proceedings relating to the case.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47 of such title (the Uniform Code of Military Justice) is amended by inserting after the item relating to section 830 (article 30) the following new item:

''830a. Art. 30a. Rape and sexual assault offenses: disposition and other requirements.''.

(b) REVISION OF MANUAL FOR COURTS-MARTIAL.—The Joint Service Committee on Military Justice shall amend the Manual for Courts-Martial to reflect the requirements in section 830a of title 10, United States Code (article 830a of the Uniform Code of Military Justice), as added by subsection (b), including, in particular, section 306 of the Manual relating to disposition of charges.

**SEC. 5. PROHIBITION ON SEXUAL ACTS AND CONTACT BETWEEN CERTAIN MILITARY INSTRUCTORS AND THEIR TRAINEES.**

(a) PROHIBITION.—Section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subsections (e) through (g) as subsections (f) through (h); respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) SEXUAL ACTS AND SEXUAL CONTACT BETWEEN CERTAIN MILITARY INSTRUCTORS AND TRAINEES.—

''(1) ENHANCED PROHIBITION ON SEXUAL ASSAULT.—A military instructor who commits a sexual act upon a member of the armed forces while the member is undergoing basic training (or its equivalent) or within 30 days after completing such training is guilty of sexual assault and shall be punished as a court-martial may direct.

''(2) ENHANCED PROHIBITION ON ABUSIVE SEXUAL CONTACT.—A military instructor who commits or causes sexual contact upon or by a member of the armed forces while the member is undergoing basic training (or its equivalent), or within 30 days after completing such training, which instructor was not the spouse of the member at the member's commencement of such training, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.

''(3) COVERED MILITARY INSTRUCTORS.—This subsection applies with respect to the following members of the armed forces otherwise subject to this chapter:

''(A) Drill Sergeants in the Army.

''(B) Drill Instructors in the Marine Corps.

''(C) Recruit Division Commanders in the Navy.

''(D) Military Training instructors in the Air Force.

''(E) Company Commanders in the Coast Guard.

''(F) Such other members of the armed forces as the Secretary concerned may designate as having supervisory authority over new recruits undergoing basic training (or its equivalent).

''(4) CONSENT.—Lack of consent is not an element and need not be proven in any prosecution under this subsection. Consent is not a defense for any conduct in issue in any prosecution under this subsection.''.

(b) CROSS REFERENCES TO DEFINITIONS.—Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended—

(1) in section 920b(h)(1) (article 120b(h)(1)), by striking ''section 920(g) of this title (article 120(g))'' and inserting ''section 920 of this title (article 120)''; and

(2) in section 920c(d)(1) (article 120c(d)(1)), by striking ''section 920(g) of this title (article 120(g)))'' and inserting ''section 920 of this title (article 120))''.

**SEC. 6. AVAILABILITY OF SEXUAL ASSAULT RESPONSE COORDINATORS FOR MEMBERS OF THE NATIONAL GUARD.**

(a) AVAILABILITY IN EACH NATIONAL GUARD STATE AND TERRITORY.—Section 584(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1433; 10 U.S.C. 1561 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) AVAILABILITY IN EACH NATIONAL GUARD STATE AND TERRITORY.—The National Guard of each State and Territory shall ensure that a Sexual Assault Response Coordinator is available at all times to the members of the National Guard of such State or Territory. The Secretary of the Army and the Secretary of the Air Force may, in consultation with the Chief of the National Guard Bureau, assign additional Sexual Assault Response Coordinators in a State or Territory as necessary based on the resource requirements of National Guard units within such State or Territory. Any additional Sexual Assault Response Coordinator may serve on a full-time or part-time basis at the discretion of the assigning Secretary.''.

(b) AVAILABILITY TO PROVIDE ASSISTANCE FOR MEMBERS OF THE NATIONAL GUARD IN STATE STATUS.—Section 1565b of title 10, United States Code, as amended by section 2 of this Act, is further amended in subsection (a)—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) In the case of a member of the National Guard in State status under title 32 who is the victim of a sexual assault, assistance provided by a Sexual Assault Response Coordinator shall be provided by the Sexual Assault Response Coordinator Assistance available in the State or Territory concerned under paragraph (2) of section 584(a) of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 1561 note), but, with the approval of the Secretary of the Army or the Secretary of the Air Force, as applicable, may also be provided by Sexual Assault Response Coordinator assigned under paragraph (1) of that section.''.

Ms. AYOTTE. Let me say I wish to thank very much my colleague from Washington, Senator MURRAY, for her leadership on this issue and for the opportunity to work together to address this very important issue of making sure we eliminate sexual assaults that occur within our military and that the victims of these crimes get the respect,

the support, and the justice they deserve. I am very honored to work with Senator MURRAY, and I thank her so much for giving me the opportunity to work with her on this important legislation to address a very serious problem in our military.

I approach this issue not just as someone who comes from a military family and has such great, deep respect for the military—as I know Senator MURRAY does with the important position she has on the Veterans' Committee—but also as someone who serves on the Armed Services Committee and someone who worked in my prior career extensively with victims of sexual assault. During my time as a prosecutor in New Hampshire and then later as the State's attorney general, I saw the devastating impact of these types of crimes.

I also saw the real need to address what is too often a silent crime. The victims often suffer in silence for fear of coming forward and not being supported when they are to come forward and report a sexual assault.

That is very important, and that is why I also supported efforts earlier this year—that I know Senator MURRAY was a very strong leader on—to reauthorize the Violence Against Women Act. I wish to thank her for her leadership on that as well.

Currently, military sexual assault occurs at alarming levels throughout all branches of our military. According to the Department of Defenses estimates, 19,000 servicemembers were sexually assaulted in 2011, a rate of over 52 per day. Despite these shocking figures, fewer than 2,800 assaults against servicemembers were reported to the Department of Defense over the same period.

The Department of Defense Sexual Assault Prevention and Response Office's annual report, which was actually just released today at the same time that we are filing our legislation, concludes that the number of people who made an anonymous sexual assault claim but never reported the attack increased from 19,000 in 2011 to 26,000 in 2012, nearly a 37-percent increase. Yet the number of reported sexual assaults against servicemembers only increased—in other words, those who did report and come forward—by about 8 percent. This is a dramatic example of people who were victims but feel they would have the support to come forward and report the crimes that were being committed against them.

Astonishingly, as Senator MURRAY mentioned, just yesterday it was reported that the police arrested a lieutenant colonel in charge of the Air Force's Sexual Assault Prevention and Response branch and charged him with sexual battery, which brought this issue very much to the forefront, given the fact that this individual was charged with important responsibility over the Sexual Assault Prevention and Response Program.

It is important to understand why sexual assault is so destructive, especially when it occurs in our military—of course, when it occurs anywhere. Sexual assault is a serious and unacceptable crime that can inflict lasting emotional and physical impact on the victims of these crimes that can last for years and throughout their lifetimes.

In the military, sexual assault can also damage unit morale, readiness, the preparedness of our troops. Also, military sexual assault can negatively impact the well-earned reputation of those who serve honorably, which is obviously the overwhelming number of members of our military who serve our country with great courage and with great character.

So we must aggressively tackle this problem to compassionately help victims but also to protect the good order and discipline that ultimately undermine and support the readiness of our military units. We do our military and our servicemembers little good if we ignore this problem.

Conversely, it is very important we pass commonsense legislation that will help solve the problem. But we should make no mistake that, again, the vast majority of our men and women in uniform serve with tremendous dignity and honor, and the United States continues to be the very best military in the world because of the character, quality, and courage of our men and women in uniform. But when a servicemember fails to live up to our values and commits a sexual assault, we must ensure victims have the support they need and the perpetrators are held accountable and are brought to justice.

That is why Senator MURRAY and I have introduced this legislation today. Our legislation, titled the ''Combating Military Sexual Assault Act,'' would expand and improve military sexual assault prevention and response resources available to the victims of these crimes. Building on the lessons we have learned from a pilot program already in place in the Air Force, our bill would provide trained special victims' counsels to victims in all service branches to help them throughout the process. These counsels can help comfort and advise victims after the crime has occurred. The special victims' counsel also provides victims the confidence they need to come forward, report the crime, and seek justice.

The Chief of Staff of the Air Force, General Welsh, testified this morning before the Armed Services Committee ''the evidence is clear'' that providing special victims' counsel to those who suffer from this crime has been ''immensely helpful'' in the Air Force. So every victim of crime within our Armed Services deserves to have the support of the special victims' counsel.

Our bill would also ensure sexual assault response coordinators are available to members of the National Guard and Reserve at all times, regardless of whether the servicemember is operating under title 10 or title 32 authority. It is very important we get this in the law now so that our Guard men and women get the support they deserve. We could not have fought the battles and wars we have fought without their courage and bravery and the sacrifices they have made.

Our bill would also make certain sexual assault cases are referred to the general court-martial level when sexual assault charges are filed or to the next superior competent authority when there is a conflict of interest in the immediate chain of command. Right now, the way the system is set up, there is not a set mechanism where there is a conflict of interest. This commonsense approach would recognize the uniquely devastating damage sexual assault crimes inflict on individuals and ensure that victims can have confidence in the military court justice system.

In conclusion, allowing this problem to persist is simply unacceptable, both for the victims and for the morale and readiness of our forces that do so much to ensure the freedom of this country. We must continue to make clear that sexual assault in the military simply will not be tolerated, and we must match these words with actions. Our legislation does just that.

I look forward to working with the Department of Defense, continuing to work with Senator MURRAY—and I thank her again for her leadership—as well as my Senate colleagues on both sides of the aisle in strengthening existing laws and policies so that all military sexual assault victims can come forward without fear of retribution and with the confidence they will receive the support, care, and justice they deserve from our country.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I want to thank my colleagues for working on military sexual assault. Senator GILLIBRAND and I and others are working on a way to handle these assaults which takes them out of the chain of command and makes sure the prosecutors get the chance to decide whether a case goes forward, and no one in the chain of command can overturn a military court that makes a decision.

So I look forward to working with all my colleagues, female colleagues and male colleagues, because this is an absolute disgrace for the greatest Nation on Earth. We have to change a culture that somehow is permissive toward violence against women, and might I add men as well, when we look at the numbers. There is a lot of sexual violence against men in the military in terms of numbers—more cases against men than women—but in terms of percentages, there are more against women. It is a terrible situation.

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By Mr. REED (for himself and Mr. COCHRAN):

S. 882. A bill to amend the Workforce Investment Act of 1998 to integrate

public libraries into State and local workforce investment boards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to introduce the Workforce Investments through Local Libraries Act or the WILL Act with Senator COCHRAN. During these challenging economic times, our one-stop system has been stretched to the limit. Stepping in to help have been our public libraries, which have always been a key access point for people looking for employment or looking to make a career change. According to the Institute of Museum and Library Services, 30 million Americans used a library computer to help address their career and employment needs in 2009.

The Employment and Training Administration and the Institute of Museum and Library Services have developed a partnership to highlight effective practices and encourage collaboration between the workforce investment system and public libraries, but more needs to be done. There are more than four times as many libraries as one-stop centers in high unemployment counties. We could greatly expand the reach of the workforce investment system by fully integrating public libraries into the delivery system and providing them with the resources they need to better assist Americans in finding work.

The Workforce Investments through Local Libraries, WILL, Act will strengthen the connection between the public library system and the one-stop system to better serve job seekers. The WILL Act will give library users access to workforce activities and information related to training services and employment opportunities, including resume development, job bank web searches, literacy services, and workshops on career information. The goal of the WILL Act is to enable libraries to access Workforce Investment Act resources to continue to provide job search support in communities all across America.

Specifically, the WILL Act amends the Workforce Investment Act, WIA, to: include library representation on state and local workforce investment boards; ensure the coordination of employment, training, and literacy services carried out by public libraries as part of the state workforce investment plan; recognize public libraries as an allowable ''One-Stop'' partner; authorize new demonstration and pilot projects to establish employment resources in public libraries; and encourage the Employment and Training Administration to collaborate with other federal agencies, including the Institute of Museum and Library Services, to leverage and expand access to workforce development resources.

To get Americans back to work, we need to leverage all of our community assets. Public libraries play a vital role in providing access to information, technology, support, and other essential resources to help Americans find good jobs and build successful careers. I urge my colleagues to join Senator COCHRAN and me in cosponsoring the WILL Act and to support its inclusion in the effort to renew the Workforce Investment Act.

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By Mr. LEVIN (for himself, Mr. MCCAIN, Mr. COBURN, and Mr. ROCKEFELLER):

S. 884. A bill to require the Director of National Intelligence to develop a watch list and a priority watch list of foreign countries that engage in economic or industrial espionage in cyberspace with respect to United States trade secrets or proprietary information, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, one aspect of cybersecurity threats from foreign nations relates directly to America's global competitiveness.

If American entrepreneurs are known for one thing, it is innovation. That innovation costs money. American companies invest billions and billions of dollars every year on research and development to create products that are the best in the world. Companies in my State alone invest $16 billion a year in research and development. When these investments succeed American companies are often the leaders in their industries at home and in overseas markets, offering technologies that are not available elsewhere. This is a huge competitive value and one that we must protect.

But too many U.S. companies of all sizes are being robbed of their intellectual property, the engine of their businesses, and the American economy is being undermined through cyber theft. Often the culprits are foreign governments. To make matters worse, these governments share the stolen technology with companies that compete with the very U.S. companies that developed the technology in the first place.

General Keith B. Alexander, head of the National Security Agency and U.S. Cyber Command, recently called the theft of intellectual property from U.S. entities through cyberspace ''the greatest transfer of wealth in history.'' He estimated that such theft costs U.S. companies and institutions hundreds of billions of dollars. It is outrageous that American trade secrets are being stolen and used to compete against us. So who is responsible?

As far back as 2011, the National Counterintelligence Executive said in its annual report to Congress that ''Chinese actors are the world's most active and persistent perpetrators of economic espionage. U.S. private sector firms and cybersecurity specialists have reported an onslaught of computer network intrusions that have originated in China.''

In March of this year, Mandiant, a company that investigates private sector cyber security breaches, published a report describing how a cyber-espionage unit of the Chinese People's Liberation Army raided the computers of at least 141 different organizations, stealing ''technology blueprints, proprietary manufacturing processes, test results, business plans, pricing documents, [and] partnership agreements.'' According to Mandiant, the industries targeted by the PLA ''match industries that China has identified as strategic to their growth.'' Mandiant's report exposed PLA cyber theft aimed at the information technology, transportation, aerospace, satellites and telecommunications, and high end electronics industries, to name just a few.

U.S. government reports also point to China. Just last week the U.S. Trade Representative issued its ''Special 301'' report reviewing the global state of intellectual property rights, IPR. USTR stated that ''Obtaining effective enforcement of IPR in China remains a central challenge, as it has been for many years.'' The report continued ''This situation has been made worse by cyber theft, as information suggests that actors located in China have been engaged in sophisticated, targeted efforts to steal [intellectual property] from U.S. corporate systems.''

Also last week, an article in Bloomberg described cyber espionage conducted by the Chinese People's Liberation Army against QinetiQ, a defense contractor. The article said the PLA operation ''jeopardized the [victim] company's sensitive technology involving drones, satellites, the U.S. Army's combat helicopter fleet, and military robotics, both already-deployed systems and those still in development.'' The report stated that the Chinese ''hackers had burrowed into almost every corner of QinetiQ's U.S. operations, including production facilities and engineering labs in St. Louis, Pittsburgh, Long Beach, Mississippi, Huntsville, Alabama and Albuquerque, New Mexico, where QinetiQ engineers work on satellite-based espionage, among other projects.''

It is time that we fought back to protect American businesses and American innovation. We need to call out those who are responsible for cyber theft and empower the President to hit the thieves where it hurts most—in their wallets.

Today, I am introducing a bill along with Senators MCCAIN, COBURN and ROCKEFELLER that calls on the Director of National Intelligence, DNI, to develop a list of foreign countries that engage in economic or industrial espionage in cyberspace with respect to U.S. trade secrets or proprietary information. We have done something similar under the Special 301 process for intellectual property rights infringements in foreign countries.

Specifically, our legislation requires the DNI to publish an annual report listing foreign countries that engage in, facilitate, support or tolerate economic and industrial espionage targeting U.S. trade secrets or proprietary

information through cyberspace. That report would identify:

A watch list of foreign countries that engage in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons; it would identify a priority watch list of foreign countries that are the most egregious offenders; U.S. technologies targeted for economic or industrial espionage in cyberspace and U.S. technologies that have been stolen, to the extent that is known; articles manufactured or produced or services provided, without permission from the rights holder, using such stolen technologies or proprietary information; foreign companies, including state owned enterprises, that benefit from stolen technologies or proprietary information; details of the economic or industrial espionage engaged in by foreign countries; and actions taken by DNI and other Federal agencies and progress made to decrease foreign economic or industrial espionage in cyberspace against United States persons.

Creating a ''name and shame'' list, as this report would do, will shine a spotlight on those who are stealing U.S. technologies. But we need more than a report, we need action.

Our bill provides for more than a report. In order to enforce compliance with laws protecting U.S. patents, copyrights, and other intellectual property and protection of the Department of Defense supply chain, our legislation requires the President to block imports of products if they: contain stolen U.S. technology or proprietary information, or are produced by a state-owned enterprise of a country on the priority watch list and are the same as or similar to products made using the stolen or targeted U.S. technology or proprietary information identified in the report, or are made by a company identified in the report as having benefitted from the stolen U.S. technology or proprietary information.

Blocking imports of products that either incorporate intellectual property stolen from U.S. companies or are from companies otherwise that benefit from cyber theft will send the message that we have had enough. If foreign governments—like the Chinese government—want to continue to deny their involvement in cyber theft despite the proof, that's one thing. We can't stop the denials on the face of facts. But we aren't without remedies. We can prevent the companies that benefit from the theft—including State-owned companies from getting away with the benefits of that theft. Maybe once they understand that complicity will cost them access to the U.S. market, they will press their governments to stop or refuse to benefit at least. We will hit them where it hurts with this legislation and we aim to get results.

We have stood by for far too long while our intellectual property and proprietary information is plundered in cyberspace and in turn used to undercut the very companies that developed it. It is now time to act. Our legislation will give our Government powerful tools to fight back against these crimes and protect the investments and property of U.S. companies and institutions. I urge my colleagues to work to enact this very important legislation as quickly as possible. We have no time to lose.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 884

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Deter Cyber Theft Act''.

**SEC. 2. ACTIONS TO ADDRESS FOREIGN ECONOMIC OR INDUSTRIAL ESPIONAGE IN CYBERSPACE.**

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the appropriate congressional committees a report on foreign economic and industrial espionage in cyberspace during the 12-month period preceding the submission of the report that—

(A) identifies—

(i) foreign countries that engage in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons;

(ii) foreign countries identified under clause (i) that the Director determines engage in the most egregious economic or industrial espionage in cyberspace with respect to such trade secrets or proprietary information (in this section referred to as ''priority foreign countries'');

(iii) technologies or proprietary information developed by United States persons that—

(I) are targeted for economic or industrial espionage in cyberspace; and

(II) to the extent practicable, have been appropriated through such espionage;

(iv) articles manufactured or otherwise produced using technologies or proprietary information described in clause (iii)(II);

(v) services provided using such technologies or proprietary information; and

(vi) foreign entities, including entities owned or controlled by the government of a foreign country, that request, engage in, support, facilitate, or benefit from the appropriation through economic or industrial espionage in cyberspace of technologies or proprietary information developed by United States persons;

(B) describes the economic or industrial espionage engaged in by the foreign countries identified under clauses (i) and (ii) of subparagraph (A); and

(C) describes—

(i) actions taken by the Director and other Federal agencies to decrease the prevalence of economic or industrial espionage in cyberspace; and

(ii) the progress made in decreasing the prevalence of such espionage.

(2) DETERMINATION OF FOREIGN COUNTRIES ENGAGING IN ECONOMIC OR INDUSTRIAL ESPIONAGE IN CYBERSPACE.—For purposes of clauses (i) and (ii) of paragraph (1)(A), the Director shall identify a foreign country as a foreign country that engages in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons if the government of the foreign country—

(A) engages in economic or industrial espionage in cyberspace with respect to trade secrets or proprietary information owned by United States persons; or

(B) facilitates, supports, fails to prosecute, or otherwise permits such espionage by—

(i) individuals who are citizens or residents of the foreign country; or

(ii) entities that are organized under the laws of the foreign country or are otherwise subject to the jurisdiction of the government of the foreign country.

(3) PRIORITIZATION OF COLLECTION AND ANALYSIS OF INFORMATION.—The President shall direct the Director to make it a priority for the intelligence community to collect and analyze information in order to identify articles described in clause (iv) of paragraph (1)(A), services described in clause (v) of that paragraph, and entities described in clause (vi) of that paragraph.

(4) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(b) ACTION BY PRESIDENT.—

(1) IN GENERAL.—Not later than 120 days after each report required by subsection (a)(1) is submitted, the President shall direct U.S. Customs and Border Protection to exclude from entry into the United States an article described in paragraph (2) if the President determines the exclusion of the article is warranted—

(A) for the enforcement of intellectual property rights; or

(B) to protect the integrity of the Department of Defense supply chain.

(2) ARTICLE DESCRIBED.—An article described in this paragraph is an article—

(A) identified under subsection (a)(1)(A)(iv);

(B) produced or exported by an entity that—

(i) is owned or controlled by the government of a priority foreign country; and

(ii) produces or exports articles that are the same as or similar to articles manufactured or otherwise produced using technologies or proprietary information identified under subsection (a)(1)(A)(iii); or

(C) produced or exported by an entity identified under subsection (a)(1)(A)(vi).

(c) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner that is consistent with the obligations of the United States under international agreements.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) CYBERSPACE.—The term ''cyberspace''—

(A) means the interdependent network of information technology infrastructures; and

(B) includes the Internet, telecommunications networks, computer systems, and embedded processors and controllers.

(3) ECONOMIC OR INDUSTRIAL ESPIONAGE.—The term ''economic or industrial espionage'' means—

(A) stealing a trade secret or proprietary information or appropriating, taking, carrying away, or concealing, or by fraud, artifice, or deception obtaining, a trade secret or proprietary information without the authorization of the owner of the trade secret or proprietary information;

(B) copying, duplicating, downloading, uploading, destroying, transmitting, delivering, sending, communicating, or conveying a trade secret or proprietary information without the authorization of the owner of the trade secret or proprietary information; or

(C) knowingly receiving, buying, or possessing a trade secret or proprietary information that has been stolen or appropriated, obtained, or converted without the authorization of the owner of the trade secret or proprietary information.

(4) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(5) OWN.—The term ''own'', with respect to a trade secret or proprietary information, means to hold rightful legal or equitable title to, or license in, the trade secret or proprietary information.

(6) PERSON.—The term ''person'' means an individual or entity.

(7) PROPRIETARY INFORMATION.—The term ''proprietary information'' means competitive bid preparations, negotiating strategies, executive emails, internal financial data, strategic business plans, technical designs, manufacturing processes, source code, data derived from research and development investments, and other commercially valuable information that a person has developed or obtained if—

(A) the person has taken reasonable measures to keep the information confidential; and

(B) the information is not generally known or readily ascertainable through proper means by the public.

(8) TECHNOLOGY.—The term ''technology'' has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(9) TRADE SECRET.—The term ''trade secret'' has the meaning given that term in section 1839 of title 18, United States Code.

(10) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a citizen of the United States or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States.

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By Mr. BOOZMAN (for himself, Mr. MANCHIN, Mr. MORAN, and Mr. TESTER):

S. 889. A bill to amend title 10, United States Code, to improve the Transition Assistance Program of the Department of Defense, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BOOZMAN. Mr. President, the Transition Assistance Program, TAP, provides training to servicemembers regarding veteran benefits, job search skills, pre-separation counseling, resume writing, how to prepare for interviews, and other transition training. TAP is a great program; however, there is always room for improvement. For this reason, I am joining with Senator's MORAN and MANCHIN to introduce their Servicemembers' Choice in Transition Act of 2013. This legislation enhances the content of TAP to enable those leaving military service to better utilize their GI Bill benefits as a way to transition to civilian employment. It also makes TAP more interactive and provides a better fit for each servicemembers' personal transition goals.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 889

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Servicemembers' Choice in Transition Act 0f 2013''.

**SEC. 2. CONTENTS OF TRANSITION ASSISTANCE PROGRAM.**

(a) IN GENERAL.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(9) Provide information about disability-related employment and education protections.''.

(2) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

''(c) ADDITIONAL ELEMENTS OF PROGRAM.—The mandatory program carried out under this section shall include—

''(1) for any member who plans to use the member's entitlement to educational assistance under title 38—

''(A) instruction providing an overview of the use of such entitlement; and

''(B) testing to determine academic readiness for post-secondary education, courses of post-secondary education appropriate for the member, courses of post-secondary education compatible with the member's education goals, and instruction on how to finance the member's post-secondary education; and

''(2) instruction in the benefits under laws administered by the Secretary of Veterans Affairs and in other subjects determined by the Secretary concerned.''.

(b) DEADLINE FOR IMPLEMENTATION.—The program carried out under section 1144 of title 10, United States Code, shall comply with the requirements of subsections (b)(9) and (c) of such section, as added by subsection (a), by not later than April 1, 2015.

(c) FEASIBILITY STUDY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives the results of a study carried out by the Secretary to determine the feasibility of providing the instruction described in subsection (b) of section 1142 of title 10, United States Code, at all overseas locations where such instruction is provided by entering into a contract jointly with the Secretary of Labor for the provision of such instruction.

## SUBMITTED RESOLUTIONS

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## SENATE RESOLUTION 130—DESIGNATING THE WEEK OF MAY 1 THROUGH MAY 7, 2013, AS ''NATIONAL PHYSICAL EDUCATION AND SPORT WEEK''

Ms. KLOBUCHAR (for herself and Mr. THUNE) submitted the following resolution; which was considered and agreed to:

S. RES. 130

Whereas a decline in physical activity has contributed to the unprecedented epidemic of childhood obesity, which has more than tripled in the United States since 1980;

Whereas regular physical activity is necessary to support normal and healthy growth in children and is essential to the continued health and well-being of children;

Whereas according to the Centers for Disease Control, overweight adolescents have a 70- to 80-percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death;

Whereas physical activity reduces the risk of heart disease, high blood pressure, diabetes, and certain types of cancers;

Whereas type 2 diabetes can no longer be referred to as ''late in life'' or ''adult onset'' diabetes because type 2 diabetes presently occurs in children as young as 10 years old;

Whereas the Physical Activity Guidelines for Americans issued by the Department of Health and Human Services recommend that children engage in at least 60 minutes of physical activity on most, and preferably all, days of the week;

Whereas according to the Centers for Disease Control, only 19 percent of high school students are meeting the goal of 60 minutes of physical activity each day;

Whereas children spend many of their waking hours at school and, as a result, need to be active during the school day to meet the recommendations of the Physical Activity Guidelines for Americans;

Whereas nationally, according to the Centers for Disease Control, 1 out of 4 children does not attend any school physical education classes, and fewer than 1 in 4 children get 20 minutes of vigorous activity every day;

Whereas teaching children about physical education and sports not only ensures that the children are physically active during the school day, but also educates the children on how to be physically active and the importance of physical activity;

Whereas according to a 2006 survey by the Department of Health and Human Services, 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education (or an equivalent) for the entire school year, and 22 percent of schools do not require students to take any physical education courses at all;

Whereas according to that 2006 survey, 13.7 percent of elementary schools, 15.2 percent of middle schools, and 3.0 percent of high schools provide physical education (or an equivalent) at least 3 days per week for the entire school year for students in all grades in the school;

Whereas research shows that fit and active children are more likely to thrive academically;

Whereas increased time in physical education classes can help the attention, concentration, and achievement test scores of children;

Whereas participation in sports teams and physical activity clubs, often organized by

the school and run outside of the regular school day, can improve grade point average, school attachment, educational aspirations, and the likelihood of graduation;

Whereas participation in sports and physical activity improves self-esteem and body image in children and adults;

Whereas children and youths who partake in physical activity and sports programs have increased motor skills, healthy lifestyles, social skills, a sense of fair play, strong teamwork skills, self-discipline, and avoidance of risky behaviors;

Whereas the social and environmental factors affecting children are in the control of the adults and the communities in which the children live, and therefore, the people of the United States share a collective responsibility in reversing the childhood obesity epidemic;

Whereas if efforts are made to intervene with unfit children to bring those children to physically fit levels, then there may also be a concomitant rise in the academic performance of those children; and

Whereas Congress strongly supports efforts to increase physical activity and participation of children and youth in sports: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the week of May 1 through May 7, 2013, as ''National Physical Education and Sport Week'';

(2) recognizes National Physical Education and Sport Week and the central role of physical education and sports in creating a healthy lifestyle for all children and youth;

(3) supports the implementation of local school wellness policies (as that term is described in section 9A of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758b)) that include ambitious goals for physical education, physical activity, and other activities that address the childhood obesity epidemic and promote child wellness; and

(4) encourages schools to offer physical education classes to students and work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer months for all children and youth.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 796. Mr. INHOFE (for himself, Mr. BAUCUS, Mr. CASEY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 797. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 798. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 799. Mrs. BOXER (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 601, supra.

SA 800. Mr. BLUNT (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 801. Mr. PRYOR (for himself, Mr. INHOFE, Mrs. FISCHER, Ms. LANDRIEU, Mr. JOHANNS, and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 802. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 601, supra; which was ordered to lie on the table.

SA 803. Mr. WHITEHOUSE (for himself, Mr. ROCKEFELLER, Mr. NELSON, Mr. BLUMENTHAL, Ms. CANTWELL, Ms. COLLINS, and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 804. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 805. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 806. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 807. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 808. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 809. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 810. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 811. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 812. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

SA 813. Mr. BROWN (for himself, Mr. TOOMEY, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 601, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 796.** Mr. INHOFE (for himself, Mr. BAUCUS, Mr. CASEY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 548, between lines 16 and 17, insert the following:

(10) RURAL WATER INFRASTRUCTURE PROJECT.—The term ''rural water infrastructure project'' means a project that—

(A) is described in section 10007; and

(B) is located in a water system that serves not more than 25,000 individuals.

On page 556, strike lines 1 through 3, and insert the following:

(2) ELIGIBLE PROJECT COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the eligible project costs of a project shall be reasonably anticipated to be not less than $20,000,000.

(B) RURAL WATER INFRASTRUCTURE PROJECTS.—For rural water infrastructure projects, the eligible project costs of a project shall be reasonably anticipated to be not less than $2,000,000.

On page 570, between lines 19 and 20, insert the following:

(b) RURAL WATER INFRASTRUCTURE PROJECTS.—

(1) IN GENERAL.—Of the amounts made available to carry out this title for each fiscal year, not more than 10 percent shall be set aside to carry out rural water infrastructure projects.

(2) APPLICABILITY.—Any amounts set aside under paragraph (1) that remain unobligated on June 1 of the fiscal year for which the amounts are set aside shall be made available to the Secretary or the Administrator, as applicable, for use in accordance with this title.

**SA 797.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**SEC. 12___. TULSA PORT OF CATOOSA, ROGERS COUNTY, OKLAHOMA LAND EXCHANGE.**

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 87 acres of land situated in Rogers County, Oklahoma, contained within United States Tracts 413 and 427, and acquired for the McClellan-Kerr Arkansas Navigation System.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 34 acres of land situated in Rogers County, Oklahoma and owned by the Tulsa Port of Catoosa that lie immediately south and east of the Federal land.

(b) LAND EXCHANGE.—Subject to subsection (c), on conveyance by the Tulsa Port of Catoosa to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to the Tulsa Port of Catoosa, all right, title, and interest of the United States in and to the Federal land.

(c) CONDITIONS.—

(1) DEEDS.—

(A) DEED TO NON-FEDERAL LAND.—The Secretary may only accept conveyance of the non-Federal land by warranty deed, as determined acceptable by the Secretary.

(B) DEED TO FEDERAL LAND.—The Secretary shall convey the Federal land to the Tulsa Port of Catoosa by quitclaim deed and subject to any reservations, terms, and conditions that the Secretary determines necessary to—

(i) allow the United States to operate and maintain the McClellan-Kerr Arkansas River Navigation System; and

(ii) protect the interests of the United States.

(2) LEGAL DESCRIPTIONS.—The exact acreage and legal descriptions of the Federal land and the non-Federal land shall be determined by surveys acceptable to the Secretary.

(3) PAYMENT OF COSTS.—The Tulsa Port of Catoosa shall be responsible for all costs associated with the land exchange authorized by this section, including any costs that the Secretary determines necessary and reasonable in the interest of the United States, including surveys, appraisals, real estate transaction fees, administrative costs, and environmental documentation.

(4) CASH PAYMENT.—If the appraised fair market value of the Federal land, as determined by the Secretary, exceeds the appraised fair market value of the non-Federal land, as determined by the Secretary, the Tulsa Port of Catoosa shall make a cash payment to the United States reflecting the difference in the appraised fair market values.

(5) LIABILITY.—The Tulsa Port of Catoosa shall hold and save the United States free from damages arising from activities carried out under this section, except for damages due to the fault or negligence of the United States or a contractor of the United States.

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**SA 798.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 20____. VERDIGRIS RIVER BASIN WATER SUPPLY STORAGE CONTRACTS.**

Notwithstanding any other provision of law, any community entity that is a party to a contract in effect on the date of enactment of this Act for water supply storage on a nonhydropower lake within the Verdigris River Basin shall be required to pay not more than the contractual rate per acre-foot (as in effect on the date of enactment of this Act) in entering into a contract for new water supply storage in a nonhydropower lake within the Verdigris River Basin.

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**SA 799.** Mrs. BOXER (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2013''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

**SEC. 2. DEFINITION OF SECRETARY.**

In this Act, the term ''Secretary'' means the Secretary of the Army.

## TITLE I—WATER RESOURCE PROJECTS

**SEC. 1001. PURPOSES.**

The purposes of this title are—

(1) to authorize projects that—

(A) are the subject of a completed report of the Chief of Engineers containing a determination that the relevant project—

(i) is in the Federal interest;

(ii) results in benefits that exceed the costs of the project;

(iii) is environmentally acceptable; and

(iv) is technically feasible; and

(B) have been recommended to Congress for authorization by the Assistant Secretary of the Army for Civil Works; and

(2) to authorize the Secretary—

(A) to review projects that require increased authorization; and

(B) to request an increase of those authorizations after—

(i) certifying that the increases are necessary; and

(ii) submitting to Congress reports on the proposed increases.

**SEC. 1002. PROJECT AUTHORIZATIONS.**

The Secretary is authorized to carry out projects for water resources development, conservation, and other purposes, subject to the conditions that—

(1) each project is carried out—

(A) substantially in accordance with the plan for the project; and

(B) subject to any conditions described in the report for the project; and

(2)(A) a Report of the Chief of Engineers has been completed; and

(B) after November 8, 2007, but prior to the date of enactment of this Act, the Assistant Secretary of the Army for Civil Works has submitted to Congress a recommendation to authorize construction of the project.

**SEC. 1003. PROJECT REVIEW.**

(a) IN GENERAL.—For a project that is authorized by Federal law as of the date of enactment of this Act, the Secretary may modify the authorized project cost set under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280)—

(1) by submitting the required certification and additional information to Congress in accordance with subsection (b); and

(2) after receiving an appropriation of funds in accordance with subsection (b)(3)(B).

(b) REQUIREMENTS FOR SUBMISSION.—

(1) CERTIFICATION.—The certification to Congress under subsection (a) shall include a certification by the Secretary that—

(A) expenditures above the authorized cost of the project are necessary to protect life and safety or property, maintain critical navigation routes, or restore ecosystems;

(B) the project continues to provide benefits identified in the report of the Chief of Engineers for the project; and

(C) for projects under construction—

(i) a temporary stop or delay resulting from a failure to increase the authorized cost of the project will increase costs to the Federal Government; and

(ii) the amount requested for the project in the budget of the President or included in a work plan for the expenditure of funds for the fiscal year during which the certification is submitted will exceed the authorized cost of the project.

(2) ADDITIONAL INFORMATION.—The information provided to Congress about the project under subsection (a) shall include, at a minimum—

(A) a comprehensive review of the project costs and reasons for exceeding the authorized limits set under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280);

(B) an expedited analysis of the updated benefits and costs of the project; and

(C) the revised cost estimate level for completing the project.

(3) APPROVAL OF CONGRESS.—The Secretary may not change the authorized project costs under subsection (a) unless—

(A) a certification and required information is submitted to Congress under subsection (b); and

(B) after such submission, amounts are appropriated to initiate or continue construction of the project in an appropriations or other Act.

(c) DE MINIMIS AMOUNTS.—If the cost to complete construction of an authorized water resources project would exceed the limitations on the maximum cost of the project under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), the Secretary may complete construction of the project, notwithstanding the limitations imposed by that section if—

(1) construction of the project is at least 70 percent complete at the time the cost of the project is projected to exceed the limitations; and

(2) the Federal cost to complete construction is less than $5,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary under this section terminates on the date that is 3 years after the date of enactment of this Act.

## TITLE II—WATER RESOURCES POLICY REFORMS

**SEC. 2001. PURPOSES.**

The purposes of this title are—

(1) to reform the implementation of water resources projects by the Corps of Engineers;

(2) to make other technical changes to the water resources policy of the Corps of Engineers; and

(3) to implement reforms, including—

(A) enhancing the ability of local sponsors to partner with the Corps of Engineers by ensuring the eligibility of the local sponsors to receive and apply credit for work carried out by the sponsors and increasing the role of sponsors in carrying out Corps of Engineers projects;

(B) ensuring continuing authority programs can continue to meet important needs;

(C) encouraging the continuation of efforts to modernize feasibility studies and establish targets for expedited completion of feasibility studies;

(D) seeking efficiencies in the management of dams and related infrastructure to reduce environmental impacts while maximizing other benefits and project purposes, such as flood control, navigation, water supply, and hydropower;

(E) clarifying mitigation requirements for Corps of Engineers projects and ensuring transparency in the independent external review of those projects; and

(F) establishing an efficient and transparent process for deauthorizing projects that have failed to receive a minimum level of investment to ensure active projects can move forward while reducing the backlog of authorized projects.

**SEC. 2002. SAFETY ASSURANCE REVIEW.**

Section 2035 of the Water Resources Development Act of 2007 (33 U.S.C. 2344) is amended by adding at the end the following:

''(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a safety assurance review conducted under this section.''.

**SEC. 2003. CONTINUING AUTHORITY PROGRAMS.**

(a) SMALL RIVER AND HARBOR IMPROVEMENT PROJECTS.—Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) in subsection (a), by striking ''$35,000,000'' and inserting ''$50,000,000''; and

(2) in subsection (b), by striking ''$7,000,000'' and inserting ''$10,000,000''.

(b) SHORE DAMAGE PREVENTION OR MITIGATION.—Section 111(c) of the River and Harbor Act of 1968 (33 U.S.C. 426i(c)) is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(c) REGIONAL SEDIMENT MANAGEMENT.—

(1) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—

(A) in subsection (c)(1)(C), by striking ''$5,000,000'' and inserting ''$10,000,000''; and

(B) in subsection (g), by striking ''$30,000,000'' and inserting ''$50,000,000''.

(2) APPLICABILITY.—Section 2037 of the Water Resources Development Act of 2007 (121 Stat. 1094) is amended by added at the end the following:

''(c) APPLICABILITY.—The amendment made by subsection (a) shall not apply to any project authorized under this Act if a report of the Chief of Engineers for the project was completed prior to the date of enactment of this Act.''.

(d) SMALL FLOOD CONTROL PROJECTS.—Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended in the third sentence by striking ''$7,000,000'' and inserting ''$10,000,000''.

(e) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(d)) is amended—

(1) in the second sentence, by striking ''Not more than 80 percent of the non-Federal may be'' and inserting ''The non-Federal share may be provided''; and

(2) in the third sentence, by striking ''$5,000,000'' and inserting ''$10,000,000''.

(f) AQUATIC ECOSYSTEM RESTORATION.—Section 206(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(d)) is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(g) FLOODPLAIN MANAGEMENT SERVICES.—Section 206(d) of the Flood Control Act of 1960 (33 U.S.C. 709a) is amended by striking ''$15,000,000'' and inserting ''$50,000,000''.

**SEC. 2004. CONTINUING AUTHORITY PROGRAM PRIORITIZATION.**

(a) DEFINITION OF CONTINUING AUTHORITY PROGRAM PROJECT.—In this section, the term ''continuing authority program'' means 1 of the following authorities:

(1) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(2) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(3) Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(4) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(5) Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(6) Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

(b) PRIORITIZATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish in the Federal Register and on a publicly available website, the criteria the Secretary uses for prioritizing annual funding for continuing authority program projects.

(c) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall publish in the Federal Register and on a publicly available website, a report on the status of each continuing authority program, which, at a minimum, shall include—

(1) the name and a short description of each active continuing authority program project;

(2) the cost estimate to complete each active project; and

(3) the funding available in that fiscal year for each continuing authority program.

(d) CONGRESSIONAL NOTIFICATION.—On publication in the Federal Register under subsections (b) and (c), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of all information published under those subsections.

**SEC. 2005. FISH AND WILDLIFE MITIGATION.**

(a) IN GENERAL.—Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by inserting ''for damages to ecological resources, including terrestrial and aquatic resources, and'' after ''mitigate'';

(II) by inserting ''ecological resources and'' after ''impact on''; and

(III) by inserting ''without the implementation of mitigation measures'' before the period; and

(ii) by inserting before the last sentence the following: ''If the Secretary determines that mitigation to in-kind conditions is not possible, the Secretary shall identify in the report the basis for that determination and the mitigation measures that will be implemented to meet the requirements of this section and the goals of section 307(a)(1) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(a)(1)).'';

(B) in paragraph (2)—

(i) in the heading, by striking ''DESIGN'' and inserting ''SELECTION AND DESIGN'';

(ii) by inserting ''select and'' after ''shall''; and

(iii) by inserting ''using a watershed approach'' after ''projects''; and

(C) in paragraph (3)—

(i) in subparagraph (A), by inserting '', at a minimum,'' after ''complies with''; and

(ii) in subparagraph (B)—

(I) by striking clause (iii);

(II) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(III) by inserting after clause (ii) the following:

''(iii) for projects where mitigation will be carried out by the Secretary—

''(I) a description of the land and interest in land to be acquired for the mitigation plan;

''(II) the basis for a determination that the land and interests are available for acquisition; and

''(III) a determination that the proposed interest sought does not exceed the minimum interest in land necessary to meet the mitigation requirements for the project;

''(iv) for projects where mitigation will be carried out through a third party mitigation arrangement in accordance with subsection (i)—

''(I) a description of the third party mitigation instrument to be used; and

''(II) the basis for a determination that the mitigation instrument can meet the mitigation requirements for the project;''; and

(2) by adding at the end the following:

''(h) PROGRAMMATIC MITIGATION PLANS.—

''(1) IN GENERAL.—The Secretary may develop 1 or more programmatic mitigation plans to address the potential impacts to ecological resources, fish, and wildlife associated with existing or future water resources development projects.

''(2) USE OF MITIGATION PLANS.—The Secretary shall, to the maximum extent practicable, use programmatic mitigation plans developed in accordance with this subsection to guide the development of a mitigation plan under subsection (d).

''(3) NON-FEDERAL PLANS.—The Secretary shall, to the maximum extent practicable and subject to all conditions of this subsection, use programmatic environmental plans developed by a State, a body politic of the State, which derives its powers from a State constitution, a government entity created by State legislation, or a local government, that meet the requirements of this subsection to address the potential environmental impacts of existing or future water resources development projects.

''(4) SCOPE.—A programmatic mitigation plan developed by the Secretary or an entity described in paragraph (3) to address potential impacts of existing or future water resources development projects shall, to the maximum extent practicable—

''(A) be developed on a regional, ecosystem, watershed, or statewide scale;

''(B) include specific goals for aquatic resource and fish and wildlife habitat restoration, establishment, enhancement, or preservation;

''(C) identify priority areas for aquatic resource and fish and wildlife habitat protection or restoration;

''(D) encompass multiple environmental resources within a defined geographical area or focus on a specific resource, such as aquatic resources or wildlife habitat; and

''(E) address impacts from all projects in a defined geographical area or focus on a specific type of project.

''(5) CONSULTATION.—The scope of the plan shall be determined by the Secretary or an entity described in paragraph (3), as appropriate, in consultation with the agency with jurisdiction over the resources being addressed in the environmental mitigation plan.

''(6) CONTENTS.—A programmatic environmental mitigation plan may include—

''(A) an assessment of the condition of environmental resources in the geographical area covered by the plan, including an assessment of recent trends and any potential threats to those resources;

''(B) an assessment of potential opportunities to improve the overall quality of environmental resources in the geographical area covered by the plan through strategic mitigation for impacts of water resources development projects;

''(C) standard measures for mitigating certain types of impacts;

''(D) parameters for determining appropriate mitigation for certain types of impacts, such as mitigation ratios or criteria for determining appropriate mitigation sites;

''(E) adaptive management procedures, such as protocols that involve monitoring predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring;

''(F) acknowledgment of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources; and

''(G) any offsetting benefits of self-mitigating projects, such as ecosystem or resource restoration and protection.

''(7) PROCESS.—Before adopting a programmatic environmental mitigation plan for use under this subsection, the Secretary shall—

''(A) for a plan developed by the Secretary—

''(i) make a draft of the plan available for review and comment by applicable environmental resource agencies and the public; and

''(ii) consider any comments received from those agencies and the public on the draft plan; and

''(B) for a plan developed under paragraph (3), determine, not later than 180 days after receiving the plan, whether the plan meets the requirements of paragraphs (4) through (6) and was made available for public comment.

''(8) INTEGRATION WITH OTHER PLANS.—A programmatic environmental mitigation plan may be integrated with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, and land use plans.

''(9) CONSIDERATION IN PROJECT DEVELOPMENT AND PERMITTING.—If a programmatic environmental mitigation plan has been developed under this subsection, any Federal agency responsible for environmental reviews, permits, or approvals for a water resources development project may use the recommendations in that programmatic environmental mitigation plan when carrying out the responsibilities of the agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(10) PRESERVATION OF EXISTING AUTHORITIES.—Nothing in this subsection limits the use of programmatic approaches to reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(i) THIRD-PARTY MITIGATION ARRANGEMENTS.—

''(1) ELIGIBLE ACTIVITIES.—In accordance with all applicable Federal laws (including regulations), mitigation efforts carried out under this section may include—

''(A) participation in mitigation banking or other third-party mitigation arrangements, such as—

''(i) the purchase of credits from commercial or State, regional, or local agency-sponsored mitigation banks; and

''(ii) the purchase of credits from in-lieu fee mitigation programs; and

''(B) contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands if the Secretary determines that the contributions will ensure that the mitigation requirements of this section and the goals of section 307(a)(1) of the Water Resources Development Act of 1990 (33 U.S.C. 2317(a)(1)) will be met.

''(2) INCLUSION OF OTHER ACTIVITIES.—The banks, programs, and efforts described in paragraph (1) include any banks, programs, and efforts developed in accordance with applicable law (including regulations).

''(3) TERMS AND CONDITIONS.—In carrying out natural habitat and wetlands mitigation efforts under this section, contributions to the mitigation effort may—

''(A) take place concurrent with, or in advance of, the commitment of funding to a project; and

''(B) occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and water resources development planning processes.

''(4) PREFERENCE.—At the request of the non-Federal project sponsor, preference may be given, to the maximum extent practicable, to mitigating an environmental impact through the use of a mitigation bank, in-lieu fee, or other third-party mitigation arrangement, if the use of credits from the mitigation bank or in-lieu fee, or the other third-party mitigation arrangement for the project has been approved by the applicable Federal agency.

''(j) USE OF FUNDS.—The Secretary may use funds made available for preconstruction engineering and design prior to authorization of project construction to satisfy mitigation requirements through third party mechanisms or to acquire interests in land necessary for meeting the mitigation requirements of this section.''.

(b) APPLICATION.—The amendments made by subsection (a) shall not apply to a project for which a mitigation plan has been completed as of the date of enactment of this Act.

(c) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide technical assistance to States and local governments to establish third-party mitigation instruments, including mitigation banks and in-lieu fee programs, that will help to target mitigation payments to high-priority ecosystem restoration actions.

(2) REQUIREMENTS.—In providing technical assistance under this subsection, the Secretary shall give priority to States and local governments that have developed State, regional, or watershed-based plans identifying priority restoration actions.

(3) MITIGATION INSTRUMENTS.—The Secretary shall seek to ensure any technical assistance provided under this subsection will support the establishment of mitigation instruments that will result in restoration of high-priority areas identified in the plans under paragraph (2).

**SEC. 2006. MITIGATION STATUS REPORT.**

Section 2036(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2283a) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) INFORMATION INCLUDED.—In reporting the status of all projects included in the report, the Secretary shall—

''(A) use a uniform methodology for determining the status of all projects included in the report;

''(B) use a methodology that describes both a qualitative and quantitative status for all projects in the report; and

''(C) provide specific dates for and participants in the consultations required under section 906(d)(4)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)(4)(B)).''.

**SEC. 2007. INDEPENDENT PEER REVIEW.**

(a) TIMING OF PEER REVIEW.—Section 2034(b) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) REASONS FOR TIMING.—If the Chief of Engineers does not initiate a peer review for a project study at a time described in paragraph (2), the Chief shall—

''(A) not later than 7 days after the date on which the Chief of Engineers determines not to initiate a peer review—

''(i) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of that decision; and

''(ii) make publicly available, including on the Internet the reasons for not conducting the review; and

''(B) include the reasons for not conducting the review in the decision document for the project study.''.

(b) ESTABLISHMENT OF PANELS.—Section 2034(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(c)) is amended by striking paragraph (4) and inserting the following:

''(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Following the identification of a project study for peer review under this section, but prior to initiation of the review by the panel of experts, the Chief of Engineers shall, not later than 7 days after the date on which the Chief of Engineers determines to conduct a review—

''(A) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the review; and

''(B) make publicly available, including on the Internet, information on—

''(i) the dates scheduled for beginning and ending the review;

''(ii) the entity that has the contract for the review; and

''(iii) the names and qualifications of the panel of experts.''.

(c) RECOMMENDATIONS OF PANEL.—Section 2034(f) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(f)) is amended by striking paragraph (2) and inserting the following:

''(2) PUBLIC AVAILABILITY AND SUBMISSION TO CONGRESS.—After receiving a report on a project study from a panel of experts under this section, the Chief of Engineers shall make available to the public, including on the Internet, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

''(A) a copy of the report not later than 7 days after the date on which the report is delivered to the Chief of Engineers; and

''(B) a copy of any written response of the Chief of Engineers on recommendations contained in the report not later than 3 days after the date on which the response is delivered to the Chief of Engineers.

''(3) INCLUSION IN PROJECT STUDY.—A report on a project study from a panel of experts under this section and the written response of the Chief of Engineers shall be included in the final decision document for the project study.''.

(d) APPLICABILITY.—Section 2034(h)(2) of the Water Resources Development Act of 2007 (33 U.S.C. 2343(h)(2)) is amended by striking ''7 years'' and inserting ''12 years''.

**SEC. 2008. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.**

(a) IN GENERAL.—Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended—

(1) by striking the heading and inserting the following:

**''SEC. 314. OPERATION AND MAINTENANCE OF NAVIGATION AND HYDROELECTRIC FACILITIES.'';**

(2) in the first sentence, by striking ''Activities currently performed'' and inserting the following:

''(a) IN GENERAL.—Activities currently performed'';

(3) in the second sentence, by striking ''This section'' and inserting the following:

''(b) MAJOR MAINTENANCE CONTRACTS ALLOWED.—This section'';

(4) in subsection (a) (as designated by paragraph (2)), by inserting ''navigation or'' before ''hydroelectric''; and

(5) by adding at the end the following:

''(c) EXCLUSION.—This section shall not—

''(1) apply to those navigation facilities that have been or are currently under contract with a non-Federal interest to perform operations and maintenance as of the date of enactment of the Water Resources Development Act of 2013; and

''(2) prohibit the Secretary from contracting out future commercial activities at those navigation facilities.''.

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1990 (104 Stat. 4604) is amended by striking the item relating to section 314 and inserting the following:

''Sec. 314. Operation and maintenance of navigation and hydroelectric facilities.''.

**SEC. 2009. HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.**

(a) FINDINGS.—Congress finds that—

(1) in April 2012, the Oak Ridge National Laboratory of the Department of Energy (referred to in this section as the ''Oak Ridge Lab'') released a report finding that adding hydroelectric power to the non-powered dams of the United States has the potential to add more than 12 gigawatts of new generating capacity;

(2) the top 10 non-powered dams identified by the Oak Ridge Lab as having the highest hydroelectric power potential could alone supply 3 gigawatts of generating capacity;

(3) of the 50 non-powered dams identified by the Oak Ridge Lab as having the highest hydroelectric power potential, 48 are Corps of Engineers civil works projects;

(4) promoting non-Federal hydroelectric power at Corps of Engineers civil works projects increases the taxpayer benefit of those projects;

(5) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects—

(A) can be accomplished in a manner that is consistent with authorized project purposes and the responsibilities of the Corps of Engineers to protect the environment; and

(B) in many instances, may have additional environmental benefits; and

(6) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects could be promoted through—

(A) clear and consistent lines of responsibility and authority within and across Corps of Engineers districts and divisions on hydroelectric power development activities;

(B) consistent and corresponding processes for reviewing and approving hydroelectric power development; and

(C) developing a means by which non-Federal hydroelectric power developers and stakeholders can resolve disputes with the Corps of Engineers concerning hydroelectric power development activities at Corps of Engineers civil works projects.

(b) POLICY.—Congress declares that it is the policy of the United States that—

(1) the development of non-Federal hydroelectric power at Corps of Engineers civil works projects, including locks and dams, shall be given priority;

(2) Corps of Engineers approval of non-Federal hydroelectric power at Corps of Engineers civil works projects, including permitting required under section 14 of the Act of March 3, 1899 (33 U.S.C. 408), shall be completed by the Corps of Engineers in a timely and consistent manner; and

(3) approval of hydropower at Corps of Engineers civil works projects shall in no way diminish the other priorities and missions of the Corps of Engineers, including authorized project purposes and habitat and environmental protection.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that, at a minimum, shall include—

(1) a description of initiatives carried out by the Secretary to encourage the development of hydroelectric power by non-Federal entities at Corps of Engineers civil works projects;

(2) a list of all new hydroelectric power activities by non-Federal entities approved at Corps of Engineers civil works projects in that fiscal year, including the length of time the Secretary needed to approve those activities;

(3) a description of the status of each pending application from non-Federal entities for approval to develop hydroelectric power at Corps of Engineers civil works projects;

(4) a description of any benefits or impacts to the environment, recreation, or other uses associated with Corps of Engineers civil works projects at which non-Federal entities have developed hydroelectric power in the previous fiscal year; and

(5) the total annual amount of payments or other services provided to the Corps of Engineers, the Treasury, and any other Federal agency as a result of approved non-Federal hydropower projects at Corps of Engineers civil works projects.

**SEC. 2010. CLARIFICATION OF WORK-IN-KIND CREDIT AUTHORITY.**

(a) NON-FEDERAL COST SHARE.—Section 7007 of the Water Resources Development Act of 2007 (121 Stat. 1277) is amended—

(1) in subsection (a)—

(A) by inserting '', on, or after'' after ''before''; and

(B) by inserting '', program,'' after ''study'' each place it appears;

(2) in subsections (b) and (e)(1), by inserting '', program,'' after ''study'' each place it appears; and

(3) by striking subsection (d) and inserting the following:

''(d) TREATMENT OF CREDIT BETWEEN PROJECTS.—The value of any land, easements, rights-of-way, relocations, and dredged material disposal areas and the costs of planning, design, and construction work provided by the non-Federal interest that exceed the non-Federal cost share for a study, program, or project under this title may be applied toward the non-Federal cost share for any other study, program, or project carried out under this title.''.

(b) IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with any relevant agencies of the State of Louisiana, shall establish a process by which to carry out the amendments made by subsection (a)(3).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on November 8, 2007.

**SEC. 2011. TRANSFER OF EXCESS WORK-IN-KIND CREDIT.**

(a) IN GENERAL.—Subject to subsection (b), the Secretary may apply credit for in-kind contributions provided by a non-Federal interest that is in excess of the required non-Federal cost-share for a water resources study or project toward the required non-Federal cost-share for a different water resources study or project.

(b) RESTRICTIONS.—

(1) IN GENERAL.—Except for subsection (a)(4)(D)(i) of that section, the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) (as amended by section 2012 of this Act) shall apply to any credit under this section.

(2) CONDITIONS.—Credit in excess of the non-Federal cost-share for a study or project may be approved under this section only if—

(A) the non-Federal interest submits a comprehensive plan to the Secretary that identifies—

(i) the studies and projects for which the non-Federal interest intends to provide in-kind contributions for credit that is in excess of the non-Federal cost share for the study or project; and

(ii) the studies and projects to which that excess credit would be applied;

(B) the Secretary approves the comprehensive plan; and

(C) the total amount of credit does not exceed the total non-Federal cost-share for the studies and projects in the approved comprehensive plan.

(c) ADDITIONAL CRITERIA.—In evaluating a request to apply credit in excess of the non-Federal cost-share for a study or project toward a different study or project, the Secretary shall consider whether applying that credit will—

(1) help to expedite the completion of a project or group of projects;

(2) reduce costs to the Federal Government; and

(3) aid the completion of a project that provides significant flood risk reduction or environmental benefits.

(d) TERMINATION OF AUTHORITY.—The authority provided in this section shall terminate 10 years after the date of enactment of this Act.

(e) REPORT.—

(1) DEADLINES.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and once every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an interim report on the use of the authority under this section.

(B) FINAL REPORT.—Not later than 10 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the use of the authority under this section.

(2) INCLUSIONS.—The reports described in paragraph (1) shall include—

(A) a description of the use of the authority under this section during the reporting period;

(B) an assessment of the impact of the authority under this section on the time required to complete projects; and

(C) an assessment of the impact of the authority under this section on other water resources projects.

**SEC. 2012. CREDIT FOR IN-KIND CONTRIBUTIONS.**

(a) IN GENERAL.—Section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i) by inserting ''or a project under an environmental infrastructure assistance program'' after ''law'';

(2) in subparagraph (C), by striking ''In any case'' and all that follows through the period at the end and inserting the following:

''(i) CONSTRUCTION.—

''(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of construction carried out by the non-Federal interest before execution of a partnership agreement and that construction has not been carried out as of the date of enactment of this subparagraph, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work prior to the non-Federal interest initiating construction or issuing a written notice to proceed for the construction.

''(II) ELIGIBILITY.—Construction that is carried out after the execution of an agreement to carry out work described in subclause (I) and any design activities that are required for that construction, even if the design activity is carried out prior to the execution of the agreement to carry out work, shall be eligible for credit.

''(ii) PLANNING.—

''(I) IN GENERAL.—In any case in which the non-Federal interest is to receive credit under subparagraph (A) for the cost of planning carried out by the non-Federal interest before execution of a feasibility cost sharing agreement, the Secretary and the non-Federal interest shall enter into an agreement under which the non-Federal interest shall carry out such work prior to the non-Federal interest initiating that planning.

''(II) ELIGIBILITY.—Planning that is carried out by the non-Federal interest after the execution of an agreement to carry out work described in subclause (I) shall be eligible for credit.'';

(3) in subparagraph (D)(iii), by striking ''sections 101 and 103'' and inserting ''sections 101(a)(2) and 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2); 33 U.S.C. 2213(a)(1)(A))'';

(4) by redesignating subparagraph (E) as subparagraph (H);

(5) by inserting after subparagraph (D) the following:

''(E) ANALYSIS OF COSTS AND BENEFITS.—In the evaluation of the costs and benefits of a project, the Secretary shall not consider construction carried out by a non-Federal interest under this subsection as part of the future without project condition.

''(F) TRANSFER OF CREDIT BETWEEN SEPARABLE ELEMENTS OF A PROJECT.—Credit for in-kind contributions provided by a non-Federal interest that are in excess of the non-Federal cost share for an authorized separable element of a project may be applied toward the non-Federal cost share for a different authorized separable element of the same project.

''(G) APPLICATION OF CREDIT.—To the extent that credit for in-kind contributions, as limited by subparagraph (D), and credit for required land, easements, rights-of-way, dredged material disposal areas, and relocations provided by the non-Federal interest exceed the non-Federal share of the cost of

construction of a project other than a navigation project, the Secretary shall reimburse the difference to the non-Federal interest, subject to the availability of funds.''; and

(6) in subparagraph (H) (as redesignated by paragraph (4))—

(A) in clause (i), by inserting '', and to water resources projects authorized prior to the date of enactment of the Water Resources Development Act of 1986 (Public Law 99–662), if correction of design deficiencies is necessary'' before the period at the end; and

(B) by striking clause (ii) and inserting the following:

''(ii) AUTHORIZATION IN ADDITION TO SPECIFIC CREDIT PROVISION.—In any case in which a specific provision of law authorizes credit for in-kind contributions provided by a non-Federal interest before the date of execution of a partnership agreement, the Secretary may apply the authority provided in this paragraph to allow credit for in-kind contributions provided by the non-Federal interest on or after the date of execution of the partnership agreement.''.

(b) APPLICABILITY.—Section 2003(e) of the Water Resources Development Act of 2007 (42 U.S.C. 1962d-5b note) is amended by inserting '', or construction of design deficiency corrections on the project,'' after ''construction on the project''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on November 8, 2007.

(d) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall update any guidance or regulations for carrying out section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)) (as amended by subsection (a)) that are in existence on the date of enactment of this Act or issue new guidelines, as determined to be appropriate by the Secretary.

(2) INCLUSIONS.—Any guidance, regulations, or guidelines updated or issued under paragraph (1) shall include, at a minimum—

(A) the milestone for executing an in-kind memorandum of understanding for construction by a non-Federal interest;

(B) criteria and procedures for evaluating a request to execute an in-kind memorandum of understanding for construction by a non-Federal interest that is earlier than the milestone under subparagraph (A) for that execution; and

(C) criteria and procedures for determining whether work carried out by a non-Federal interest is integral to a project.

(3) PUBLIC AND STAKEHOLDER PARTICIPATION.—Before issuing any new or revised guidance, regulations, or guidelines or any subsequent updates to those documents, the Secretary shall—

(A) consult with affected non-Federal interests;

(B) publish the proposed guidelines developed under this subsection in the Federal Register; and

(C) provide the public with an opportunity to comment on the proposed guidelines.

(e) OTHER CREDIT.—Nothing in section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(4)) (as amended by subsection (a)) affects any eligibility for credit under section 104 of the Water Resources Development of 1986 (33 U.S.C. 2214) that was approved by the Secretary prior to the date of enactment of this Act.

**SEC. 2013. CREDIT IN LIEU OF REIMBURSEMENT.**

Section 211(e)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(2)) is amended by adding at the end the following:

''(C) STUDIES OR OTHER PROJECTS.—On the request of a non-Federal interest, in lieu of reimbursing a non-Federal interest the amount equal to the estimated Federal share of the cost of an authorized flood damage reduction project or a separable element of an authorized flood damage reduction project under this subsection that has been constructed by the non-Federal interest under this section as of the date of enactment of this Act, the Secretary may provide the non-Federal interest with a credit in that amount, which the non-Federal interest may apply to the share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies.''.

**SEC. 2014. DAM OPTIMIZATION.**

(a) DEFINITIONS.—In this section:

(1) OTHER RELATED PROJECT BENEFITS.—The term ''other related project benefits'' includes—

(A) environmental protection and restoration, including restoration of water quality and water flows, improving movement of fish and other aquatic species, and restoration of floodplains, wetlands, and estuaries;

(B) increased water supply storage (except for any project in the Apalachicola-Chattahoochee-Flint River system and the Alabama-Coosa-Tallapoosa River system);

(C) increased hydropower generation;

(D) reduced flood risk;

(E) additional navigation; and

(F) improved recreation.

(2) WATER CONTROL PLAN.—The term ''water control plan'' means—

(A) a plan for coordinated regulation schedules for project or system regulation; and

(B) such additional provisions as may be required to collect, analyze, and disseminate basic data, prepare detailed operating instructions, ensure project safety, and carry out regulation of projects in an appropriate manner.

(b) PROGRAM.—

(1) IN GENERAL.—The Secretary may carry out activities—

(A) to improve the efficiency of the operations and maintenance of dams and related infrastructure operated by the Corps of Engineers; and

(B) to maximize, to the extent practicable—

(i) authorized project purposes; and

(ii) other related project benefits.

(2) ELIGIBLE ACTIVITIES.—An eligible activity under this section is any activity that the Secretary would otherwise be authorized to carry out that is designed to provide other related project benefits in a manner that does not adversely impact the authorized purposes of the project, including—

(A) the review of project operations on a regular and timely basis to determine the potential for operational changes;

(B) carrying out any investigation or study the Secretary determines to be necessary; and

(C) the revision or updating of a water control plan or other modification of the operation of a water resource project.

(3) IMPACT ON AUTHORIZED PURPOSES.—An activity carried out under this section shall not adversely impact any of the authorized purposes of the project.

(4) EFFECT.—

(A) EXISTING AGREEMENTS.—Nothing in this section—

(i) supersedes or modifies any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act; or

(ii) supersedes or authorizes any amendment to a multistate water-control plan, including the Missouri River Master Water Control Manual (as in effect on the date of enactment of this Act).

(B) WATER RIGHTS.—Nothing in this section—

(i) affects any water right in existence on the date of enactment of this Act; or

(ii) preempts or affects any State water law or interstate compact governing water.

(5) OTHER LAWS.—

(A) IN GENERAL.—An activity carried out under this section shall comply with all other applicable laws (including regulations).

(B) WATER SUPPLY.—Any activity carried out under this section that results in any modification to water supply storage allocations at a reservoir operated by the Secretary shall comply with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

(c) POLICIES, REGULATIONS, AND GUIDANCE.—The Secretary shall carry out a review of, and as necessary modify, the policies, regulations, and guidance of the Secretary to carry out the activities described in subsection (b).

(d) COORDINATION.—

(1) IN GENERAL.—The Secretary shall coordinate all planning and activities carried out under this section with appropriate Federal, State, and local agencies and those public and private entities that the Secretary determines may be affected by those plans or activities.

(2) NON-FEDERAL INTERESTS.—Prior to carrying out an activity under this section, the Secretary shall consult with any applicable non-Federal interest of the affected dam or related infrastructure.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to Congress a report describing the actions carried out under this section.

(2) INCLUSIONS.—Each report under paragraph (1) shall include—

(A) a schedule for reviewing the operations of individual projects; and

(B) any recommendations of the Secretary on changes that the Secretary determines to be necessary—

(i) to carry out existing project authorizations, including the deauthorization of any water resource project that the Secretary determines could more effectively be achieved through other means;

(ii) to improve the efficiency of water resource project operations; and

(iii) to maximize authorized project purposes and other related project benefits.

(3) UPDATED REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall update the report entitled ''Authorized and Operating Purposes of Corps of Engineers Reservoirs'' and dated July 1992, which was produced pursuant to section 311 of the Water Resources Development Act of 1990 (104 Stat. 4639).

(B) INCLUSIONS.—The updated report described in subparagraph (A) shall include—

(i) the date on which the most recent review of project operations was conducted and any recommendations of the Secretary relating to that review the Secretary determines to be significant; and

(ii) the dates on which the recommendations described in clause (i) were carried out.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary may use to carry out this section amounts made available to the Secretary from—

(A) the general purposes and expenses account;

(B) the operations and maintenance account; and

(C) any other amounts that are appropriated to carry out this section.

(2) FUNDING FROM OTHER SOURCES.—The Secretary may accept and expend amounts from non-Federal entities and other Federal agencies to carry out this section.

(g) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with other Federal agencies and non-Federal entities to carry out this section.

**SEC. 2015. WATER SUPPLY.**

Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) is amended by adding at the end the following:

''(e) The Committees of jurisdiction are very concerned about the operation of projects in the Apalachicola-Chattahoochee-Flint River System and the Alabama-Coosa-Tallapoosa River System, and further, the Committees of jurisdiction recognize that this ongoing water resources dispute raises serious concerns related to the authority of the Secretary of the Army to allocate substantial storage at projects to provide local water supply pursuant to the Water Supply Act of 1958 absent congressional approval. Interstate water disputes of this nature are more properly addressed through interstate water agreements that take into consideration the concerns of all affected States including impacts to other authorized uses of the projects, water supply for communities and major cities in the region, water quality, freshwater flows to communities, rivers, lakes, estuaries, and bays located downstream of projects, agricultural uses, economic development, and other appropriate concerns. To that end, the Committees of jurisdiction strongly urge the Governors of the affected States to reach agreement on an interstate water compact as soon as possible, and we pledge our commitment to work with the affected States to ensure prompt consideration and approval of any such agreement. Absent such action, the Committees of jurisdiction should consider appropriate legislation to address these matters including any necessary clarifications to the Water Supply Act of 1958 or other law. This subsection does not alter existing rights or obligations under law.''.

**SEC. 2016. REPORT ON WATER STORAGE PRICING FORMULAS.**

(a) FINDINGS.—Congress finds that—

(1) due to the ongoing drought in many parts of the United States, communities are looking for ways to enhance their water storage on Corps of Engineer reservoirs so as to maintain a reliable supply of water into the foreseeable future;

(2) water storage pricing formulas should be equitable and not create disparities between users; and

(3) water pricing formulas should not be cost-prohibitive for communities.

(b) ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate an assessment of the water storage pricing formulas of the Corps of Engineers, which shall include an assessment of—

(A) existing water storage pricing formulas of the Corps of Engineers, in particular whether those formulas produce water storage costs for some beneficiaries that are greatly disparate from the costs of other beneficiaries; and

(B) whether equitable water storage pricing formulas could lessen the disparate impact and produce more affordable water storage for potential beneficiaries.

(2) REPORT.—The Comptroller General of the United States shall submit to Congress a report on the assessment carried out under paragraph (1).

**SEC. 2017. CLARIFICATION OF PREVIOUSLY AUTHORIZED WORK.**

(a) IN GENERAL.—The Secretary may carry out measures to improve fish species habitat within the footprint and downstream of a water resources project constructed by the Secretary that includes a fish hatchery if the Secretary—

(1) has been explicitly authorized to compensate for fish losses associated with the project; and

(2) determines that the measures are—

(A) feasible;

(B) consistent with authorized project purposes and the fish hatchery; and

(C) in the public interest.

(b) COST SHARING.—

(1) IN GENERAL.—Subject to paragraph (2), the non-Federal interest shall contribute 35 percent of the total cost of carrying out activities under this section, including the costs relating to the provision or acquisition of required land, easements, rights-of-way, dredged material disposal areas, and relocations.

(2) OPERATION AND MAINTENANCE.—The non-Federal interest shall contribute 100 percent of the costs of operation, maintenance, replacement, repair, and rehabilitation of a project constructed under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year, there is authorized to be appropriated to carry out this section $30,000,000.

**SEC. 2018. CONSIDERATION OF FEDERAL LAND IN FEASIBILITY STUDIES.**

At the request of the non-Federal interest, the Secretary shall include as part of a regional or watershed study any Federal land that is located within the geographic scope of that study.

**SEC. 2019. PLANNING ASSISTANCE TO STATES.**

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''or other stakeholder working with a State'' after ''cooperate with any State''; and

(ii) by inserting '', including plans to comprehensively address water resources challenges,'' after ''of such State''; and

(B) in paragraph (2)(A), by striking '', at Federal expense,'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''subsection (a)(1)'' each place it appears and inserting ''subsection (a)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal public body for assistance under this section.'' ; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''$10,000,000'' and inserting ''$30,000,000''; and

(ii) by striking ''$2,000,000'' and inserting ''$5,000,000 in Federal funds''; and

(B) in paragraph (2), by striking ''$5,000,000'' and inserting ''$15,000,000''.

**SEC. 2020. VEGETATION MANAGEMENT POLICY.**

(a) DEFINITION OF NATIONAL GUIDELINES.—In this section, the term ''national guidelines'' means the Corps of Engineers policy guidelines for management of vegetation on levees, including—

(1) Engineering Technical Letter 1110-2-571 entitled ''Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures'' and adopted April 10, 2009; and

(2) the draft policy guidance letter entitled ''Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls'' (77 Fed. Reg. 9637 (Feb. 17, 2012)).

(b) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary shall carry out a comprehensive review of the national guidelines in order to determine whether current Federal policy relating to levee vegetation is appropriate for all regions of the United States.

(c) FACTORS.—

(1) IN GENERAL.—In carrying out the review, the Secretary shall consider—

(A) the varied interests and responsibilities in managing flood risks, including the need—

(i) to provide for levee safety with limited resources; and

(ii) to ensure that levee safety investments minimize environmental impacts and provide corresponding public safety benefits;

(B) the levee safety benefits that can be provided by woody vegetation;

(C) the preservation, protection, and enhancement of natural resources, including—

(i) the benefit of vegetation on levees in providing habitat for endangered, threatened, and candidate species; and

(ii) the impact of removing levee vegetation on compliance with other regulatory requirements;

(D) protecting the rights of Indian tribes pursuant to treaties and statutes;

(E) the available science and the historical record regarding the link between vegetation on levees and flood risk;

(F) the avoidance of actions requiring significant economic costs and environmental impacts; and

(G) other factors relating to the factors described in subparagraphs (A) through (F) identified in public comments that the Secretary determines to be appropriate.

(2) VARIANCE CONSIDERATIONS.—

(A) IN GENERAL.—In carrying out the review, the Secretary shall specifically consider whether the national guidelines can be amended to promote and allow for consideration of variances from national guidelines on a Statewide, tribal, regional, or watershed basis, including variances based on—

(i) soil conditions;

(ii) hydrologic factors;

(iii) vegetation patterns and characteristics;

(iv) environmental resources, including endangered, threatened, or candidate species and related regulatory requirements;

(v) levee performance history, including historical information on original construction and subsequent operation and maintenance activities;

(vi) any effects on water supply;

(vii) any scientific evidence on the link between levee vegetation and levee safety;

(viii) institutional considerations, including implementation challenges;

(ix) the availability of limited funds for levee construction and rehabilitation;

(x) the economic and environmental costs of removing woody vegetation on levees; and

(xi) other relevant factors identified in public comments that the Secretary determines to be appropriate.

(B) SCOPE.—The scope of a variance approved by the Secretary may include a complete exemption to national guidelines, as the Secretary determines to be necessary.

(d) COOPERATION AND CONSULTATION; RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the review under this section in consultation with other applicable Federal agencies, representatives of State, regional, local, and tribal governments, appropriate nongovernmental organizations, and the public.

(2) RECOMMENDATIONS.—The Chief of Engineers and any State, tribal, regional, or local entity may submit to the Secretary any recommendations for vegetation management policies for levees that conform with Federal

and State laws, including recommendations relating to the review of national guidelines under subsection (b) and the consideration of variances under subsection (c)(2).

(e) PEER REVIEW.—

(1) IN GENERAL.—As part of the review, the Secretary shall solicit and consider the views of the National Academy of Engineering and the National Academy of Sciences on the engineering, environmental, and institutional considerations underlying the national guidelines, including the factors described in subsection (c) and any information obtained by the Secretary under subsection (d).

(2) AVAILABILITY OF VIEWS.—The views of the National Academy of Engineering and the National Academy of Sciences obtained under paragraph (1) shall be—

(A) made available to the public; and

(B) included in supporting materials issued in connection with the revised national guidelines required under subsection (f).

(f) REVISION OF NATIONAL GUIDELINES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) revise the national guidelines based on the results of the review, including—

(i) recommendations received as part of the consultation described in subsection (d)(1); and

(ii) the results of the peer review conducted under subsection (e); and

(B) submit to Congress a report that contains a summary of the activities of the Secretary and a description of the findings of the Secretary under this section.

(2) CONTENT; INCORPORATION INTO MANUAL.—The revised national guidelines shall—

(A) provide a practical, flexible process for approving Statewide, tribal, regional, or watershed variances from the national guidelines that—

(i) reflect due consideration of the factors described in subsection (c); and

(ii) incorporate State, tribal, and regional vegetation management guidelines for specific areas that have been adopted through a formal public process; and

(B) be incorporated into the manual proposed under section 5(c) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n(c)).

(3) FAILURE TO MEET DEADLINES.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of—

(A) why the deadline was missed;

(B) solutions needed to meet the deadline; and

(C) a projected date for submission of the report.

(g) CONTINUATION OF WORK.—Concurrent with the completion of the requirements of this section, the Secretary shall proceed without interruption or delay with those ongoing or programmed projects and studies, or elements of projects or studies, that are not directly related to vegetation variance policy.

(h) INTERIM ACTIONS.—

(1) IN GENERAL.—Until the date on which revisions to the national guidelines are adopted in accordance with subsection (f), the Secretary shall not require the removal of existing vegetation as a condition or requirement for any approval or funding of a project, or any other action, unless the specific vegetation has been demonstrated to present an unacceptable safety risk.

(2) REVISIONS.—Beginning on the date on which the revisions to the national guidelines are adopted in accordance with subsection (f), the Secretary shall consider, on request of an affected entity, any previous action of the Corps of Engineers in which the outcome was affected by the former national guidelines.

**SEC. 2021. LEVEE CERTIFICATIONS.**

(a) IMPLEMENTATION OF FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.—In carrying out section 100226 of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942), the Secretary shall—

(1) ensure that at least 1 program activity carried out under the inspection of completed works program of the Corps of Engineers provides adequate information to the Secretary to reach a levee accreditation decision for each requirement under section 65.10 of title 44, Code of Federal Regulations (or successor regulation); and

(2) to the maximum extent practicable, carry out activities under the inspection of completed works program of the Corps of Engineers in alignment with the schedule established for the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(b) ACCELERATED LEVEE SYSTEM EVALUATIONS AND CERTIFICATIONS.—

(1) IN GENERAL.—On receipt of a request from a non-Federal interest, the Secretary may carry out a levee system evaluation and certification of a federally authorized levee for purposes of the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) if the evaluation and certification will be carried out earlier than such an evaluation and certification would be carried out under subsection (a).

(2) REQUIREMENTS.—A levee system evaluation and certification under paragraph (1) shall—

(A) at a minimum, comply with section 65.10 of title 44, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(B) be carried out in accordance with such procedures as the Secretary, in consultation with the Director of the Federal Emergency Management Agency, may establish.

(3) COST SHARING.—

(A) NON-FEDERAL SHARE.—Subject to subparagraph (B), the non-Federal share of the cost of carrying out a levee system evaluation and certification under this subsection shall be 35 percent.

(B) ADJUSTMENT.—The Secretary shall adjust the non-Federal share of the cost of carrying out a levee system evaluation and certification under this subsection in accordance with section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)).

(4) APPLICATION.—Nothing in this subsection affects the requirement under section 100226(b)(2) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942).

**SEC. 2022. RESTORATION OF FLOOD AND HURRICANE STORM DAMAGE REDUCTION PROJECTS.**

(a) IN GENERAL.—The Secretary shall carry out any measures necessary to repair or restore federally authorized flood and hurricane and storm damage reduction projects constructed by the Corps of Engineers to authorized levels (as of the date of enactment of this Act) of protection for reasons including settlement, subsidence, sea level rise, and new datum, if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified.

(b) COST SHARE.—The non-Federal share of the cost of construction of a project carried out under this section shall be determined as provided in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(c) OPERATIONS AND MAINTENANCE.—The non-Federal share of the cost of operations, maintenance, repair, replacement, and rehabilitation for a project carried out under this section shall be 100 percent.

(d) ELIGIBILITY OF PROJECTS TRANSFERRED TO NON-FEDERAL INTEREST.—The Secretary may carry out measures described in subsection (a) on a water resources project, separable element of a project, or functional component of a project that has been transferred to the non-Federal interest.

(e) REPORT TO CONGRESS.—Not later than 8 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of this section, including—

(1) any recommendations relating to the continued need for the authority provided in this section;

(2) a description of the measures carried out under this section;

(3) any lessons learned relating to the measures implemented under this section; and

(4) best practices for carrying out measures to restore flood and hurricane and storm damage reduction projects.

(f) TERMINATION OF AUTHORITY.—The authority to carry out a measure under this section terminates on the date that is 10 years after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $250,000,000.

**SEC. 2023. OPERATION AND MAINTENANCE OF CERTAIN PROJECTS.**

The Secretary may assume operation and maintenance activities for a navigation channel that is deepened by a non-Federal interest prior to December 31, 2012, if—

(1) the Secretary determines that the requirements under paragraphs (2) and (3) of section 204(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)) are met;

(2) the Secretary determines that the activities carried out by the non-Federal interest in deepening the navigation channel are economically justified and environmentally acceptable; and

(3) the deepening activities have been carried out on a Federal navigation channel that—

(A) exists as of the date of enactment of this Act; and

(B) has been authorized by Congress.

**SEC. 2024. DREDGING STUDY.**

(a) IN GENERAL.—The Secretary, in conjunction with other relevant Federal agencies and applicable non-Federal interests, shall carry out a study—

(1) to compare domestic and international dredging markets, including costs, technologies, and management approaches used in each respective market, and determine the impacts of those markets on dredging needs and practices in the United States;

(2) to analyze past and existing practices, technologies, and management approaches used in dredging in the United States; and

(3) to develop recommendations relating to the best techniques, practices, and management approaches for dredging in the United States.

(b) PURPOSES.—The purposes of the study under this section are—

(1) the identification of the best techniques, methods, and technologies for dredging, including the evaluation of the feasibility, cost, and benefits of—

(A) new dredging technologies; and

(B) improved dredging practices and techniques;

(2) the appraisal of the needs of the United States for dredging, including the need to increase the size of private and Corps of Engineers dredging fleets to meet demands for additional construction or maintenance dredging needed as of the date of enactment of this Act and in the subsequent 20 years;

(3) the identification of any impediments to dredging, including any recommendations of appropriate alternatives for responding to those impediments;

(4) the assessment, including any recommendations of appropriate alternatives, of the adequacy and effectiveness of—

(A) the economic, engineering, and environmental methods, models, and analyses used by the Chief of Engineers and private dredging operations for dredging; and

(B) the current cost structure of construction contracts entered into by the Chief of Engineers;

(5) the evaluation of the efficiency and effectiveness of past, current, and alternative dredging practices and alternatives to dredging, including agitation dredging; and

(6) the identification of innovative techniques and cost-effective methods to expand regional sediment management efforts, including the placement of dredged sediment within river diversions to accelerate the creation of wetlands.

(c) STUDY TEAM.—

(1) IN GENERAL.—The Secretary shall establish a study team to assist the Secretary in planning, carrying out, and reporting on the results of the study under this section.

(2) STUDY TEAM.—The study team established pursuant to paragraph (1) shall—

(A) be appointed by the Secretary; and

(B) represent a broad spectrum of experts in the field of dredging and representatives of relevant State agencies and relevant non-Federal interests.

(d) PUBLIC COMMENT PERIOD.—The Secretary shall—

(1) make available to the public, including on the Internet, all draft and final study findings under this section; and

(2) allow for a public comment period of not less than 30 days on any draft study findings prior to issuing final study findings.

(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and subject to available appropriations, the Secretary, in consultation with the study team established under subsection (c), shall submit a detailed report on the results of the study to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(f) FAILURE TO MEET DEADLINES.—If the Secretary does not complete the study under this section and submit a report to Congress under subsection (e) on or before the deadline described in that subsection, the Secretary shall notify Congress and describe why the study was not completed.

**SEC. 2025. NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out flood risk management, hurricane and storm damage reduction, coastal harbor and channel inland navigation, and aquatic ecosystem restoration projects.

(b) PURPOSES.—The purposes of the pilot program are—

(1) to identify project delivery and cost-saving alternatives that reduce the backlog of authorized Corps of Engineers projects;

(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out the design, execution, management, and construction of 1 or more projects; and

(3) to evaluate alternatives for the decentralization of the project management, design, and construction for authorized Corps of Engineers water resources projects.

(c) ADMINISTRATION.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall—

(A) identify a total of not more than 15 projects for flood risk management, hurricane and storm damage reduction (including levees, floodwalls, flood control channels, and water control structures), coastal harbor and channels, inland navigation, and aquatic ecosystem restoration that have been authorized for construction prior to the date of enactment of this Act, including—

(i) not more than 12 projects that—

(I)(aa) have received Federal funds prior to the date of enactment of this Act; or

(bb) for more than 2 consecutive fiscal years, have an unobligated funding balance for that project in the Corps of Engineers construction account; and

(II) to the maximum extent practicable, are located in each of the divisions of the Corps of Engineers; and

(ii) not more than 3 projects that have not received Federal funds in the period beginning on the date on which the project was authorized and ending on the date of enactment of this Act;

(B) notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the identification of each project under the pilot program;

(C) in collaboration with the non-Federal interest, develop a detailed project management plan for each identified project that outlines the scope, budget, design, and construction resource requirements necessary for the non-Federal interest to execute the project, or a separable element of the project;

(D) on the request of the non-Federal interest, enter into a project partnership agreement with the non-Federal interest for the non-Federal interest to provide full project management control for construction of the project, or a separable element of the project, in accordance with plans approved by the Secretary;

(E) following execution of the project partnership agreement, transfer to the non-Federal interest to carry out construction of the project, or a separable element of the project—

(i) if applicable, the balance of the unobligated amounts appropriated for the project, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(ii) additional amounts, as determined by the Secretary, from amounts made available under subsection (h), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of construction, including any required design; and

(F) regularly monitor and audit each project being constructed by a non-Federal interest under this section to ensure that the construction activities are carried out in compliance with the plans approved by the Secretary and that the construction costs are reasonable.

(2) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under paragraph (1)(D), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on estimated funding levels, that lists all deadlines for each milestone in the construction of the project.

(3) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest, if the non-Federal interest contracts with and compensates the Secretary for the technical assistance relating to—

(A) any study, engineering activity, and design activity for construction carried out by the non-Federal interest under this section; and

(B) expeditiously obtaining any permits necessary for the project.

(d) COST-SHARE.—Nothing in this section affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a project carried out under this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the pilot program carried out under this section, including—

(A) a description of the progress of non-Federal interests in meeting milestones in detailed project schedules developed pursuant to subsection (c)(2); and

(B) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).

(3) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(f) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the project shall apply to a non-Federal interest carrying out a project under this section.

(g) TERMINATION OF AUTHORITY.—The authority to commence a project under this section terminates on the date that is 5 years after the date of enactment of this Act.

(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this section, including the costs of administration of the Secretary, $25,000,000 for each of fiscal years 2014 through 2018.

**SEC. 2026. NON-FEDERAL IMPLEMENTATION OF FEASIBILITY STUDIES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and implement a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out feasibility studies for flood risk management,

hurricane and storm damage reduction, aquatic ecosystem restoration, and coastal harbor and channel and inland navigation.

(b) PURPOSES.—The purposes of the pilot program are—

(1) to identify project delivery and cost-saving alternatives to the existing feasibility study process;

(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal interest carrying out a feasibility study of 1 or more projects; and

(3) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.

(c) ADMINISTRATION.—

(1) IN GENERAL.—On the request of a non-Federal interest, the Secretary may enter into an agreement with the non-Federal interest for the non-Federal interest to provide full project management control of a feasibility study for a project for—

(A) flood risk management;

(B) hurricane and storm damage reduction, including levees, floodwalls, flood control channels, and water control structures;

(C) coastal harbor and channel and inland navigation; and

(D) aquatic ecosystem restoration.

(2) USE OF NON-FEDERAL-FUNDS.—

(A) IN GENERAL.—A non-Federal interest that has entered into an agreement with the Secretary pursuant to paragraph (1) may use non-Federal funds to carry out the feasibility study.

(B) CREDIT.—The Secretary shall credit towards the non-Federal share of the cost of construction of a project for which a feasibility study is carried out under this section an amount equal to the portion of the cost of developing the study that would have been the responsibility of the Secretary, if the study were carried out by the Secretary, subject to the conditions that—

(i) non-Federal funds were used to carry out the activities that would have been the responsibility of the Secretary;

(ii) the Secretary determines that the feasibility study complies with all applicable Federal laws and regulations; and

(iii) the project is authorized by any provision of Federal law enacted after the date on which an agreement is entered into under paragraph (1).

(3) TRANSFER OF FUNDS.—

(A) IN GENERAL.—After the date on which an agreement is executed pursuant to paragraph (1), the Secretary may transfer to the non-Federal interest to carry out the feasibility study—

(i) if applicable, the balance of any unobligated amounts appropriated for the study, except that the Secretary shall retain sufficient amounts for the Corps of Engineers to carry out any responsibilities of the Corps of Engineers relating to the project and pilot program; and

(ii) additional amounts, as determined by the Secretary, from amounts made available under subsection (h), except that the total amount transferred to the non-Federal interest shall not exceed the updated estimate of the Federal share of the cost of the feasibility study.

(B) ADMINISTRATION.—The Secretary shall include such provisions as the Secretary determines to be necessary in an agreement under paragraph (1) to ensure that a non-Federal interest receiving Federal funds under this paragraph—

(i) has the necessary qualifications to administer those funds; and

(ii) will comply with all applicable Federal laws (including regulations) relating to the use of those funds.

(4) NOTIFICATION.—The Secretary shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the initiation of each feasibility study under the pilot program.

(5) AUDITING.—The Secretary shall regularly monitor and audit each feasibility study carried out by a non-Federal interest under this section to ensure that the use of any funds transferred under paragraph (3) are used in compliance with the agreement signed under paragraph (1).

(6) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance to the non-Federal interest relating to any aspect of the feasibility study, if the non-Federal interest contracts with the Secretary for the technical assistance and compensates the Secretary for the technical assistance.

(7) DETAILED PROJECT SCHEDULE.—Not later than 180 days after entering into an agreement under paragraph (1), each non-Federal interest, to the maximum extent practicable, shall submit to the Secretary a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to the feasibility study.

(d) COST-SHARE.—Nothing in this section affects the cost-sharing requirement applicable on the day before the date of enactment of this Act to a feasibility study carried out under this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the results of the pilot program carried out under this section, including—

(A) a description of the progress of the non-Federal interests in meeting milestones in detailed project schedules developed pursuant to subsection (c)(7); and

(B) any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

(2) UPDATE.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in paragraph (1).

(3) FAILURE TO MEET DEADLINE.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation Infrastructure of the House of Representatives a detailed explanation of why the deadline was missed and a projected date for submission of the report.

(f) ADMINISTRATION.—All laws and regulations that would apply to the Secretary if the Secretary were carrying out the feasibility study shall apply to a non-Federal interest carrying out a feasibility study under this section.

(g) TERMINATION OF AUTHORITY.—The authority to commence a feasibility study under this section terminates on the date that is 5 years after the date of enactment of this Act.

(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this section, including the costs of administration of the Secretary, $25,000,000 for each of fiscal years 2014 through 2018.

**SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.**

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (d)(1)(B)—

(A) by striking ''The ability'' and inserting the following:

''(i) IN GENERAL.—The ability''; and

(B) by adding at the end the following:

''(ii) DETERMINATION.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2013, the Secretary shall issue guidance on the procedures described in clause (i).''; and

(2) in subsection (e), by striking ''2012'' and inserting ''2023''.

**SEC. 2028. COOPERATIVE AGREEMENTS WITH COLUMBIA RIVER BASIN INDIAN TRIBES.**

The Secretary may enter into a cooperative agreement with 1 or more federally recognized Indian tribes (or a designated representative of the Indian tribes) that are located, in whole or in part, within the boundaries of the Columbia River Basin to carry out authorized activities within the Columbia River Basin to protect fish, wildlife, water quality, and cultural resources.

**SEC. 2029. MILITARY MUNITIONS RESPONSE ACTIONS AT CIVIL WORKS SHORELINE PROTECTION PROJECTS.**

(a) IN GENERAL.—The Secretary may implement any response action the Secretary determines to be necessary at a site where—

(1) the Secretary has carried out a project under civil works authority of the Secretary that includes placing sand on a beach;

(2) as a result of the project described in paragraph (1), military munitions that were originally released as a result of Department of Defense activities are deposited on the beach, posing a threat to human health or the environment.

(b) RESPONSE ACTION FUNDING.—A response action described in subsection (a) shall be funded from amounts made available to the agency within the Department of Defense responsible for the original release of the munitions.

**SEC. 2030. BEACH NOURISHMENT.**

Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) is amended to read as follows:

**''SEC. 156. BEACH NOURISHMENT.**

''(a) IN GENERAL.—Subject to subsection (b)(2)(A), the Secretary of the Army, acting through the Chief of Engineers, may provide periodic beach nourishment for each water resources development project for which that nourishment has been authorized for an additional period of time, as determined by the Secretary, subject to the condition that the additional period shall not exceed the later of—

''(1) 50 years after the date on which the construction of the project is initiated; or

''(2) the date on which the last estimated periodic nourishment for the project is to be carried out, as recommended in the applicable report of the Chief of Engineers.

''(b) EXTENSION.—

''(1) IN GENERAL.—Except as provided in paragraph (3), before the date on which the 50-year period referred to in subsection (a)(1) expires, the Secretary of the Army, acting through the Chief of Engineers—

''(A) may, at the request of the non-Federal interest and subject to the availability of appropriations, carry out a review of a nourishment project carried out under subsection (a) to evaluate the feasibility of continuing Federal participation in the project for a period not to exceed 15 years; and

''(B) shall submit to Congress any recommendations of the Secretary relating to the review.

''(2) PLAN FOR REDUCING RISK TO PEOPLE AND PROPERTY.—

''(A) IN GENERAL.—The non-Federal interest shall submit to the Secretary a plan for reducing the risk to people and property during the life of the project.

''(B) INCLUSION IN REPORT TO CONGRESS.—The Secretary shall submit to Congress the plan described in subparagraph (A) with the recommendations submitted in paragraph (1)(B).

''(3) REVIEW COMMENCED WITHIN 2 YEARS OF EXPIRATION OF 50-YEAR PERIOD.—

''(A) IN GENERAL.—If the Secretary of the Army commences a review under paragraph (1) not earlier than the period beginning on the date that is 2 years before the date on which the 50-year period referred to in subsection (a)(1) expires and ending on the date on which the 50-year period expires, the project shall remain authorized after the expiration of the 50-year period until the earlier of—

''(i) 3 years after the expiration of the 50-year period; or

''(ii) the date on which a determination is made as to whether to extend Federal participation in the project in accordance with paragraph (1).

''(B) CALCULATION OF TIME PERIOD FOR EXTENSION.—Notwithstanding clauses (i) and (ii) of subparagraph (A) and after a review under subparagraph (A) is completed, if a determination is made to extend Federal participation in the project in accordance with paragraph (1) for a period not to exceed 15 years, that period shall begin on the date on which the determination is made.''.

**SEC. 2031. REGIONAL SEDIMENT MANAGEMENT.**

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) (as amended by section 2003(c)) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''or used in'' after ''obtained through''; and

(B) in paragraph (3)(C), by inserting ''for the purposes of improving environmental conditions in marsh and littoral systems, stabilizing stream channels, enhancing shorelines, and supporting State and local risk management adaptation strategies'' before the period at the end;

(2) in subsection (c)(1)(B)—

(A) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)'';

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

''(ii) REDUCTION IN NON-FEDERAL SHARE.—The Secretary may reduce the non-Federal share of the costs of construction of a project if the Secretary determines that, through the beneficial use of sediment at another Federal project, there will be an associated reduction or avoidance of Federal costs.'';

(3) in subsection (d)—

(A) by striking the subsection designation and heading and inserting the following:

''(d) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL RESTORATION OR STORM DAMAGE AND FLOOD REDUCTION.—''; and

(B) in paragraph (1), by striking ''in relation to'' and all that follows through the period at the end and inserting ''in relation to—

''(A) the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion; or

''(B) the flood and storm damage and flood reduction benefits, including shoreline protection, protection against loss of life, and damage to improved property.''; and

(4) in subsection (e), by striking paragraph (1) and inserting the following:

''(1) cooperate with any State or group of States in the preparation of a comprehensive State or regional sediment management plan within the boundaries of the State or among States;''.

**SEC. 2032. STUDY ACCELERATION.**

(a) FINDINGS.—Congress finds that—

(1) delays in the completion of feasibility studies—

(A) increase costs for the Federal Government as well as State and local governments; and

(B) delay the implementation of water resources projects that provide critical benefits, including reducing flood risk, maintaining commercially important flood risk, and restoring vital ecosystems; and

(2) the efforts undertaken by the Corps of Engineers through the establishment of the ''3-3-3'' planning process should be continued.

(b) ACCELERATION OF STUDIES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), a feasibility study initiated after the date of enactment of this Act shall—

(A) be completed not later than 3 years after the date of initiation of the study; and

(B) have a maximum Federal cost share of $3,000,000.

(2) ABILITY TO COMPLY.—On initiating a feasibility study under paragraph (1), the Secretary shall—

(A) certify that the study will comply with the requirements of paragraph (1);

(B) for projects the Secretary determines to be too complex to comply with the requirements of paragraph (1)—

(i) not less than 30 days after making a determination, notify the non-Federal interest regarding the inability to comply; and

(ii) provide a new projected timeline and cost; and

(C) if the study conditions have changed such that scheduled timelines or study costs will not be met—

(i) not later than 30 days after the study conditions change, notify the non-Federal interest of those changed conditions; and

(ii) present the non-Federal interest with a new timeline for completion and new projected study costs.

(3) APPROPRIATIONS.—

(A) IN GENERAL.—All timeline and cost conditions under this section shall be subject to the Secretary receiving adequate appropriations for meeting study timeline and cost requirements.

(B) NOTIFICATION.—Not later than 60 days after receiving appropriations, the Secretary shall notify the non-Federal interest of any changes to timelines or costs due to inadequate appropriations.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act and each year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the status of the implementation of the ''3-3-3'' planning process, including the number of participating projects;

(2) the amount of time taken to complete all studies participating in the ''3-3-3'' planning process; and

(3) any recommendations for additional authority necessary to support efforts to expedite the feasibility study process for water resource projects.

**SEC. 2033. PROJECT ACCELERATION.**

Section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) is amended to read as follows:

**''SEC. 2045. PROJECT ACCELERATION.**

''(a) DEFINITIONS.—In this section:

''(1) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means the detailed statement of environmental impacts of water resource projects required to be prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) ENVIRONMENTAL REVIEW PROCESS.—

''(A) IN GENERAL.—The term 'environmental review process' means the process of preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a water resource project.

''(B) INCLUSIONS.—The term 'environmental review process' includes the process for and completion of any environmental permit, approval, review, or study required for a water resource project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) FEDERAL JURISDICTIONAL AGENCY.—The term 'Federal jurisdictional agency' means a Federal agency with jurisdiction delegated by law, regulation, order, or otherwise over an approval or decision required for a water resource project under applicable Federal laws (including regulations).

''(4) LEAD AGENCY.—The term 'lead agency' means the Corps of Engineers and, if applicable, any State, local, or tribal governmental entity serving as a joint lead agency pursuant to section 1506.3 of title 40, Code of Federal Regulations (or a successor regulation).

''(5) WATER RESOURCE PROJECT.—The term 'water resource project' means a Corps of Engineers water resource project.

''(b) POLICY.—The benefits of water resource projects designed and carried out in an economically and environmentally sound manner are important to the economy and environment of the United States, and recommendations to Congress regarding those projects should be developed using coordinated and efficient review and cooperative efforts to prevent or quickly resolve disputes during the planning of those water resource projects.

''(c) APPLICABILITY.—

''(1) IN GENERAL.—The project planning procedures under this section apply to proposed projects initiated after the date of enactment of the Water Resources Development Act of 2013 and for which the Secretary determines that—

''(A) an environmental impact statement is required; or

''(B) at the discretion of the Secretary, other water resource projects for which an environmental review process document is required to be prepared.

''(2) FLEXIBILITY.—Any authorities granted in this section may be exercised, and any requirements established under this section may be satisfied, for the planning of a water resource project, a class of those projects, or a program of those projects.

''(3) LIST OF WATER RESOURCES DEVELOPMENT PROJECTS.—

''(A) IN GENERAL.—The Secretary shall annually prepare, and make publicly available, a separate list of each study that the Secretary has determined—

''(i) meets the standards described in paragraph (1); and

''(ii) does not have adequate funding to make substantial progress toward the completion of the planning activities for the water resource project.

''(B) INCLUSIONS.—The Secretary shall include for each study on the list under subparagraph (A) a description of the estimated amounts necessary to make substantial progress on the study.

''(4) IMPLEMENTATION GUIDANCE.—The Secretary shall prepare, in consultation with the Council on Environmental Quality and other Federal agencies with jurisdiction over actions or resources that may be impacted

by a water resource project, guidance documents that describe the coordinated review processes that the Secretary will use to implement this section for the planning of water resource projects, in accordance with the civil works program of the Corps of Engineers and all applicable law.

''(d) WATER RESOURCE PROJECT REVIEW PROCESS.—

''(1) IN GENERAL.—The Secretary shall develop and implement a coordinated review process for the development of water resource projects.

''(2) COORDINATED REVIEW.—The coordinated review process described in paragraph (1) shall require that any analysis, opinion, permit, license, statement, and approval issued or made by a Federal, State, or local governmental agency or an Indian tribe for the planning of a water resource project described in subsection (b) be conducted, to the maximum extent practicable, concurrently with any other applicable governmental agency or Indian tribe.

''(3) TIMING.—The coordinated review process under this subsection shall be completed not later than the date on which the Secretary, in consultation and concurrence with the agencies identified under subsection (e), establishes with respect to the water resource project.

''(e) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to the development of each water resource project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may—

''(1) have jurisdiction over the water resource project;

''(2) be required by law to conduct or issue a review, analysis, or opinion for the water resource project; or

''(3) be required to make a determination on issuing a permit, license, or approval for the water resource project.

''(f) STATE AUTHORITY.—If the coordinated review process is being implemented under this section by the Secretary with respect to the planning of a water resource project described in subsection (c) within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

''(1) have jurisdiction over the water resource project;

''(2) are required to conduct or issue a review, analysis, or opinion for the water resource project; or

''(3) are required to make a determination on issuing a permit, license, or approval for the water resource project.

''(g) LEAD AGENCIES.—

''(1) FEDERAL LEAD AGENCY.—Subject to paragraph (2), the Corps of Engineers shall be the lead Federal agency in the environmental review process for a water resource project.

''(2) JOINT LEAD AGENCIES.—

''(A) IN GENERAL.—At the discretion of the Secretary and subject to any applicable regulations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the concurrence of the proposed joint lead agency, an agency other than the Corps of Engineers may serve as the joint lead agency.

''(B) NON-FEDERAL INTEREST AS JOINT LEAD AGENCY.—A non-Federal interest that is a State or local governmental entity—

''(i) may, with the concurrence of the Secretary, serve as a joint lead agency with the Corps of Engineers for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(ii) may prepare any environmental review process document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) required in support of any action or approval by the Secretary if—

''(I) the Secretary provides guidance in the preparation process and independently evaluates that document

''(II) the non-Federal interest complies with all requirements applicable to the Secretary under—

''(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(bb) any regulation implementing that Act; and

''(cc) any other applicable Federal law; and

''(III) the Secretary approves and adopts the document before the Secretary takes any subsequent action or makes any approval based on that document, regardless of whether the action or approval of the Secretary results in Federal funding.

''(3) DUTIES.—The Secretary shall ensure that—

''(A) the non-Federal interest complies with all design and mitigation commitments made jointly by the Secretary and the non-Federal interest in any environmental document prepared by the non-Federal interest in accordance with this subsection; and

''(B) any environmental document prepared by the non-Federal interest is appropriately supplemented under paragraph (2)(B) to address any changes to the water resource project the Secretary determines are necessary.

''(4) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that the Federal agency could adopt or use a document prepared by another Federal agency under—

''(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(B) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

''(5) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any water resource project, the lead agency shall have authority and responsibility—

''(A) to take such actions as are necessary and proper and within the authority and responsibility of the lead agency to facilitate the expeditious resolution of the environmental review process for the water resource project; and

''(B) to prepare or ensure that any required environmental impact statement or other environmental review document for a water resource project required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

''(h) PARTICIPATING AND COOPERATING AGENCIES.—

''(1) INVITATION.—

''(A) IN GENERAL.—The lead agency shall identify, as early as practicable in the environmental review process for a water resource project, any other Federal or non-Federal agencies that may have an interest in that project and invite those agencies to become participating or cooperating agencies, as applicable, in the environmental review process for the water resource project.

''(B) PROCEDURES.—Section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Water Resources Development Act of 2013) shall govern the identification and the participation of a cooperating agency under subparagraph (A).

''(C) DEADLINE.—An invitation to participate issued under subparagraph (A) shall set a deadline by which a response to the invitation shall be submitted, which may be extended by the lead agency for good cause.

''(2) FEDERAL COOPERATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a water resource project shall be designated as a cooperating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—

''(A)(i) has no jurisdiction or authority with respect to the water resource project;

''(ii) has no expertise or information relevant to the water resource project; or

''(iii) does not have adequate funds to participate in the water resource project; and

''(B) does not intend to submit comments on the water resource project.

''(3) EFFECT OF DESIGNATION.—Designation as a participating or cooperating agency under this subsection shall not imply that the participating or cooperating agency—

''(A) supports a proposed water resource project; or

''(B) has any jurisdiction over, or special expertise with respect to evaluation of, the water resource project.

''(4) CONCURRENT REVIEWS.—Each cooperating agency shall—

''(A) carry out the obligations of that agency under other applicable law concurrently and in conjunction with the required environmental review process, unless doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry out those obligations; and

''(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

''(i) PROGRAMMATIC COMPLIANCE.—

''(1) IN GENERAL.—The Secretary shall issue guidance regarding the use of programmatic approaches to carry out the environmental review process that—

''(A) eliminates repetitive discussions of the same issues;

''(B) focuses on the actual issues ripe for analyses at each level of review;

''(C) establishes a formal process for coordinating with cooperating agencies, including the creation of a list of all data that is needed to carry out an environmental review process; and

''(D) complies with—

''(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(ii) all other applicable laws.

''(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—

''(A) as the first step in drafting guidance under that paragraph, consult with relevant Federal and State agencies, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches;

''(B) emphasize the importance of collaboration among relevant Federal agencies, State agencies, and Indian tribes in undertaking programmatic reviews, especially with respect to including reviews with a broad geographical scope;

''(C) ensure that the programmatic reviews—

''(i) promote transparency, including of the analyses and data used in the environmental review process, the treatment of any deferred issues raised by Federal, State, or tribal agencies, or the public, and the temporal and special scales to be used to analyze those issues;

''(ii) use accurate and timely information in the environmental review process, including—

''(I) criteria for determining the general duration of the usefulness of the review; and

''(II) the timeline for updating any out-of-date review;

''(iii) describe—

''(I) the relationship between programmatic analysis and future tiered analysis; and

''(II) the role of the public in the creation of future tiered analysis; and

''(iv) are available to other relevant Federal and State agencies, Indian tribes, and the public;

''(D) allow not fewer than 60 days of public notice and comment on any proposed guidance; and

''(E) address any comments received under subparagraph (D).

''(j) COORDINATED REVIEWS.—

''(1) COORDINATION PLAN.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—The lead agency shall, after consultation with and with the concurrence of each cooperating agency for the water resource project and the non-Federal interest or joint lead agency, as applicable, establish a plan for coordinating public and agency participation in, and comment on, the environmental review process for a water resource project or a category of water resource projects.

''(ii) INCORPORATION.—The plan established under clause (i) shall be incorporated into the project schedule milestones set under section 905(g)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(g)(2)).

''(2) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a water resource project:

''(A) DRAFT ENVIRONMENTAL IMPACT STATEMENTS.—For comments by Federal and States agencies and the public on a draft environmental impact statement, a period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of the draft environmental impact statement, unless—

''(i) a different deadline is established by agreement of the lead agency, the non-Federal interest, as applicable, and all participating and cooperating agencies; or

''(ii) the deadline is extended by the lead agency for good cause.

''(B) OTHER ENVIRONMENTAL REVIEW PROCESSES.—For all comment periods established by the lead agency for agency or public comments in the environmental review process of an action within a program under the authority of the lead agency other than for a draft environmental impact statement, a period of not more than 30 days after the date on which the materials on which comment is requested are made available, unless—

''(i) a different deadline is established by agreement of the lead agency, the non-Federal interest, and all cooperating agencies; or

''(ii) the deadline is extended by the lead agency for good cause.

''(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project, including the issuance or denial of a permit or license, is required to be made by the date described in subsection (k)(6)(B)(ii), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

''(A) as soon as practicable after the 180-day period described in subsection (k)(6)(B)(ii), an initial notice of the failure of the Federal agency to make the decision; and

''(B) every 60 days thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

''(4) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection reduces any time period provided for public comment in the environmental review process under applicable Federal law (including regulations).

''(k) ISSUE IDENTIFICATION AND RESOLUTION.—

''(1) COOPERATION.—The lead agency, the cooperating agencies, and any participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or result in the denial of any approval required for the water resource project under applicable laws.

''(2) LEAD AGENCY RESPONSIBILITIES.—

''(A) IN GENERAL.—The lead agency shall make information available to the cooperating agencies and participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the water resource project area and the general locations of the alternatives under consideration.

''(B) DATA SOURCES.—The information under subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

''(3) COOPERATING AND PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, cooperating and participating agencies shall identify, as early as practicable, any issues of concern regarding the potential environmental or socioeconomic impacts of the water resource project, including any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the water resource project.

''(4) INTERIM DECISION ON ACHIEVING ACCELERATED DECISIONMAKING.—

''(A) IN GENERAL.—Not later than 45 days after the close of the public comment period on a draft environmental impact statement, the Secretary may convene a meeting with the non-Federal interest or joint lead agency, as applicable, relevant resource agencies, and relevant Federal and State agencies to establish a schedule of deadlines to complete decisions regarding the water resource project.

''(B) DEADLINES.—

''(i) IN GENERAL.—The deadlines referred to in subparagraph (A) shall be those established by the Secretary, in consultation with and with the concurrence of the non-Federal interest or joint lead agency, as applicable, and other relevant Federal and State agencies.

''(ii) FACTORS FOR CONSIDERATION.—In establishing a schedule, the Secretary shall consider factors such as—

''(I) the responsibilities of cooperating agencies under applicable laws;

''(II) the resources available to the non-Federal interest, joint lead agency, and other relevant Federal and State agencies, as applicable;

''(III) the overall size and complexity of the water resource project;

''(IV) the overall schedule for and cost of the water resource project; and

''(V) the sensitivity of the natural and historical resources that could be affected by the water resource project.

''(iii) MODIFICATIONS.—The Secretary may—

''(I) lengthen a schedule under clause (i) for good cause; and

''(II) shorten a schedule only with concurrence of the affected non-Federal interest, joint lead agency, or relevant Federal and State agencies, as applicable.

''(C) FAILURE TO MEET DEADLINE.—If the agencies described in subparagraph (A) cannot provide reasonable assurances that the deadlines described in subparagraph (B) will be met, the Secretary may initiate the issue resolution and referral process described under paragraph (5) before the completion of the record of decision.

''(5) ACCELERATED ISSUE RESOLUTION AND ELEVATION.—

''(A) AGENCY ISSUE RESOLUTION MEETING.—

''(i) IN GENERAL.—A cooperating agency or non-Federal interest may request an issue resolution meeting to be conducted by the Secretary.

''(ii) ACTION BY SECRETARY.—The Secretary shall convene an issue resolution meeting under clause (i) with the relevant cooperating agencies and the non-Federal interest, as applicable, to resolve issues that could—

''(I) delay completion of the environmental review process; or

''(II) result in denial of any approvals required for the water resource project under applicable laws.

''(iii) DATE.—A meeting requested under this subparagraph shall be held not later than 21 days after the date on which the Secretary receives the request for the meeting, unless the Secretary determines that there is good cause to extend that deadline.

''(iv) NOTIFICATION.—On receipt of a request for a meeting under this subparagraph, the Secretary shall notify all relevant cooperating agencies of the request, including the issue to be resolved and the date for the meeting.

''(v) DISPUTES.—If a relevant cooperating agency with jurisdiction over an action, including a permit approval, review, or other statement or opinion required for a water resource project under applicable law determines that the relevant information necessary to resolve the issue has not been obtained and could not have been obtained within a reasonable time, but the Secretary disagrees, the resolution of the dispute shall be forwarded to the heads of the relevant agencies for resolution.

''(vi) CONVENTION BY LEAD AGENCY.—The Secretary may convene an issue resolution meeting under this subsection at any time, at the discretion of the Secretary, regardless of whether a meeting is requested under clause (i).

''(vii) EXCEPTION.—

''(I) IN GENERAL.—The issue resolution and referral process under this subparagraph shall not be initiated if the applicable agency—

''(aa) notifies, with a supporting explanation, the lead agency, cooperating agencies, and non-Federal interest, as applicable, that—

''(AA) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, tribal, State, or local law;

''(BB) significant new information, including from public comments, or circumstances, including a major modification to an aspect of the water resource project, requires additional analysis for the agency to make a decision on the water resource project application; or

''(CC) the agency lacks the financial resources to complete the review under the scheduled time frame, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why there is not enough funding available to complete the review by the deadline; and

''(bb) establishes a new deadline for completion of the review.

''(II) INSPECTOR GENERAL.—If the applicable agency makes a certification under subclause (I)(aa)(CC), the Inspector General of the applicable agency shall conduct a financial audit to review that certification and submit a report on that certification within 90 days to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(B) ELEVATION OF ISSUE RESOLUTION.—

''(i) IN GENERAL.—If issue resolution is not achieved by not later than 30 days after the date on which a relevant meeting is held under subparagraph (A), the Secretary shall notify the heads of the relevant cooperating agencies and the non-Federal interest that an issue resolution meeting will be convened.

''(ii) REQUIREMENTS.—The Secretary shall identify the issues to be addressed at the meeting and convene the meeting not later than 30 days after the date on which the notice is issued.

''(C) SUBMISSION OF ISSUE RESOLUTION.—

''(i) SUBMISSION TO COUNCIL ON ENVIRONMENTAL QUALITY.—

''(I) IN GENERAL.—If a resolution is not achieved by not later than 30 days after the date on which an issue resolution meeting is held under subparagraph (B), the Secretary shall submit the matter to the Council on Environmental Quality.

''(II) MEETING.—Not later than 30 days after the date on which the Council on Environmental Quality receives a submission from the Secretary under subclause (I), the Council on Environmental Quality shall hold an issue resolution meeting with the lead agency, the heads of relevant cooperating agencies and the non-Federal interest.

''(III) ADDITIONAL HEARINGS.—The Council on Environmental Quality may hold public meetings or hearings to obtain additional views and information that the Council on Environmental Quality determines are necessary, consistent with the time frames described in this paragraph.

''(ii) REMEDIES.—Not later than 30 days after the date on which an issue resolution meeting is convened by the Council on Environmental Quality under clause (i)(II), the Secretary shall—

''(I) publish findings that explain how the issue was resolved and recommendations (including, where appropriate, a finding that the submission does not support the position of the submitting agency); or

''(II) if the resolution of the issue was not achieved, submit to the President for action—

''(aa) the submission;

''(bb) any views or additional information developed during any additional hearings under clause (i)(III); and

''(cc) the recommendation of the Council on Environmental Quality.

''(6) FINANCIAL PENALTY PROVISIONS.—

''(A) IN GENERAL.—A Federal jurisdictional agency shall complete any required approval or decision on an expeditious basis using the shortest existing applicable process.

''(B) FAILURE TO DECIDE.—

''(i) IN GENERAL.—If a Federal jurisdictional agency fails to render a decision under any Federal law relating to a water resource project that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, statement, opinion, or other approval by the date described in clause (ii), the amount of funds made available to support the office of the head of the Federal jurisdictional agency shall be reduced by an amount of funding equal to the amounts specified in subclause (I) or (II) and those funds shall be made available to the division of the Federal jurisdictional agency charged with rendering the decision by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C)—

''(I) $20,000 for any water resource project requiring the preparation of an environmental assessment or environmental impact statement; or

''(II) $10,000 for any water resource project requiring any type of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) other than an environmental assessment or environmental impact statement.

''(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is the later of—

''(I) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

''(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the water resource project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(C) LIMITATIONS.—

''(i) IN GENERAL.—No transfer of funds under subparagraph (B) relating to an individual water resource project shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.

''(ii) FAILURE TO DECIDE.—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.

''(iii) AGGREGATE.—Notwithstanding any other provision of law, for each fiscal year, the aggregate amount of financial penalties assessed against each applicable agency office under title II of the Water Resources Development Act of 2013 and any other Federal law as a result of a failure of the agency to make a decision by an applicable deadline for environmental review, including the total amount transferred under this paragraph, shall not exceed an amount equal to 9.5 percent of the funds made available for the agency office for that fiscal year.

''(D) NO FAULT OF AGENCY.—

''(i) IN GENERAL.—A transfer of funds under this paragraph shall not be made if the applicable agency described in subparagraph (A) notifies, with a supporting explanation, the lead agency, cooperating agencies, and non-Federal interest, as applicable, that—

''(I) the agency has not received necessary information or approvals from another entity in a manner that affects the ability of the agency to meet any requirements under Federal, State, or local law;

''(II) significant new information, including from public comments, or circumstances, including a major modification to an aspect of the water resource project, requires additional analysis for the agency to make a decision on the water resource project application; or

''(III) the agency lacks the financial resources to complete the review under the scheduled time frame, including a description of the number of full-time employees required to complete the review, the amount of funding required to complete the review, and a justification as to why there is not enough funding available to complete the review by the deadline.

''(ii) LACK OF FINANCIAL RESOURCES.—If the agency provides notice under clause (i)(III), the Inspector General of the agency shall—

''(I) conduct a financial audit to review the notice; and

''(II) not later than 90 days after the date on which the review described in subclause (I) is completed, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the notice.

''(E) LIMITATION.—The Federal agency from which funds are transferred pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

''(F) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

''(l) PERFORMANCE MEASUREMENT.—The Secretary shall establish a program to measure and report on progress made toward improving and expediting the planning and environmental review process.

''(m) MEMORANDUM OF AGREEMENTS FOR EARLY COORDINATION.—

''(1) SENSE OF CONGRESS.—It is the sense of Congress that—

''(A) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other, State agencies, and Indian tribes on environmental review and water resource project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, prevent potential conflicts, and ensure that planning and water resource project development decisions reflect environmental values; and

''(B) the cooperation referred to in subparagraph (A) should include the development of policies and the designation of staff that advise planning agencies and non-Federal interests of studies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.

''(2) TECHNICAL ASSISTANCE.—If requested at any time by a State or non-Federal interest, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the maximum extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or non-Federal interest in carrying out early coordination activities.

''(3) MEMORANDUM OF AGENCY AGREEMENT.—If requested at any time by a State or non-Federal interest, the lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the non-Federal interest, Indian tribe, State and local governments, and other appropriate entities to carry out the early coordination activities, including providing technical assistance in identifying potential impacts and mitigation issues in an integrated fashion.

''(n) LIMITATIONS.—Nothing in this section preempts, supersedes, amends, modifies, repeals, or interferes with—

''(1) any statutory or regulatory requirement, including for seeking, considering, or responding to public comment;

''(2) any obligation to comply with the provisions any Federal law, including—

''(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(B) the regulations issued by the Council on Environmental Quality or any other Federal agency to carry out that Act; and

''(C) any other Federal environmental law;

''(3) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;

''(4) any practice of seeking, considering, or responding to public comment; or

''(5) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Indian tribe, or

non-Federal interest has with respect to carrying out a water resource project or any other provision of law applicable to water resource projects.

''(o) CATEGORICAL EXCLUSIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall—

''(A) survey the use by the Corps of Engineers of categorical exclusions in water resource projects since 2005;

''(B) publish a review of the survey that includes a description of—

''(i) the types of actions that were categorically excluded or could be the basis for developing a new categorical exclusion; and

''(ii) any requests previously received by the Secretary for new categorical exclusions; and

''(C) solicit requests from other Federal agencies and non-Federal interests for new categorical exclusions.

''(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of this subsection, if the Secretary has identified a category of activities that merit establishing a categorical exclusion that did not exist on the day before the date of enactment of this subsection based on the review under paragraph (1), the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (or successor regulation).

''(p) REVIEW OF WATER RESOURCE PROJECT ACCELERATION REFORMS.—

''(1) IN GENERAL.—The Comptroller General of the United States shall—

''(A) assess the reforms carried out under this section; and

''(B) not later than 5 years after the date of enactment of this subsection, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the results of the assessment.

''(2) INSPECTOR GENERAL REPORT.—The Inspector General of the Corps of Engineers shall—

''(A) assess the reforms carried out under this section; and

''(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate—

''(i) not later than 2 years after the date of enactment of this subsection, an initial report of the findings of the Inspector General; and

''(ii) not later than 4 years after the date of enactment of this subsection, a final report of the findings.''.

**SEC. 2034. FEASIBILITY STUDIES.**

Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

''(g) DETAILED PROJECT SCHEDULE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall determine a set of milestones needed for the completion of a feasibility study under this subsection, including all major actions, report submissions and responses, reviews, and comment periods.

''(2) DETAILED PROJECT SCHEDULE MILESTONES.—Each District Engineer shall, to the maximum extent practicable, establish a detailed project schedule, based on full funding capability, that lists all deadlines for milestones relating to feasibility studies in the District developed by the Secretary under paragraph (1).

''(3) NON-FEDERAL INTEREST NOTIFICATION.—Each District Engineer shall submit by certified mail the detailed project schedule under paragraph (2) to each relevant non-Federal interest—

''(A) for projects that have received funding from the General Investigations Account of the Corps of Engineers in the period beginning on October 1, 2009, and ending on the date of enactment of this section, not later than 180 days after the establishment of milestones under paragraph (1); and

''(B) for projects for which a feasibility cost-sharing agreement is executed after the establishment of milestones under paragraph (1), not later than 90 days after the date on which the agreement is executed.

''(4) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Beginning in the first full fiscal year after the date of enactment of this Act, the Secretary shall—

''(A) submit an annual report that lists all detailed project schedules under paragraph (2) and an explanation of any missed deadlines to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

''(B) make publicly available, including on the Internet, a copy of the annual report described in subparagraph (A) not later than 14 days after date on which a report is submitted to Congress.

''(5) FAILURE TO ACT.—If a District Engineer fails to meet any of the deadlines in the project schedule under paragraph (2), the District Engineer shall—

''(A) not later than 30 days after each missed deadline, submit to the non-Federal interest a report detailing—

''(i) why the District Engineer failed to meet the deadline; and

''(ii) a revised project schedule reflecting amended deadlines for the feasibility study; and

''(B) not later than 30 days after each missed deadline, make publicly available, including on the Internet, a copy of the amended project schedule described in subparagraph (A)(ii).''.

**SEC. 2035. ACCOUNTING AND ADMINISTRATIVE EXPENSES.**

(a) IN GENERAL.—On the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest a detailed accounting of the Federal expenses associated with a water resources project.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall contract with the National Academy of Public Administration to carry out a study on the efficiency of the Corps Engineers current staff salaries and administrative expense procedures as compared to using a separate administrative expense account.

(2) CONTENTS.—The study under paragraph (1) shall include any recommendations of the National Academy of Public Administration for improvements to the budgeting and administrative processes that will increase the efficiency of the Corps of Engineers project delivery.

**SEC. 2036. DETERMINATION OF PROJECT COMPLETION.**

(a) IN GENERAL.—The Secretary shall notify the non-Federal interest when construction of a water resources project or a functional portion of the project is completed so the non-Federal interest may commence responsibilities, as applicable, for operating and maintaining the project.

(b) NON-FEDERAL INTEREST APPEAL OF DETERMINATION.—

(1) IN GENERAL.—Not later than 7 days after receiving a notification under subparagraph (a), the non-Federal interest may appeal the completion determination of the Secretary in writing with a detailed explanation of the basis for questioning the completeness of the project or functional portion of the project.

(2) INDEPENDENT REVIEW.—

(A) IN GENERAL.—On notification that a non-Federal interest has submitted an appeal under paragraph (1), the Secretary shall contract with 1 or more independent, non-Federal experts to evaluate whether the applicable water resources project or functional portion of the project is complete.

(B) TIMELINE.—An independent review carried out under subparagraph (A) shall be completed not later than 180 days after the date on which the Secretary receives an appeal from a non-Federal interest under paragraph (1).

**SEC. 2037. PROJECT PARTNERSHIP AGREEMENTS.**

(a) IN GENERAL.—The Secretary shall contract with the National Academy of Public Administration to carry out a comprehensive review of the process for preparing, negotiating, and approving Project Partnership Agreements and the Project Partnership Agreement template, which shall include—

(1) a review of the process for preparing, negotiating, and approving Project Partnership Agreements, as in effect on the day before the date of enactment of this Act;

(2) an evaluation of how the concerns of a non-Federal interest relating to the Project Partnership Agreement and suggestions for modifications to the Project Partnership Agreement made by a non-Federal interest are accommodated;

(3) recommendations for how the concerns and modifications described in paragraph (2) can be better accommodated;

(4) recommendations for how the Project Partnership Agreement template can be made more efficient; and

(5) recommendations for how to make the process for preparing, negotiating, and approving Project Partnership Agreements more efficient.

(b) REPORT.—The Secretary shall submit a report describing the findings of the National Academy of Public Administration to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 2038. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.**

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) in subsection (a), by striking ''other Federal agencies,'' and inserting ''Federal departments or agencies, nongovernmental organizations,'';

(2) in subsection (b), by inserting ''or foreign governments'' after ''organizations'';

(3) in subsection (c), by inserting ''and restoration'' after ''protection''; and

(4) in subsection (d)—

(A) in the first sentence—

(i) by striking ''There is'' and inserting ''(1) IN GENERAL.—There is''; and

(ii) by striking ''2008'' and inserting ''2014''; and

(B) in the second sentence—

(i) by striking ''The Secretary'' and inserting ''(2) ACCEPTANCE OF FUNDS.—The Secretary''; and

(ii) by striking ''other Federal agencies'' and inserting ''Federal departments or agencies, nongovernmental organizations''.

**SEC. 2039. ACCEPTANCE OF CONTRIBUTED FUNDS TO INCREASE LOCK OPERATIONS.**

(a) IN GENERAL.—The Secretary, after providing public notice, shall establish a pilot program for the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects.

(b) APPLICABILITY.—The establishment of the pilot program under this section shall not affect the periodic review and adjustment of hours of operation of locks based on increases in commercial traffic carried out by the Secretary.

(c) PUBLIC COMMENT.—Not later than 180 days before a proposed modification to the operation of a lock at a water resources development project will be carried out, the Secretary shall—

(1) publish the proposed modification in the Federal Register; and

(2) accept public comment on the proposed modification.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that evaluates the cost-savings resulting from reduced lock hours and any economic impacts of modifying lock operations.

(2) REVIEW OF PILOT PROGRAM.—Not later than September 30, 2017 and each year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the effectiveness of the pilot program under this section.

(e) ANNUAL REVIEW.—The Secretary shall carry out an annual review of the commercial use of locks and make any necessary adjustments to lock operations based on that review.

(f) TERMINATION.—The authority to accept funds under this section shall terminate 5 years after the date of enactment of this Act.

**SEC. 2040. EMERGENCY RESPONSE TO NATURAL DISASTERS.**

(a) IN GENERAL.—Section 5(a)(1) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n(a)(1)), is amended in the first sentence—

(1) by inserting ''and subject to the condition that the Chief of Engineers may include modifications to the structure or project'' after ''work for flood control''; and

(2) by striking ''structure damaged or destroyed by wind, wave, or water action of other than an ordinary nature when in the discretion of the Chief of Engineers such repair and restoration is warranted for the adequate functioning of the structure for hurricane or shore protection'' and inserting ''structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers may include modifications to the structure or project to address major deficiencies or implement nonstructural alternatives to the repair or restoration of the structure if requested by the non-Federal sponsor''.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the amounts expended in the previous 5 fiscal years to carry out Corps of Engineers projects under section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n).

(2) INCLUSIONS.—A report under paragraph (1) shall, at a minimum, include a description of—

(A) each structure, feature, or project for which amounts are expended, including the type of structure, feature, or project and cost of the work; and

(B) how the Secretary has repaired, restored, replaced, or modified each structure, feature, or project or intends to restore the structure, feature, or project to the design level of protection for the structure, feature, or project.

**SEC. 2041. SYSTEMWIDE IMPROVEMENT FRAMEWORKS.**

A levee system shall remain eligible for rehabilitation assistance under the authority provided by section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'' (33 U.S.C. 701n) as long as the levee system sponsor continues to make satisfactory progress, as determined by the Secretary, on an approved systemwide improvement framework or letter of intent.

**SEC. 2042. FUNDING TO PROCESS PERMITS.**

Section 214 of the Water Resources Development Act of 2000 (Public Law 106–541; 33 U.S.C. 2201 note) is amended by striking subsections (d) and (e) and inserting the following:

''(d) PUBLIC AVAILABILITY.—

''(1) IN GENERAL.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public in a common format, including on the Internet, and in a manner that distinguishes final permit decisions under this section from other final actions of the Secretary.

''(2) DECISION DOCUMENT.—The Secretary shall—

''(A) use a standard decision document for evaluating all permits using funds accepted under this section; and

''(B) make the standard decision document, along with all final permit decisions, available to the public, including on the Internet.

''(3) AGREEMENTS.—The Secretary shall make all active agreements to accept funds under this section available on a single public Internet site.

''(e) REPORTING.—

''(1) IN GENERAL.—The Secretary shall prepare an annual report on the implementation of this section, which, at a minimum, shall include for each district of the Corps of Engineers that accepts funds under this section—

''(A) a comprehensive list of any funds accepted under this section during the previous fiscal year;

''(B) a comprehensive list of the permits reviewed and approved using funds accepted under this section during the previous fiscal year, including a description of the size and type of resources impacted and the mitigation required for each permit; and

''(C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part with funds accepted under this section.

''(2) SUBMISSION.—Not later than 90 days after the end of each fiscal year, the Secretary shall—

''(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the annual report described in paragraph (1); and

''(B) make each report received under subparagraph (A) available on a single publicly accessible Internet site.''.

**SEC. 2043. NATIONAL RIVERBANK STABILIZATION AND EROSION PREVENTION STUDY AND PILOT PROGRAM.**

(a) DEFINITION OF INLAND AND INTRACOASTAL WATERWAY.—In this section, the term ''inland and intracoastal waterway'' means the inland and intracoastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(b) PILOT PROGRAM.—The Secretary—

(1) is authorized to study issues relating to riverbank stabilization and erosion prevention along inland and intracoastal waterways; and

(2) shall establish and carry out for a period of 5 fiscal years a national riverbank stabilization and erosion prevention pilot program to address riverbank erosion along inland and intracoastal waterways.

(c) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall carry out a study of the options and technologies available to prevent the erosion and degradation of riverbanks along inland and intracoastal waterways.

(2) CONTENTS.—The study shall—

(A) evaluate the nature and extent of the damages resulting from riverbank erosion along inland and intracoastal waterways throughout the United States;

(B) identify specific inland and intracoastal waterways and affected wetland areas with the most urgent need for restoration;

(C) analyze any legal requirements with regard to maintenance of bank lines of inland and intracoastal waterways, including a comparison of Federal, State, and private obligations and practices;

(D) assess and compare policies and management practices to protect surface areas adjacent to inland and intracoastal waterways applied by various Districts of the Corps of Engineers; and

(E) make any recommendations the Secretary determines to be appropriate.

(d) RIVERBANK STABILIZATION AND EROSION PREVENTION PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a pilot program for the construction of riverbank stabilization and erosion prevention projects on public land along inland and intracoastal waterways if the Secretary determines that the projects are technically feasible, environmentally acceptable, economically justified, and lower maintenance costs of those inland and intracoastal waterways.

(2) PILOT PROGRAM GOALS.—A project under the pilot program shall, to the maximum extent practicable—

(A) develop or demonstrate innovative technologies;

(B) implement efficient designs to prevent erosion at a riverbank site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

(C) prioritize natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the riverbank;

(D) avoid negative impacts to adjacent communities;

(E) identify the potential for long-term protection afforded by the innovative technology; and

(F) provide additional benefits, including reduction of flood risk.

(3) PROJECT SELECTIONS.—The Secretary shall develop criteria for the selection of projects under the pilot program, including criteria based on—

(A) the extent of damage and land loss resulting from riverbank erosion;

(B) the rate of erosion;

(C) the significant threat of future flood risk to public or private property, public infrastructure, or public safety;

(D) the destruction of natural resources or habitats; and

(E) the potential cost-savings for maintenance of the channel.

(4) CONSULTATION.—The Secretary shall carry out the pilot program in consultation with—

(A) Federal, State, and local governments;

(B) nongovernmental organizations; and

(C) applicable university research facilities.

(5) REPORT.—Not later than 1 year after the first fiscal year for which amounts to carry out this section are appropriated, and every year thereafter, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) the activities carried out and accomplishments made under the pilot program since the previous report under this paragraph; and

(B) any recommendations of the Secretary relating to the program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2019.

**SEC. 2044. HURRICANE AND STORM DAMAGE RISK REDUCTION PRIORITIZATION.**

(a) PURPOSES.—The purposes of this section are—

(1) to provide adequate levels of protection to communities impacted by natural disasters, including hurricanes, tropical storms, and other related extreme weather events; and

(2) to expedite critical water resources projects in communities that have historically been and continue to remain susceptible to extreme weather events.

(b) PRIORITY.—For authorized projects and ongoing feasibility studies with a primary purpose of hurricane and storm damage risk reduction, the Secretary shall give funding priority to projects and ongoing studies that—

(1) address an imminent threat to life and property;

(2) prevent storm surge from inundating populated areas;

(3) prevent the loss of coastal wetlands that help reduce the impact of storm surge;

(4) protect emergency hurricane evacuation routes or shelters;

(5) prevent adverse impacts to publicly owned or funded infrastructure and assets;

(6) minimize disaster relief costs to the Federal Government; and

(7) address hurricane and storm damage risk reduction in an area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(c) EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROJECTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of all—

(A) ongoing hurricane and storm damage reduction feasibility studies that have signed feasibility cost share agreements and have received Federal funds since 2009; and

(B) authorized hurricane and storm damage reduction projects that—

(i) have been authorized for more than 20 years but are less than 75 percent complete; or

(ii) are undergoing a post-authorization change report, general reevaluation report, or limited reevaluation report;

(2) identify those projects on the list required under paragraph (1) that meet the criteria described in subsection (b); and

(3) provide a plan for expeditiously completing the projects identified under paragraph (2), subject to available funding.

(d) PRIORITIZATION OF NEW STUDIES FOR HURRICANE AND STORM DAMAGE RISK REDUCTION.—In selecting new studies for hurricane and storm damage reduction to propose to Congress under section 4002, the Secretary shall give priority to studies—

(1) that—

(A) have been recommended in a comprehensive hurricane protection study carried out by the Corps of Engineers; or

(B) are included in a State plan or program for hurricane, storm damage reduction, flood control, coastal protection, conservation, or restoration, that is created in consultation with the Corps of Engineers or other relevant Federal agencies; and

(2) for areas for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

**SEC. 2045. PRIORITIZATION OF ECOSYSTEM RESTORATION EFFORTS.**

For authorized projects with a primary purpose of ecosystem restoration, the Secretary shall give funding priority to projects—

(1) that—

(A) address an identified threat to public health, safety, or welfare;

(B) preserve or restore ecosystems of national significance; or

(C) preserve or restore habitats of importance for federally protected species, including migratory birds; and

(2) for which the restoration activities will contribute to other ongoing or planned Federal, State, or local restoration initiatives.

**SEC. 2046. SPECIAL USE PERMITS.**

(a) SPECIAL USE PERMITS.—

(1) IN GENERAL.—The Secretary may issue special permits for uses such as group activities, recreation events, motorized recreation vehicles, and such other specialized recreation uses as the Secretary determines to be appropriate, subject to such terms and conditions as the Secretary determines to be in the best interest of the Federal Government.

(2) FEES.—

(A) IN GENERAL.—In carrying out this subsection, the Secretary may—

(i) establish and collect fees associated with the issuance of the permits described in paragraph (1); or

(ii) accept in-kind services in lieu of those fees.

(B) OUTDOOR RECREATION EQUIPMENT.—The Secretary may establish and collect fees for the provision of outdoor recreation equipment and services at public recreation areas located at lakes and reservoirs operated by the Corps of Engineers.

(C) USE OF FEES.—Any fees generated pursuant to this subsection shall be—

(i) retained at the site collected; and

(ii) available for use, without further appropriation, solely for administering the special permits under this subsection and carrying out related operation and maintenance activities at the site at which the fees are collected.

(b) COOPERATIVE MANAGEMENT.—

(1) PROGRAM.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may enter into an agreement with a State or local government to provide for the cooperative management of a public recreation area if—

(i) the public recreation area is located—

(I) at a lake or reservoir operated by the Corps of Engineers; and

(II) adjacent to or near a State or local park or recreation area; and

(ii) the Secretary determines that cooperative management between the Corps of Engineers and a State or local government agency of a portion of the Corps of Engineers recreation area or State or local park or recreation area will allow for more effective and efficient management of those areas.

(B) RESTRICTION.—The Secretary may not transfer administration responsibilities for any public recreation area operated by the Corps of Engineers.

(2) ACQUISITION OF GOODS AND SERVICES.—The Secretary may acquire from or provide to a State or local government with which the Secretary has entered into a cooperative agreement under paragraph (1) goods and services to be used by the Secretary and the State or local government in the cooperative management of the areas covered by the agreement.

(3) ADMINISTRATION.—The Secretary may enter into 1 or more cooperative management agreements or such other arrangements as the Secretary determines to be appropriate, including leases or licenses, with non-Federal interests to share the costs of operation, maintenance, and management of recreation facilities and natural resources at recreation areas that are jointly managed and funded under this subsection.

(c) FUNDING TRANSFER AUTHORITY.—

(1) IN GENERAL.—If the Secretary determines that it is in the public interest for purposes of enhancing recreation opportunities at Corps of Engineers water resources development projects, the Secretary may transfer funds appropriated for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available at those Corps of Engineers water resource development projects to State, local, and tribal governments and such other public or private nonprofit entities as the Secretary determines to be appropriate.

(2) COOPERATIVE AGREEMENTS.—Any transfer of funds pursuant to this subsection shall be carried out through the execution of a cooperative agreement, which shall contain such terms and conditions as the Secretary determines to be necessary in the public interest.

(d) SERVICES OF VOLUNTEERS.—Chapter IV of title I of Public Law 98–63 (33 U.S.C. 569c) is amended—

(1) in the first sentence, by inserting '', including expenses relating to uniforms, transportation, lodging, and the subsistence of those volunteers, without regard to the place of residence of the volunteers,'' after ''incidental expenses''; and

(2) by inserting after the first sentence the following: ''The Chief of Engineers may also provide awards of up to $100 in value to volunteers in recognition of the services of the volunteers.''

(e) TRAINING AND EDUCATIONAL ACTIVITIES.—Section 213(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended by striking ''at'' and inserting ''about''.

**SEC. 2047. OPERATIONS AND MAINTENANCE ON FUEL TAXED INLAND WATERWAYS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall have responsibility for 65 percent of the costs of the operation, maintenance, repair, rehabilitation, and replacement of any flood gate, as well as any pumping station constructed within the channel as a single unit with that flood gate, that—

(1) was constructed as of the date of enactment of this Act as a feature of an authorized hurricane and storm damage reduction project; and

(2) crosses an inland or intracoastal waterway described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804).

(b) PAYMENT OPTIONS.—For rehabilitation or replacement of any structure under this section, the Secretary may apply to the full non-Federal contribution the payment option provisions under section 103(k) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)).

**SEC. 2048. CORROSION PREVENTION.**

(a) GUIDANCE AND PROCEDURES.—The Secretary shall develop guidance and procedures for the certification of qualified contractors for—

(1) the application of protective coatings; and

(2) the removal of hazardous protective coatings.

(b) REQUIREMENTS.—Except as provided in subsection (c), the Secretary shall use certified contractors for—

(1) the application of protective coatings for complex work involving steel and cementitious structures, including structures that will be exposed in immersion;

(2) the removal of hazardous coatings or other hazardous materials that are present in sufficient concentrations to create an occupational or environmental hazard; and

(3) any other activities the Secretary determines to be appropriate.

(c) EXCEPTION.—The Secretary may approve exceptions to the use of certified contractors under subsection (b) only after public notice, with the opportunity for comment, of any such proposal.

**SEC. 2049. PROJECT DEAUTHORIZATIONS.**

(a) IN GENERAL.—Section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) LIST OF PROJECTS.—

''(A) IN GENERAL.—Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), each year, after the submission of the list under paragraph (1), the Secretary shall submit to Congress a list of projects or separable elements of projects that have been authorized but that have received no obligations during the 5 full fiscal years preceding the submission of that list.

''(B) ADDITIONAL NOTIFICATION.—On submission of the list under subparagraph (A) to Congress, the Secretary shall notify—

''(i) each Senator in whose State and each Member of the House of Representatives in whose district a project (including any part of a project) on that list would be located; and

''(ii) each applicable non-Federal interest associated with a project (including any part of a project) on that list.

''(C) DEAUTHORIZATION.—A project or separable element included in the list under subparagraph (A) is not authorized after the last date of the fiscal year following the fiscal year in which the list is submitted to Congress, if funding has not been obligated for the planning, design, or construction of the project or element of the project during that period.''; and

(2) by adding at the end the following:

''(3) MINIMUM FUNDING LIST.—At the end of each fiscal year, the Secretary shall submit to Congress a list of—

''(A) projects or separable elements of projects authorized for construction for which funding has been obligated in the 5 previous fiscal years;

''(B) the amount of funding obligated per fiscal year;

''(C) the current phase of each project or separable element of a project; and

''(D) the amount required to complete those phases.

''(4) REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2013, the Secretary shall compile and publish a complete list of all uncompleted, authorized projects of the Corps of Engineers, including for each project on that list—

''(i) the original budget authority for the project;

''(ii) the status of the project;

''(iii) the estimated date of completion of the project;

''(iv) the estimated cost of completion of the project; and

''(v) any amounts for the project that remain unobligated.

''(B) PUBLICATION.—

''(i) IN GENERAL.—The Secretary shall submit a copy of the list under subparagraph (A) to—

''(I) the appropriate committees of Congress; and

''(II) the Director of the Office of Management and Budget.

''(ii) PUBLIC AVAILABILITY.—Not later than 30 days after providing the report to Congress under clause (i), the Secretary shall make a copy of the list available on a publicly accessible Internet site, in a manner that is downloadable, searchable, and sortable.''.

(b) INFRASTRUCTURE DEAUTHORIZATION COMMISSION.—

(1) PURPOSES.—The purposes of this subsection are—

(A) to establish a process for identifying authorized Corps of Engineers water resources projects that are no longer in the Federal interest and no longer feasible;

(B) to create a commission—

(i) to review suggested deauthorizations, including consideration of recommendations of the States and the Secretary for the deauthorization of water resources projects; and

(ii) to make recommendations to Congress;

(C) to ensure public participation and comment; and

(D) to provide oversight on any recommendations made to Congress by the Commission.

(2) INFRASTRUCTURE DEAUTHORIZATION COMMISSION.—

(A) ESTABLISHMENT.—There is established an independent commission to be known as the ''Infrastructure Deauthorization Commission'' (referred to in this paragraph as the ''Commission'').

(B) DUTIES.—The Commission shall carry out the review and recommendation duties described in paragraph (5).

(C) MEMBERSHIP.—

(i) IN GENERAL.—The Commission shall be composed of 8 members, who shall be appointed by the President, by and with the advice and consent of the Senate according to the expedited procedures described in clause (ii).

(ii) EXPEDITED NOMINATION PROCEDURES.—

(I) PRIVILEGED NOMINATIONS; INFORMATION REQUESTED.—On receipt by the Senate of a nomination under clause (i), the nomination shall—

(aa) be placed on the Executive Calendar under the heading ''Privileged Nominations—Information Requested''; and

(bb) remain on the Executive Calendar under that heading until the Executive Clerk receives a written certification from the Chairman of the committee of jurisdiction under subclause (II).

(II) QUESTIONNAIRES.—The Chairman of the Committee on Environment and Public Works of the Senate shall notify the Executive Clerk in writing when the appropriate biographical and financial questionnaires have been received from an individual nominated for a position under clause (i).

(III) PRIVILEGED NOMINATIONS; INFORMATION RECEIVED.—On receipt of the certification under subclause (II), the nomination shall—

(aa) be placed on the Executive Calendar under the heading ''Privileged Nomination—Information Received'' and remain on the Executive Calendar under that heading for 10 session days; and

(bb) after the expiration of the period referred to in item (aa), be placed on the ''Nominations'' section of the Executive Calendar.

(IV) REFERRAL TO COMMITTEE OF JURISDICTION.—During the period when a nomination under clause (i) is listed under the ''Privileged Nomination—Information Requested'' section of the Executive Calendar described in subclause (I)(aa) or the ''Privileged Nomination—Information Received'' section of the Executive Calendar described in subclause (III)(aa)—

(aa) any Senator may request on his or her own behalf, or on the behalf of any identified Senator that the nomination be referred to the appropriate committee of jurisdiction; and

(bb) if a Senator makes a request described in paragraph item (aa), the nomination shall be referred to the appropriate committee of jurisdiction.

(V) EXECUTIVE CALENDAR.—The Secretary of the Senate shall create the appropriate sections on the Executive Calendar to reflect and effectuate the requirements of this clause.

(VI) COMMITTEE JUSTIFICATION FOR NEW EXECUTIVE POSITIONS.—The report accompanying each bill or joint resolution of a public character reported by any committee shall contain an evaluation and justification made by that committee for the establishment in the measure being reported of any new position appointed by the President within an existing or new Federal entity.

(iii) QUALIFICATIONS.—Members of the Commission shall be knowledgeable about Corps of Engineers water resources projects.

(iv) GEOGRAPHICAL DIVERSITY.—To the maximum extent practicable, the members of the Commission shall be geographically diverse.

(D) COMPENSATION OF MEMBERS.—

(i) IN GENERAL.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(ii) FEDERAL EMPLOYEES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(iii) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(3) STATE WATER RESOURCES INFRASTRUCTURE PLAN.—Not later than 2 years after the date of enactment of this Act, each State, in consultation with local interests, may develop and submit to the Commission, the

Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, a detailed statewide water resources plan that includes a list of each water resources project that the State recommends for deauthorization.

(4) CORPS OF ENGINEERS INFRASTRUCTURE PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Commission, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a detailed plan that—

(A) contains a detailed list of each water resources project that the Corps of Engineers recommends for deauthorization; and

(B) is based on assessment by the Secretary of the needs of the United States for water resources infrastructure, taking into account public safety, the economy, and the environment.

(5) REVIEW AND RECOMMENDATION COMMISSION.—

(A) IN GENERAL.—On the appointment and confirmation of all members of the Commission, the Commission shall solicit public comment on water resources infrastructure issues and priorities and recommendations for deauthorization, including by—

(i) holding public hearings throughout the United States; and

(ii) receiving written comments.

(B) RECOMMENDATIONS.—

(i) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Commission shall submit to Congress a list of water resources projects of the Corps of Engineers for deauthorization.

(ii) CONSIDERATIONS.—In carrying out this paragraph, the Commission shall establish criteria for evaluating projects for deauthorization, which shall include consideration of—

(I) the infrastructure plans submitted by the States and the Secretary under paragraphs (3) and (4);

(II) any public comment received during the period described in subparagraph (A);

(III) public safety and security;

(IV) the environment; and

(V) the economy.

(C) NON-ELIGIBLE PROJECTS.—The following types of projects shall not be eligible for review for deauthorization by the Commission:

(i) Any project authorized after the date of enactment of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3658), including any project that has been reauthorized after that date.

(ii) Any project that, as of the date of enactment of this Act, is undergoing a review by the Corps of Engineers.

(iii) Any project that has received appropriations in the 10-year period ending on the date of enactment of this Act.

(iv) Any project that, on the date of enactment of this Act, is more than 50 percent complete.

(v) Any project that has a viable non-Federal sponsor.

(D) CONGRESSIONAL DISAPPROVAL.—Any water resources project recommended for deauthorization on the list submitted to Congress under subparagraph (B) shall be deemed to be deauthorized unless Congress passes a joint resolution disapproving of the entire list of deauthorized water resources projects prior to the date that is 180 days after the date on which the Commission submits the list to Congress.

**SEC. 2050. REPORTS TO CONGRESS.**

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete and submit to Congress by the applicable date required the reports that address public safety and enhanced local participation in project delivery described in subsection (b).

(b) REPORTS.—The reports referred to in subsection (a) are the reports required under—

(1) section 2020;
(2) section 2022;
(3) section 2025;
(4) section 2026;
(5) section 2039;
(6) section 2040;
(7) section 6007; and
(8) section 10015.

(c) FAILURE TO PROVIDE A COMPLETED REPORT.—

(1) IN GENERAL.—Subject to subsection (d), if the Secretary fails to provide a report listed under subsection (b) by the date that is 180 days after the applicable date required for that report, $5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Army Corps of Engineers with responsibility for completing that report.

(2) SUBSEQUENT REPROGRAMMING.—Subject to subsection (d), for each additional week after the date described in paragraph (1) in which a report described in that paragraph remains uncompleted and unsubmitted to Congress, $5,000 shall be reprogrammed from the General Expenses account of the civil works program of the Army Corps of Engineers into the account of the division of the Secretary of the Army with responsibility for completing that report.

(d) LIMITATIONS.—

(1) IN GENERAL.—For each report, the total amounts reprogrammed under subsection (c) shall not exceed, in any fiscal year, $50,000.

(2) AGGREGATE LIMITATION.—The total amount reprogrammed under subsection (c) in a fiscal year shall not exceed $200,000.

(e) NO FAULT OF THE SECRETARY.—Amounts shall not be reprogrammed under subsection (c) if the Secretary certifies in a letter to the applicable committees of Congress that—

(1) a major modification has been made to the content of the report that requires additional analysis for the Secretary to make a final decision on the report;

(2) amounts have not been appropriated to the agency under this Act or any other Act to carry out the report; or

(3) additional information is required from an entity other than the Corps of Engineers and is not available in a timely manner to complete the report by the deadline.

(f) LIMITATION.—The Secretary shall not reprogram funds to reimburse the Office of the Assistant Secretary of the Army for Civil Works for the loss of the funds.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

**SEC. 2051. INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT CONFORMING AMENDMENT.**

Section 106(k) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j–1(k)) is amended by adding at the end the following:

''(13) Interest payments, the retirement of principal, the costs of issuance, and the costs of insurance or a similar credit support for a debt financing instrument, the proceeds of which are used to support a contracted construction project.''.

**SEC. 2052. INVASIVE SPECIES REVIEW.**

The Secretary, in consultation with the Director of the United States Fish and Wildlife Service, the Chairman of the Tennessee Valley Authority, and other applicable heads of Federal agencies, shall—

(1) carry out a review of existing Federal authorities relating to responding to invasive species, including aquatic weeds, aquatic snails, and other aquatic invasive species, that have an impact on water resources; and

(2) based on the review under paragraph (1), make any recommendations to Congress and applicable State agencies for improving Federal and State laws to more effectively respond to the threats posed by those invasive species.

**SEC. 2053. WETLANDS CONSERVATION STUDY.**

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a study to identify all Federal programs relating to wetlands conservation.

(b) REPORT.—The Comptroller General of the United States shall submit to Congress a report based on the study under subsection (a) describing options for maximizing wetlands conservation benefits while reducing redundancy, increasing efficiencies, and reducing costs.

**SEC. 2054. DAM MODIFICATION STUDY.**

(a) IN GENERAL.—The Comptroller General of the United States shall, in consultation with the Corps of Engineers, the Southeastern Power Administration, Federal hydropower customers, downstream communities, and other stakeholders, carry out a study to evaluate the structural modifications made at Federal dams in the Cumberland River Basin beginning on January 1, 2000.

(b) CONTENTS.—The study under subsection (a) shall examine—

(1) whether structural modifications at each dam have utilized new state-of-the-art design criteria deemed necessary for safety purposes that have not been used in other circumstances;

(2) whether structural modifications at each dam for downstream safety were executed in accordance with construction criteria that had changed from the original construction criteria;

(3) whether structural modifications at each dam assured safety;

(4) any estimates by the Corps of Engineers of consequences of total dam failure if state-of-the-art construction criteria deemed necessary for safety purposes were not employed; and

(5) whether changes in underlying geology at any of the Federal dams in the Cumberland River Basin required structural modifications to assure dam safety.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report based on the study under subsection (a) with findings on whether, with respect to structural modifications at Federal dams in the Cumberland River Basin, the Corps of Engineers has selected and implemented design criteria that rely on state-of-the-art design and construction criteria that will provide for the safety of downstream communities.

**SEC. 2055. NON-FEDERAL PLANS TO PROVIDE ADDITIONAL FLOOD RISK REDUCTION.**

(a) IN GENERAL.—If requested by a non-Federal interest, the Secretary shall construct a locally preferred plan that provides a higher level of protection than a flood risk management project authorized under this Act if the Secretary determines that—

(1) the plan is technically feasible and environmentally acceptable; and

(2) the benefits of the plan exceed the costs of the plan.

(b) NON-FEDERAL COST SHARE.—If the Secretary constructs a locally preferred plan under subsection (a), the Federal share of the cost of the project shall be not greater than the share as provided by law for elements of the national economic development plan.

**SEC. 2056. MISSISSIPPI RIVER FORECASTING IMPROVEMENTS.**

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, the Director of the United States Geological Survey, the Administrator of the National Oceanic and Atmospheric Administration, and the Director of the National Weather Service, as applicable, shall improve forecasting on the Mississippi River by—

(1) updating forecasting technology deployed on the Mississippi River and its tributaries through—

(A) the construction of additional automated river gages;

(B) the rehabilitation of existing automated and manual river gages; and

(C) the replacement of manual river gages with automated gages, as the Secretary determines to be necessary;

(2) constructing additional sedimentation ranges on the Mississippi River and its tributaries; and

(3) deploying additional automatic identification system base stations at river gage sites.

(b) PRIORITIZATION.—In carrying out this section, the Secretary shall prioritize the sections of the Mississippi River on which additional and more reliable information would have the greatest impact on maintaining navigation on the Mississippi River.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the activities carried out by the Secretary under this section.

**SEC. 2057. FLEXIBILITY IN MAINTAINING NAVIGATION.**

(a) IN GENERAL.—If the Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, determines it to be critical to maintaining safe and reliable navigation within the authorized Federal navigation channel on the Mississippi River, the Secretary may carry out only those activities outside the authorized Federal navigation channel along the Mississippi River, including the construction and operation of maintenance of fleeting areas, that are necessary for safe and reliable navigation in the Federal channel.

(b) REPORT.—Not later than 60 days after initiating an activity under this section, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) a description of the activities undertaken, including the costs associated with the activities; and

(2) a comprehensive description of how the activities are necessary for maintaining safe and reliable navigation of the Federal channel.

**SEC. 2058. RESTRICTED AREAS AT CORPS OF ENGINEERS DAMS.**

(a) DEFINITIONS.—In this section:

(1) RESTRICTED AREA.—The term ''restricted area'' means a restricted area for hazardous waters at dams and other civil works structures in the Cumberland River basin established pursuant to chapter 10 of the regulation entitled ''Project Operations: Navigation and Dredging Operations and Maintenance Policies'', published by the Corps of Engineers on November 29, 1996, and any related regulations or guidance.

(2) STATE.—The term ''State'' means the applicable agency of the State (including an official of that agency) in which the applicable dam is located that is responsible for enforcing boater safety.

(b) RESTRICTION ON PHYSICAL BARRIERS.—Subject to subsection (c), the Secretary, acting through the Chief of Engineers, in the establishing and enforcing restricted areas, shall not take any action to establish a permanent physical barrier to prevent public access to waters downstream of a dam owned by the Corps of Engineers.

(c) EXCLUSIONS.—For purposes of this section, the installation and maintenance of measures for alerting the public of hazardous water conditions and restricted areas, including sirens, strobe lights, and signage, shall not be considered to be a permanent physical barrier under subsection (b).

(d) ENFORCEMENT.—

(1) IN GENERAL.—Enforcement of a restricted area shall be the sole responsibility of a State.

(2) EXISTING AUTHORITIES.—The Secretary shall not assess any penalty for entrance into a restricted area under section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (16 U.S.C. 460d).

(e) DEVELOPMENT OR MODIFICATION OF RESTRICTED AREAS.—In establishing a new restricted area or modifying an existing restricted area, the Secretary shall—

(1) ensure that any restrictions are based on operational conditions that create hazardous waters; and

(2) publish a draft describing the restricted area and seek and consider public comment on that draft prior to establishing or modifying any restricted area.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), this section shall apply to the establishment of a new restricted area or the modification of an existing restricted area on or after August 1, 2012.

(2) EXISTING RESTRICTIONS.—If the Secretary, acting through the Chief of Engineers, has established a new restricted area or modified an existing restricted area during the period beginning on August 1, 2012, and ending on the date of enactment of this Act, the Secretary shall—

(A) cease implementing the restricted area until the later of—

(i) such time as the restricted area meets the requirements of this section; and

(ii) the date that is 2 years after the date of enactment of this Act; and

(B) remove any permanent physical barriers constructed in connection with the restricted area.

**SEC. 2059. MAXIMUM COST OF PROJECTS.**

Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) is amended—

(1) by striking ''In order to'' and inserting the following:

''(a) IN GENERAL.—In order to''; and

(2) by adding at the end the following:

''(b) CONTRIBUTED FUNDS.—Nothing in this section affects the authority of the Secretary to complete construction of a water resources development project using funds contributed under section 5 of the Act of June 22, 1936 (33 U.S.C. 701h).''.

## TITLE III—PROJECT MODIFICATIONS

**SEC. 3001. PURPOSE.**

The purpose of this title is to modify existing water resource project authorizations, subject to the condition that the modifications do not affect authorized costs.

**SEC. 3002. CHATFIELD RESERVOIR, COLORADO.**

Section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (123 Stat. 608), is amended in the matter preceding the proviso by inserting ''(or a designee of the Department)'' after ''Colorado Department of Natural Resources''.

**SEC. 3003. MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE EXPENSES REIMBURSEMENT.**

Section 5018(b)(5) of the Water Resources Development Act of 2007 (121 Stat. 1200) is amended by striking subparagraph (B) and inserting the following:

''(B) TRAVEL EXPENSES.—Subject to the availability of funds, the Secretary may reimburse a member of the Committee for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of a Federal agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Committee.''.

**SEC. 3004. HURRICANE AND STORM DAMAGE REDUCTION STUDY.**

With respect to the study for flood and storm damage reduction related to natural disasters to by carried out by the Secretary and authorized under the heading ''INVESTIGATIONS'' under title II of division A of Public Law 113–2, the Secretary shall include specific project recommendations in the report developed for that study.

**SEC. 3005. LOWER YELLOWSTONE PROJECT, MONTANA.**

Section 3109 of the Water Resources Development Act of 2007 (121 Stat. 1135) is amended—

(1) by striking ''The Secretary may'' and inserting the following:

''(a) IN GENERAL.—The Secretary may''; and

(2) by adding at the end the following:

''(b) LOCAL PARTICIPATION.—In carrying out subsection (a), the Secretary shall consult with, and consider the activities being carried out by—

''(1) other Federal agencies;

''(2) conservation districts;

''(3) the Yellowstone River Conservation District Council; and

''(4) the State of Montana.''.

**SEC. 3006. PROJECT DEAUTHORIZATIONS.**

(a) GOOSE CREEK, SOMERSET COUNTY, MARYLAND.—The project for navigation, Goose Creek, Somerset County, Maryland, carried out pursuant to section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577), is realigned as follows: Beginning at Goose Creek Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 0+00, coordinates North 157851.80, East 1636954.70, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, July 2003; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: S. 63 degrees 26 minutes 06 seconds E., 1460.05 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 973.28 feet to a point, thence; N. 26 degrees 13 minutes 09 seconds W., 240.39 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 42+57.54, coordinates North 157357.84, East 1640340.23. Geometry Left Toe of the 60-foot-wide main navigational ship channel, Left Toe Station No. 0+00, coordinates North 157879.00, East 1636967.40, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 12 seconds E., 1583.91 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following

eight courses and distances: S. 63 degrees 25 minutes 38 seconds E., 1366.25 feet to a point, thence; N. 83 degrees 36 minutes 24 seconds E., 125.85 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 805.19 feet to a point, thence; N. 12 degrees 12 minutes 29 seconds E., 78.33 feet to a point thence; N. 26 degrees 13 minutes 28 seconds W., 46.66 feet to a point thence; S. 63 degrees 45 minutes 41 seconds W., 54.96 feet to a point thence; N. 26 degrees 13 minutes 24 seconds W., 119.94 feet to a point on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 41+81.10, coordinates North 157320.30, East 1640264.00. Geometry Right Toe of the 60-foot-wide main navigational ship channel, Right Toe Station No. 0+00, coordinates North 157824.70, East 1636941.90, as stated and depicted on the Condition Survey Goose Creek, Sheet 1 of 1, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 64 degrees 49 minutes 06 seconds E., 1583.82 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following six courses and distances: S. 63 degrees 25 minutes 47 seconds E., 1478.79 feet to a point, thence; N. 50 degrees 38 minutes 26 seconds E., 1016.69 feet to a point, thence; N. 26 degrees 14 minutes 49 seconds W., 144.26 feet to a point, thence; N. 63 degrees 54 minutes 03 seconds E., 55.01 feet to a point thence; N. 26 degrees 12 minutes 08 seconds W., 120.03 feet to a point a point on the Right Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+98.61, coordinates North 157395.40, East 1640416.50.

(b) LOWER THOROUGHFARE, DEAL ISLAND, MARYLAND.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Lower Thoroughfare, Maryland, authorized by the Act of June 25, 1910 (36 Stat. 630, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), that begins at Lower Thoroughfare Channel Geometry Centerline of the 60-foot-wide main navigational ship channel, Centerline Station No. 44+88, coordinates North 170435.62, East 1614588.93, as stated and depicted on the Condition Survey Lower Thoroughfare, Deal Island, Sheet 1 of 3, prepared by the United States Army Corps of Engineers, Baltimore District, August 2010; thence departing the aforementioned centerline traveling the following courses and distances: S. 42 degrees 20 minutes 44 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 64 degrees 08 minutes 55 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 43 seconds W., 250.08 feet to a point, thence; N. 47 degrees 39 minutes 03 seconds E., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 44 seconds E., 300.07 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76; thence; continuing with the aforementioned centerline the following courses and distances: S. 42 degrees 20 minutes 42 seconds W., 30.00 feet to a point, on the outline of said 60-foot-wide channel thence binding on said out-line the following four courses and distances: N. 20 degrees 32 minutes 06 seconds W., 53.85 feet to a point, thence; N. 42 degrees 20 minutes 49 seconds W., 250.08 feet to a point, thence; S. 47 degrees 39 minutes 03 seconds W., 20.00 feet to a point, thence; S. 42 degrees 20 minutes 46 seconds E., 300.08 feet to a point binding on the Left Toe of the 60-foot-wide main navigational channel at computed Centerline Station No. 43+92.67, coordinates North 170415.41, 1614566.76.

(c) THOMASTON HARBOR, GEORGES RIVER, MAINE.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), and modified by section 317 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2604), that lies northwesterly of a line commencing at point N87,220.51, E321,065.80 thence running northeasterly about 125 feet to a point N87,338.71, E321,106.46.

(d) WARWICK COVE, RHODE ISLAND.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Warwick Cove, Rhode Island, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) that is located within the 5 acre anchorage area east of the channel and lying east of the line beginning at a point with coordinates N220,349.79, E357,664.90 thence running north 9 degrees 10 minutes 21.5 seconds west 170.38 feet to a point N220,517.99, E357,637.74 thence running north 17 degrees 44 minutes 30.4 seconds west 165.98 feet to a point N220,676.08, E357,587.16 thence running north 0 degrees 46 minutes 0.9 seconds east 138.96 feet to a point N220,815.03, E357,589.02 thence running north 8 degrees 36 minutes 22.9 seconds east 101.57 feet to a point N220,915.46, E357,604.22 thence running north 18 degrees 18 minutes 27.3 seconds east 168.20 feet to a point N221,075.14, E357,657.05 thence running north 34 degrees 42 minutes 7.2 seconds east 106.4 feet to a point N221,162.62, E357,717.63 thence running south 29 degrees 14 minutes 17.4 seconds east 26.79 feet to a point N221,139.24, E357,730.71 thence running south 30 degrees 45 minutes 30.5 seconds west 230.46 feet to a point N220,941.20, E357,612.85 thence running south 10 degrees 49 minutes 12.0 seconds west 95.46 feet to a point N220,847.44, E357,594.93 thence running south 9 degrees 13 minutes 44.5 seconds east 491.68 feet to a point N220,362.12, E357,673.79 thence running south 35 degrees 47 minutes 19.4 seconds west 15.20 feet to the point of origin.

(e) CLATSOP COUNTY DIKING DISTRICT NO. 10, KARLSON ISLAND, OREGON.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the Diking District No. 10, Karlson Island portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (33 U.S.C. 701h).

(f) NUMBERG DIKE NO. 34 LEVEED AREA, CLATSOP COUNTY DIKING DISTRICT NO. 13, CLATSOP COUNTY, OREGON (WALLUSKI-YOUNGS).—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the Numberg Dike No. 34 leveed area, Clatsop County Diking District, No. 13, Walluski River and Youngs River dikes, portion of the project for raising and improving existing levees in Clatsop County, Oregon, authorized by section 5 of the Act of June 22, 1936 (33 U.S.C. 701h).

(g) PORT OF HOOD RIVER, OREGON.—

(1) EXTINGUISHMENT OF PORTIONS OF EXISTING FLOWAGE EASEMENT.—With respect to the properties described in paragraph (2), beginning on the date of enactment of this Act, the flowage easement identified as Tract 1200E–6 on the Easement Deed recorded as Instrument No. 740320 is extinguished above elevation 79.39 feet (NGVD 29) the Ordinary High Water Line.

(2) AFFECTED PROPERTIES.—The properties referred to in paragraph (1), as recorded in Hood River County, Oregon, are as follows:

(A) Instrument Number 2010–1235

(B) Instrument Number 2010–02366.

(C) Instrument Number 2010–02367.

(D) Parcel 2 of Partition Plat #2011–12P.

(E) Parcel 1 of Partition Plat 2005–26P.

(3) FEDERAL LIABILITIES; CULTURAL, ENVIRONMENTAL, AND OTHER REGULATORY REVIEWS.—

(A) FEDERAL LIABILITY.—The United States shall not be liable for any injury caused by the extinguishment of the easement under this subsection.

(B) CULTURAL AND ENVIRONMENTAL REGULATORY ACTIONS.—Nothing in this subsection establishes any cultural or environmental regulation relating to the properties described in paragraph (2).

(4) EFFECT ON OTHER RIGHTS.—Nothing in this subsection affects any remaining right or interest of the Corps of Engineers in the properties described in paragraph (2).

(h) EIGHTMILE RIVER, CONNECTICUT.—

(1) The portion of the project for navigation, Eightmile River, Connecticut, authorized by the first section of the Act of June 25, 1910 (commonly known as the ''River and Harbor Act of 1910'') (36 Stat. 633, chapter 382), that begins at a point of the existing 8-foot channel limit with coordinates N701002.39, E1109247.73, thence running north 2 degrees 19 minutes 57.1 seconds east 265.09 feet to a point N701267.26, E1109258.52, thence running north 7 degrees 47 minutes 19.3 seconds east 322.32 feet to a point N701586.60, E1109302.20, thence running north 90 degrees 0 minutes 0 seconds east 65.61 to a point N701586.60, E1109367.80, thence running south 7 degrees 47 minutes 19.3 seconds west 328.11 feet to a point N701261.52, E1109323.34, thence running south 2 degrees 19 minutes 57.1 seconds west 305.49 feet to an end at a point N700956.28, E1109310.91 on the existing 8-foot channel limit, shall be reduced to a width of 65 feet and the channel realigned to follow the deepest available water.

(2) Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project beginning at a point N701296.72, E1109262.55 and running north 45 degrees 4 minutes 2.8 seconds west 78.09 feet to a point N701341.18, E1109217.98, thence running north 5 degrees 8 minutes 34.6 seconds east 180.14 feet to a point N701520.59, E1109234.13, thence running north 54 degrees 5 minutes 50.1 seconds east 112.57 feet to a point N701568.04, E1109299.66, thence running south 7 degrees 47 minutes 18.4 seconds west 292.58 feet to the point of origin; and the remaining area north of the channel realignment beginning at a point N700956.28, E1109310.91 thence running north 2 degrees 19 minutes 57.1 seconds east 305.49 feet west to a point N701261.52, E1109323.34 north 7 degrees 47 minutes 18.4 seconds east 328.11 feet to a point N701586.60, E1109367.81 thence running north 90 degrees 0 minutes 0 seconds east 7.81 feet to a point N701586.60, E1109375.62 thence running south 5 degrees 8 minutes 34.6 seconds west 626.29 feet to a point N700962.83, E1109319.47 thence south 52 degrees 35 minutes 36.5 seconds 10.79 feet to the point of origin.

(i) BURNHAM CANAL.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Milwaukee Harbor Project, Milwaukee, Wisconsin, known as the Burnham Canal, beginning at channel point #415a N381768.648, E2524554.836, a distance of about 170.58 feet, thence running south 53 degrees 43 minutes 41 seconds west to channel point #417 N381667.728, E2524417.311, a distance of about 35.01 feet, thence running south 34 degrees 10 minutes 40 seconds west to channel point #501 N381638.761, E2524397.639 a distance of about 139.25 feet, thence running south 34 degrees 10 minutes 48 seconds west to channel point #503 N381523.557, E2524319.406 a distance of about 235.98 feet, thence running south 32 degrees 59 minutes 13 seconds west to channel

point #505 N381325.615, E2524190.925 a distance of about 431.29 feet, thence running south 32 degrees 36 minutes 05 seconds west to channel point #509 N380962.276, E2523958.547, a distance of about 614.52 feet, thence running south 89 degrees 05 minutes 00 seconds west to channel point #511 N380952.445, E2523344.107, a distance of about 74.68 feet, thence running north 89 degrees 04 minutes 59 seconds west to channel point #512 N381027.13, E2523342.91, a distance of about 533.84 feet, thence running north 89 degrees 05 minutes 00 seconds east to channel point #510 N381035.67, E2523876.69, a distance of about 47.86 feet , thence running north 61 degrees 02 minutes 07 seconds east to channel point #508 N381058.84, E2523918.56, a distance of about 308.55 feet, thence running north 36 degrees 15 minutes 29 seconds east to channel point #506 N381307.65, E2524101.05, distance of about 199.98 feet, thence running north 32 degrees 59 minutes 12 seconds east to channel point #504 N381475.40, E2524209.93, a distance of about 195.14 feet, thence running north 26 degrees 17 minutes 22 seconds east to channel point #502 N381650.36, E2524296.36, a distance of about 81.82 feet, thence running north 88 degrees 51 minutes 05 seconds west to channel point #419 N381732.17, E2524294.72 a distance of about 262.65 feet, thence running north 82 degrees 01 minutes 02 seconds east to channel point # 415a the point of origin.

(j) WALNUT CREEK, CALIFORNIA.—Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for flood protection on Walnut Creek, California, constructed in accordance with the plan authorized by section 203 of the Flood Control Act of 1960 (Public Law 86–645; 74 Stat. 488) that consists of the culvert on the San Ramon Creek constructed by the Department of the Army in 1971 that extends from Sta 4+27 to Sta 14+27.

**SEC. 3007. RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NEW JERSEY.**

Title I of the Energy and Water Development Appropriations Act, 1998 (Public Law 105–62; 111 Stat. 1327) is amended by striking section 102.

**SEC. 3008. RED RIVER BASIN, OKLAHOMA, TEXAS, ARKANSAS, LOUISIANA.**

(a) IN GENERAL.—The Secretary is authorized to reassign unused irrigation storage within a reservoir on the Red River Basin to municipal and industrial water supply for use by a non-Federal interest if that non-Federal interest has already contracted for a share of municipal and industrial water supply on the same reservoir.

(b) NON-FEDERAL INTEREST.—A reassignment of storage under subsection (a) shall be contingent upon the execution of an agreement between the Secretary and the applicable non-Federal interest.

**SEC. 3009. POINT JUDITH HARBOR OF REFUGE, RHODE ISLAND.**

The project for the Harbor of Refuge at Point Judith, Narragansett, Rhode Island, adopted by the Act of September 19, 1890 (commonly known as the ''River and Harbor Act of 1890'') (26 Stat. 426, chapter 907), House Document numbered 66, 51st Congress, 1st Session, and modified to include the west shore arm breakwater under the first section of the Act of June 25, 1910 (commonly known as the ''River and Harbor Act of 1910'') (36 Stat. 632, chapter 382), is further modified to include shore protection and erosion control as project purposes.

**SEC. 3010. LAND CONVEYANCE OF HAMMOND BOAT BASIN, WARRENTON, OREGON.**

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the city of Warrenton, located in Clatsop County, Oregon.

(2) MAP.—The term ''map'' means the map contained in Exhibit A of Department of the Army Lease No. DACW57-1-88-0033 (or a successor instrument).

(b) CONVEYANCE AUTHORITY.—Subject to the provisions of this section, the Secretary shall convey to the City by quitclaim deed, and without consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the land referred to in subsection (b) is the parcel totaling approximately 59 acres located in the City, together with any improvements thereon, including the Hammond Marina (as described in the map).

(2) EXCLUSION.—The land referred to in subsection (b) shall not include the site provided for the fisheries research support facility of the National Marine Fisheries Service.

(3) AVAILABILITY OF MAP.—The map shall be on file in the Portland District Office of the Corps of Engineers.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—As a condition of the conveyance under subsection (b), the City shall agree in writing—

(A) that the City and any successor or assign of the City will release and indemnify the United States from any claims or liabilities that may arise from or through the operations of the land conveyed by the United States; and

(B) to pay any cost associated with the conveyance under subsection (b).

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may impose such additional terms, conditions, and requirements on the conveyance under subsection (b) as the Secretary considers appropriate to protect the interest of the United States, including the requirement that the City assume full responsibility for operating and maintaining the channel and the breakwater.

(e) REVERSION.—If the Secretary determines that the land conveyed under this section ceases to be owned by the public, all right, title, and interest in and to the land shall, at the discretion of the Secretary, revert to the United States.

(f) DEAUTHORIZATION.—After the land is conveyed under this section, the land shall no longer be a portion of the project for navigation, Hammond Small Boat Basin, Oregon, authorized by section 107 of the Rivers and Harbor Act of 1960 (33 U.S.C. 577).

**SEC. 3011. METRO EAST FLOOD RISK MANAGEMENT PROGRAM, ILLINOIS.**

(a) IN GENERAL.—The following projects shall constitute a program, to be known as the ''Metro East Flood Risk Management Program, Illinois'':

(1) Prairie du Pont Drainage and Levee District and Fish Lake Drainage and Levee District, Illinois, authorized by—

(A) section 5 of the Act of June 22, 1936 (33 U.S.C. 701h); and

(B) section 5070 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1220).

(2) East St. Louis, Illinois, authorized by—

(A) section 5 of the Act of June 22, 1936 (33 U.S.C. 701h); and

(B) Energy and Water Development Appropriation Act, 1988 (Public Law 100–202; 101 Stat. 1329–104).

(3) Wood River Drainage and Levee District, Illinois, authorized by—

(A) section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1218); and

(B) section 1001(20) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1053).

**SEC. 3012. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.**

Section 109 of title I of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–221, 121 Stat. 1217) is amended—

(1) in subsection (a), by inserting ''and unincorporated communities'' after ''municipalities''; and

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following:

''(f) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to projects sponsored by—

''(1) the State of Florida;

''(2) Monroe County, Florida; and

''(3) incorporated communities in Monroe County, Florida.''.

**SEC. 3013. DES MOINES RECREATIONAL RIVER AND GREENBELT, IOWA.**

The boundaries for the project referred to as the Des Moines Recreational River and Greenbelt, Iowa under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' in chapter IV of title I of the Supplemental Appropriations Act, 1985 (Public Law 99–88, 99 Stat. 313) are revised to include the entirety of sections 19 and 29, situated in T89N, R28W.

**SEC. 3014. LAND CONVEYANCE, CRANEY ISLAND DREDGED MATERIAL MANAGEMENT AREA, PORTSMOUTH, VIRGINIA.**

(a) IN GENERAL.—Subject to the conditions described in this section, the Secretary may convey to the Commonwealth of Virginia, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to 2 parcels of land situated within the project for navigation, Craney Island Eastward Expansion, Norfolk Harbor and Channels, Hampton Roads, Virginia, authorized by section 1001(45) of the Water Resources Development Act of 2007 (Pub. L. 110–114; 121 Stat. 1057), together with any improvements thereon.

(b) LANDS TO BE CONVEYED.—

(1) IN GENERAL.—The 2 parcels of land to be conveyed under this section include a parcel consisting of approximately 307.82 acres of land and a parcel consisting of approximately 13.33 acres of land, both located along the eastern side of the Craney Island Dredged Material Management Area in Portsmouth, Virginia.

(2) USE.—The 2 parcels of land described in paragraph (1) may be used by the Commonwealth of Virginia exclusively for the purpose of port expansion, including the provision of road and rail access and the construction of a shipping container terminal.

(c) TERMS AND CONDITIONS.—Land conveyed under this section shall be subject to—

(1) a reversionary interest in the United States if the land—

(A) ceases to be held in public ownership; or

(B) is used for any purpose that is inconsistent with subsection (b); and

(2) such other terms, conditions, reservations, and restrictions that the Secretary determines to be necessary and appropriate to protect the interests of the United States.

(d) LEGAL DESCRIPTION.—The exact acreage and legal description of land to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(e) CONVEYANCE COSTS.—The Commonwealth of Virginia shall be responsible for all costs associated with the conveyance authorized by this section, including the cost of the survey required under subsection (d) and other administrative costs.

**SEC. 3015. LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.**

The project for flood control, Los Angeles County Drainage Area, California, authorized by section 101(b) of the Water Resources

Development Act of 1990 (Pub. L. 101–640; 104 Stat. 4611), as modified, is further modified to authorize the Secretary to include, as a part of the project, measures for flood risk reduction, ecosystem restoration, and recreation in the Compton Creek watershed.

**SEC. 3016. OAKLAND INNER HARBOR TIDAL CANAL, CALIFORNIA.**

Section 3182(b)(1) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1165) is amended—

(1) in subparagraph (A), by inserting ", or to a multicounty public entity that is eligible to hold title to real property" after "To the city of Oakland"; and

(2) by inserting "multicounty public entity or other" before "public entity".

**SEC. 3017. REDESIGNATION OF LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.**

(a) IN GENERAL.—Section 103(c)(1) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking "Lower Mississippi River Museum and Riverfront Interpretive Site" and inserting "Jesse Brent Lower Mississippi River Museum and Riverfront Interpretive Site".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the museum and interpretive site referred to in subsection (a) shall be deemed to be a reference to the "Jesse Brent Lower Mississippi River Museum and Riverfront Interpretive Site".

**SEC. 3018. LOUISIANA COASTAL AREA.**

(a) INTERIM ADOPTION OF COMPREHENSIVE COASTAL MASTER PLAN.—

(1) IN GENERAL.—Section 7002 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1270) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively;

(B) by inserting after subsection (c) the following:

"(d) INTERIM ADOPTION OF COMPREHENSIVE COASTAL PROTECTION MASTER PLAN.—Prior to completion of the comprehensive plan described under subsection (a), the Secretary shall adopt the plan of the State of Louisiana entitled 'Louisiana's Comprehensive Coastal Protection Master Plan for a Sustainable Coast' in effect on the date of enactment of the Water Resources Development Act of 2013 (and subsequent plans), authorized and defined pursuant to Act 8 of the First Extraordinary Session of the Louisiana State Legislature, 2005, for protecting, preserving, and restoring the coastal Louisiana ecosystem until implementation of the comprehensive plan is complete."; and

(C) in subsection (g)(1) (as so redesignated), by striking "1 year" and inserting "10 years".

(2) CONFORMING AMENDMENT.—Subsection (f) (as so redesignated) is amended by striking "subsection (d)(1)" and inserting "subsection (e)(1)".

(b) Section 7006 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1274) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following:

"(C) to examine a system-wide approach to coastal sustainability, including—

"(i) flood and storm damage protection;

"(ii) coastal restoration; and

"(iii) the elevation of public and private infrastructure;"; and

(2) in subsection (c)(1)(E), by striking "at Myrtle Grove" and inserting "in the vicinity of Myrtle Grove".

## TITLE IV—WATER RESOURCE STUDIES

**SEC. 4001. PURPOSE.**

The purpose of this title is to authorize the Secretary to study and recommend solutions for water resource issues relating to flood risk and storm damage reduction, navigation, and aquatic ecosystem restoration.

**SEC. 4002. INITIATION OF NEW WATER RESOURCES STUDIES.**

(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the Secretary may initiate a study—

(1) to determine the feasibility of carrying out 1 or more projects for flood risk management, storm damage reduction, aquatic ecosystem restoration, navigation, hydropower, or related purposes; or

(2) to carry out watershed and river basin assessments in accordance with section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a).

(b) CRITERIA.—The Secretary may only initiate a study under subsection (a) if—

(1) the study—

(A) has been requested by an eligible non-Federal interest;

(B) is for an area that is likely to include a project with a Federal interest; and

(C) addresses a high-priority water resource issue necessary for the protection of human life and property, the environment, or the national security interests of the United States; and

(2) the non-Federal interest has demonstrated—

(A) that local support exists for addressing the water resource issue; and

(B) the financial ability to provide the required non-Federal cost-share.

(c) CONGRESSIONAL APPROVAL.—

(1) SUBMISSION TO CONGRESS.—Prior to initiating a study under subsection (a), the Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House—

(A) a description of the study, including the geographical area addressed by the study;

(B) a description of how the study meets each of the requirements of subsection (b); and

(C) a certification that the proposed study can be completed within 3 years and for a Federal cost of not more than $3,000,000.

(2) EXPENDITURE OF FUNDS.—No funds may be spent on a study initiated under subsection (a) unless—

(A) the required information is submitted to Congress under paragraph (1); and

(B) after such submission, amounts are appropriated to initiate the study in an appropriations or other Act.

(3) ADDITIONAL NOTIFICATION.—The Secretary shall notify each Senator or Member of Congress with a State or congressional district in the study area described in paragraph (1)(A).

(d) LIMITATIONS.—

(1) IN GENERAL.—Subsection (a) shall not apply to a project for which a study has been authorized prior to the date of enactment of this Act.

(2) NEW STUDIES.—In each fiscal year, the Secretary may initiate not more than—

(A) 3 new studies in each of the primary mission areas of the Corps of Engineers; and

(B) 3 new studies from any 1 division of the Corps of Engineers.

(e) TERMINATION.—The authority under subsection (a) expires on the date that is 3 years after the date of enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2014 through 2017.

**SEC. 4003. APPLICABILITY.**

(a) IN GENERAL.—Nothing in this title authorizes the construction of a water resources project.

(b) NEW AUTHORIZATION REQUIRED.—New authorization from Congress is required before any project evaluated in a study under this title is constructed.

## TITLE V—REGIONAL AND NONPROJECT PROVISIONS

**SEC. 5001. PURPOSE.**

The purpose of this title is to authorize regional, multistate authorities to address water resource needs and other non-project provisions.

**SEC. 5002. NORTHEAST COASTAL REGION ECOSYSTEM RESTORATION.**

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects for aquatic ecosystem restoration within the coastal waters of the Northeastern United States from the State of Virginia to the State of Maine, including associated bays, estuaries, and critical riverine areas.

(b) GENERAL COASTAL MANAGEMENT PLAN.—

(1) ASSESSMENT.—The Secretary, in coordination with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, the Governors of the coastal States from Virginia to Maine, nonprofit organizations, and other interested parties, shall assess the needs regarding, and opportunities for, aquatic ecosystem restoration within the coastal waters of the Northeastern United States.

(2) PLAN.—The Secretary shall develop a general coastal management plan based on the assessment carried out under paragraph (1), maximizing the use of existing plans and investigation, which plan shall include—

(A) an inventory and evaluation of coastal habitats;

(B) identification of aquatic resources in need of improvement;

(C) identification and prioritization of potential aquatic habitat restoration projects; and

(D) identification of geographical and ecological areas of concern, including—

(i) finfish habitats;

(ii) diadromous fisheries migratory corridors;

(iii) shellfish habitats;

(iv) submerged aquatic vegetation;

(v) wetland; and

(vi) beach dune complexes and other similar habitats.

(c) ELIGIBLE PROJECTS.—The Secretary may carry out an aquatic ecosystem restoration project under this section if the project—

(1) is consistent with the management plan developed under subsection (b); and

(2) provides for—

(A) the restoration of degraded aquatic habitat (including coastal, saltmarsh, benthic, and riverine habitat);

(B) the restoration of geographical or ecological areas of concern, including the restoration of natural river and stream characteristics;

(C) the improvement of water quality; or

(D) other projects or activities determined to be appropriate by the Secretary.

(d) COST SHARING.—

(1) MANAGEMENT PLAN.—The management plan developed under subsection (b) shall be completed at Federal expense.

(2) RESTORATION PROJECTS.—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.

(e) COST LIMITATION.—Not more than $10,000,000 in Federal funds may be allocated under this section for an eligible project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section (including funds for the completion of the management plan) $25,000,000 for each of fiscal years 2014 through 2018.

**SEC. 5003. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.**

Section 510 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3759; 121 Stat. 1202) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''pilot program'' and inserting ''program''; and

(ii) by inserting ''in the basin States described in subsection (f) and the District of Columbia'' after ''interests''; and

(B) by striking paragraph (2) and inserting the following:

''(2) FORM.—The assistance under paragraph (1) shall be in the form of design and construction assistance for water-related resource protection and restoration projects affecting the Chesapeake Bay estuary, based on the comprehensive plan under subsection (b), including projects for—

''(A) sediment and erosion control;

''(B) protection of eroding shorelines;

''(C) ecosystem restoration, including restoration of submerged aquatic vegetation;

''(D) protection of essential public works;

''(E) beneficial uses of dredged material; and

''(F) other related projects that may enhance the living resources of the estuary.'';

(2) by striking subsection (b) and inserting the following:

''(b) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Water Resources Development Act of 2013, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Chesapeake Bay restoration plan to guide the implementation of projects under subsection (a)(2).

''(2) COORDINATION.—The restoration plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.

''(3) PRIORITIZATION.—The restoration plan described in paragraph (1) shall give priority to projects eligible under subsection (a)(2) that will also improve water quality or quantity or use natural hydrological features and systems.

''(4) ADMINISTRATION.—The Federal share of the costs of carrying out paragraph (1) shall be 75 percent.'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''to provide'' and all that follows through the period at the end and inserting ''for the design and construction of a project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b).'';

(B) in paragraph (2)(A), by striking ''facilities or resource protection and development plan'' and inserting ''resource protection and restoration plan''; and

(C) by adding at the end the following:

''(3) PROJECTS ON FEDERAL LAND.—A project carried out pursuant to the comprehensive Chesapeake Bay restoration plan described in subsection (b) that is located on Federal land shall be carried out at the expense of the Federal agency that owns the land on which the project will be a carried out.

''(4) NON-FEDERAL CONTRIBUTIONS.—A Federal agency carrying out a project described in paragraph (3) may accept contributions of funds from non-Federal entities to carry out that project.'';

(4) by striking subsection (e) and inserting the following:

''(e) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—

''(1) the heads of appropriate Federal agencies, including—

''(A) the Administrator of the Environmental Protection Agency;

''(B) the Secretary of Commerce, acting through the Administrator of the National Oceanographic and Atmospheric Administration;

''(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

''(D) the heads of such other Federal agencies as the Secretary determines to be appropriate; and

''(2) agencies of a State or political subdivision of a State, including the Chesapeake Bay Commission.'';

(5) by striking subsection (f) and inserting the following:

''(f) PROJECTS.—The Secretary shall establish, to the maximum extent practicable, at least 1 project under this section in—

''(1) regions within the Chesapeake Bay watershed of each of the basin States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; and

''(2) the District of Columbia.'';

(6) by striking subsection (h); and

(7) by redesignating subsection (i) as subsection (h).

**SEC. 5004. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, TEXAS.**

Section 5056 of the Water Resources Development Act of 2007 (121 Stat. 1213) is amended—

(1) in subsection (b)(2)—

(A) in the matter preceding subparagraph (A), by striking ''2008'' and inserting ''2014''; and

(B) in subparagraph (C), by inserting ''and an assessment of needs for other related purposes in the Rio Grande Basin, including flood damage reduction'' after ''assessment'';

(2) in subsection (c)(2)—

(A) by striking ''an interagency agreement with'' and inserting ''1 or more interagency agreements with the Secretary of State and''; and

(B) by inserting ''or the U.S. Section of the International Boundary and Water Commission'' after ''the Department of the Interior''; and

(3) in subsection (f), by striking ''2011'' and inserting ''2024''.

**SEC. 5005. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ECOSYSTEM RESTORATION, OREGON AND WASHINGTON.**

Section 536(g) of the Water Resources Development Act of 2000 (114 Stat. 2661) is amended by striking ''$30,000,000'' and inserting ''$75,000,000''.

**SEC. 5006. ARKANSAS RIVER, ARKANSAS AND OKLAHOMA.**

(a) PROJECT GOAL.—The goal for operation of the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma, shall be to maximize the use of the system in a balanced approach that incorporates advice from representatives from all project purposes to ensure that the full value of the system is realized by the United States.

(b) MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma, project authorized by the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(2) DUTIES.—The advisory committee shall—

(A) serve in an advisory capacity only; and

(B) provide information and recommendations to the Corps of Engineers relating to the efficiency, reliability, and availability of the operations of the McClellan-Kerr Arkansas River navigation system.

(3) SELECTION AND COMPOSITION.—The advisory committee shall be—

(A) selected jointly by the Little Rock district engineer and the Tulsa district engineer; and

(B) composed of members that equally represent the McClellan-Kerr Arkansas River navigation system project purposes.

(4) AGENCY RESOURCES.—The Little Rock district and the Tulsa district of the Corps of Engineers, under the supervision of the southwestern division, shall jointly provide the advisory committee with adequate staff assistance, facilities, and resources.

(5) TERMINATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the advisory committee shall terminate on the date on which the Secretary submits a report to Congress demonstrating increases in the efficiency, reliability, and availability of the McClellan-Kerr Arkansas River navigation system.

(B) RESTRICTION.—The advisory committee shall terminate not less than 2 calendar years after the date on which the advisory committee is established.

**SEC. 5007. AQUATIC INVASIVE SPECIES PREVENTION AND MANAGEMENT; COLUMBIA RIVER BASIN.**

(a) IN GENERAL.—The Secretary may establish a program to prevent and manage aquatic invasive species in the Columbia River Basin in the States of Idaho, Montana, Oregon, and Washington.

(b) WATERCRAFT INSPECTION STATIONS.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall establish watercraft inspection stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species into reservoirs operated and maintained by the Secretary.

(2) INCLUSIONS.—Locations identified under paragraph (1) may include—

(A) State border crossings;

(B) international border crossings; and

(C) highway entry points that are used by owners of watercraft to access boat launch facilities owned or managed by the Secretary.

(3) COST-SHARE.—The non-Federal share of the cost of operating and maintaining watercraft inspection stations described in paragraph (1) (including personnel costs) shall be 50 percent.

(4) OTHER INSPECTION SITES.—The Secretary may establish watercraft inspection stations using amounts made available to carry out this section in States other than those described in paragraph (1) at or near boat launch facilities that the Secretary determines are regularly used by watercraft to enter the States described in paragraph (1).

(c) MONITORING AND CONTINGENCY PLANNING.—The Secretary shall—

(1) carry out risk assessments of each major public and private water resources facility in the Columbia River Basin;

(2) establish an aquatic invasive species monitoring program in the Columbia River Basin;

(3) establish a Columbia River Basin watershed-wide plan for expedited response to an infestation of aquatic invasive species; and

(4) monitor water quality, including sediment cores and fish tissue samples, at facilities owned or managed by the Secretary in the Columbia River Basin.

(d) COORDINATION.—In carrying out this section, the Secretary shall consult and coordinate with—

(1) the States described in subsection (a);

(2) Indian tribes; and

(3) other Federal agencies, including—

(A) the Department of Agriculture;

(B) the Department of Energy;

(C) the Department of Homeland Security;

(D) the Department of Commerce; and

(E) the Department of the Interior.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000, of which $5,000,000 may be used to carry out subsection (c).

**SEC. 5008. UPPER MISSOURI BASIN FLOOD AND DROUGHT MONITORING.**

(a) IN GENERAL.—The Secretary, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, the Chief of the Natural Resources Conservation Service, the Director of the United States Geological Survey, and the Commissioner of the Bureau of Reclamation, shall establish a program to provide for—

(1) soil moisture and snowpack monitoring in the Upper Missouri River Basin to reduce flood risk and improve river and water resource management in the Upper Missouri River Basin, as outlined in the February 2013 report entitled ''Upper Missouri Basin Monitoring Committee—Snow Sampling and Instrumentation Recommendations'';

(2) restoring and maintaining existing mid- and high-elevation snowpack monitoring sites operated under the SNOTEL program of the Natural Resources Conservation Service; and

(3) operating streamflow gages and related interpretive studies in the Upper Missouri River Basin under the cooperative water program and the national streamflow information program of the United States Geological Service.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $11,250,000.

(c) USE OF FUNDS.—Amounts made available to the Secretary under this section shall be used to complement other related activities of Federal agencies that are carried out within the Missouri River Basin.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Secretary, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) identifies progress made by the Secretary and other Federal agencies to implement the recommendations contained in the report described in subsection (a)(1) with respect to enhancing soil moisture and snowpack monitoring in the Upper Missouri Basin; and

(2) includes recommendations to enhance soil moisture and snowpack monitoring in the Upper Missouri Basin.

**SEC. 5009. NORTHERN ROCKIES HEADWATERS EXTREME WEATHER MITIGATION.**

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall establish a program to mitigate the impacts of extreme weather events, such as floods and droughts, on communities, water users, and fish and wildlife located in and along the headwaters of the Columbia, Missouri, and Yellowstone Rivers (including the tributaries of those rivers) in the States of Idaho and Montana by carrying out river, stream, and floodplain protection and restoration projects, including—

(1) floodplain restoration and reconnection;

(2) floodplain and riparian area protection through the use of conservation easements;

(3) instream flow restoration projects;

(4) fish passage improvements;

(5) channel migration zone mapping; and

(6) invasive weed management.

(b) RESTRICTION.—All projects carried out using amounts made available to carry out this section shall emphasize the protection and enhancement of natural riverine processes.

(c) NON-FEDERAL COST SHARE.—The non-Federal share of the costs of carrying out a project under this section shall not exceed 35 percent of the total cost of the project.

(d) COORDINATION.—In carrying out this section, the Secretary—

(1) shall consult and coordinate with the appropriate State natural resource agency in each State; and

(2) may—

(A) delegate any authority or responsibility of the Secretary under this section to those State natural resource agencies; and

(B) provide amounts made available to the Secretary to carry out this section to those State natural resource agencies.

(e) LIMITATIONS.—Nothing in this section invalidates, preempts, or creates any exception to State water law, State water rights, or Federal or State permitted activities or agreements in the States of Idaho and Montana or any State containing tributaries to rivers in those States.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000.

**SEC. 5010. AQUATIC NUISANCE SPECIES PREVENTION, GREAT LAKES AND MISSISSIPPI RIVER BASIN.**

(a) IN GENERAL.—The Secretary is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with any modifications or any emergency measures that the Secretary determines to be appropriate to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

(b) REPORTS.—The Secretary shall report to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives any emergency actions taken pursuant to this section.

**SEC. 5011. MIDDLE MISSISSIPPI RIVER PILOT PROGRAM.**

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918, chapter 847), the Secretary shall carry out a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—As part of the pilot program carried out under subsection (a), the Secretary may carry out any activity along the Middle Mississippi River that is necessary to improve navigation through the project while restoring and protecting fish and wildlife habitat in the middle Mississippi River if the Secretary determines that the activity is feasible.

(c) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The maximum Federal share of the cost of carrying out a project under this section shall be 65 percent.

(2) AMOUNT EXPENDED PER PROJECT.—The Federal share described in paragraph (1) shall not exceed $10,000,000 for each project.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2023.

**SEC. 5012. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING.**

Section 595 of the Water Resources Development Act of 1999 (Public Law 106-53; 113 Stat. 383) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of—

''(1) design and construction assistance for water-related environmental infrastructure and resource protection and development in Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming, including projects for—

''(A) wastewater treatment and related facilities;

''(B) water supply and related facilities;

''(C) environmental restoration; and

''(D) surface water resource protection and development; and

''(2) technical assistance to small and rural communities for water planning and issues relating to access to water resources.''; and

(2) by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for fiscal year 2001 and each subsequent fiscal year $450,000,000, which shall be made available to the States and locales described in subsection (b) consistent with program priorities determined by the Secretary in accordance with criteria developed by the Secretary to establish the program priorities.''.

**SEC. 5013. CHESAPEAKE BAY OYSTER RESTORATION IN VIRGINIA AND MARYLAND.**

Section 704(b) of Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in paragraph (1), by striking ''$50,000,000'' and inserting ''$70,000,000''; and

(2) by striking subparagraph (B) of paragraph (4) and inserting the following:

''(B) FORM.—The non-Federal share may be provided through in-kind services, including—

''(i) the provision by the non-Federal interest of shell stock material that is determined by the Secretary to be suitable for use in carrying out the project; and

''(ii) in the case of a project carried out under paragraph (2)(D) after the date of enactment of this clause, land conservation or restoration efforts undertaken by the non-Federal interest that the Secretary determines provide water quality benefits that—

''(I) enhance the viability of oyster restoration efforts; and

''(II) are integral to the project.''.

**SEC. 5014. MISSOURI RIVER BETWEEN FORT PECK DAM, MONTANA AND GAVINS POINT DAM, SOUTH DAKOTA AND NEBRASKA.**

Section 9(f) of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665; 102 Stat. 4031) is amended by striking ''$3,000,000'' and inserting ''$5,000,000''.

**SEC. 5015. OPERATIONS AND MAINTENANCE OF INLAND MISSISSIPPI RIVER PORTS.**

(a) DEFINITIONS.—In this section:

(1) SHALLOW DRAFT.—The term ''shallow draft'' means a project that has a depth less than 14 feet.

(2) INLAND MISSISSIPPI RIVER.—The term ''inland Mississippi River'' means the portion of the Mississippi River that begins at the confluence of the Minnesota River and ends at the confluence of the Red River.

(b) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out dredging activities on shallow draft ports located on the Inland Mississippi River to the respective authorized widths and depths of those inland ports, as authorized on the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year, there is authorized to be appropriated to the Secretary to carry out this section $25,000,000.

**SEC. 5016. REMOTE AND SUBSISTENCE HARBORS.**

Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by inserting ''or Alaska'' after ''Hawaii''; and

(B) in paragraph (2)—

(i) by striking ''community'' and inserting ''region''; and

(ii) by inserting '', as determined by the Secretary based on information provided by the non-Federal interest'' after ''improvement''; and

(2) by adding at the end the following:

''(c) PRIORITIZATION.—Projects recommended by the Secretary under subsection (a) shall be given equivalent budget consideration and priority as projects recommended solely by national economic development benefits.

''(d) CONSTRUCTION.—

''(1) IN GENERAL.—The Secretary may plan, design, or construct projects for navigation in the noncontiguous States and territories of the United States if the Secretary finds that the project is—

''(A) technically feasible;

''(B) environmentally sound; and

''(C) economically justified.

''(2) SPECIAL RULE.—In evaluating and implementing a project under this section, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with the criteria established for flood control projects in section 903(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4184) if the detailed project report evaluation indicates that applying that section is necessary to implement the project.

''(3) COST.—The Federal share of the cost of carrying out a project under this section shall not exceed $10,000,000.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out projects initiated by the Secretary under this subsection $100,000,000 for fiscal years 2014 through 2023.''.

## TITLE VI—LEVEE SAFETY

**SEC. 6001. SHORT TITLE.**

This title may be cited as the ''National Levee Safety Program Act''.

**SEC. 6002. FINDINGS; PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) there is a need to establish a national levee safety program to provide national leadership and encourage the establishment of State and tribal levee safety programs;

(2) according to the National Committee on Levee Safety, ''the level of protection and robustness of design and construction of levees vary considerably across the country'';

(3) knowing the location, condition, and ownership of levees, as well as understanding the population and infrastructure at risk in leveed areas, is necessary for identification and prioritization of activities associated with levees;

(4) levees are an important tool for reducing flood risk and should be considered in the context of broader flood risk management efforts;

(5) States and Indian tribes—

(A) are uniquely positioned to oversee, coordinate, and regulate local and regional levee systems; and

(B) should be encouraged to participate in a national levee safety program by establishing individual levee safety programs; and

(6) States, Indian tribes, and local governments that do not invest in protecting the individuals and property located behind levees place those individuals and property at risk.

(b) PURPOSES.—The purposes of this title are—

(1) to promote sound technical practices in levee design, construction, operation, inspection, assessment, security, and maintenance;

(2) to ensure effective public education and awareness of risks involving levees;

(3) to establish and maintain a national levee safety program that emphasizes the protection of human life and property; and

(4) to implement solutions and incentives that encourage the establishment of effective State and tribal levee safety programs.

**SEC. 6003. DEFINITIONS.**

In this title:

(1) BOARD.—The term ''Board'' means the National Levee Safety Advisory Board established under section 6005.

(2) CANAL STRUCTURE.—

(A) IN GENERAL.—The term ''canal structure'' means an embankment, wall, or structure along a canal or manmade watercourse that—

(i) constrains water flows;

(ii) is subject to frequent water loading; and

(iii) is an integral part of a flood risk reduction system that protects the leveed area from flood waters associated with hurricanes, precipitation events, seasonal high water, and other weather-related events.

(B) EXCLUSION.—The term ''canal structure'' does not include a barrier across a watercourse.

(3) FEDERAL AGENCY.—The term ''Federal agency'' means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a levee.

(4) FLOOD DAMAGE REDUCTION SYSTEM.—The term ''flood damage reduction system'' means a system designed and constructed to have appreciable and dependable effects in reducing damage by floodwaters.

(5) FLOOD MITIGATION.—The term ''flood mitigation'' means any structural or nonstructural measure that reduces risks of flood damage by reducing the probability of flooding, the consequences of flooding, or both.

(6) FLOODPLAIN MANAGEMENT.—The term ''floodplain management'' means the operation of a community program of corrective and preventative measures for reducing flood damage.

(7) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) LEVEE.—

(A) IN GENERAL.—The term ''levee'' means a manmade barrier (such as an embankment, floodwall, or other structure)—

(i) the primary purpose of which is to provide hurricane, storm, or flood protection relating to seasonal high water, storm surges, precipitation, or other weather events; and

(ii) that is normally subject to water loading for only a few days or weeks during a calendar year.

(B) INCLUSIONS.—The term ''levee'' includes a levee system, including—

(i) levees and canal structures that—

(I) constrain water flows;

(II) are subject to more frequent water loading; and

(III) do not constitute a barrier across a watercourse; and

(ii) roadway and railroad embankments, but only to the extent that the embankments are integral to the performance of a flood damage reduction system.

(C) EXCLUSIONS.—The term ''levee'' does not include—

(i) a roadway or railroad embankment that is not integral to the performance of a flood damage reduction system;

(ii) a canal constructed completely within natural ground without any manmade structure (such as an embankment or retaining wall to retain water or a case in which water is retained only by natural ground);

(iii) a canal regulated by a Federal or State agency in a manner that ensures that applicable Federal safety criteria are met;

(iv) a levee or canal structure—

(I) that is not a part of a Federal flood damage reduction system;

(II) that is not recognized under the National Flood Insurance Program as providing protection from the 1-percent-annual-chance or greater flood;

(III) that is not greater than 3 feet high;

(IV) the population in the leveed area of which is less than 50 individuals; and

(V) the leveed area of which is less than 1,000 acres; or

(v) any shoreline protection or river bank protection system (such as revetments or barrier islands).

(9) LEVEE FEATURE.—The term ''levee feature'' means a structure that is critical to the functioning of a levee, including—

(A) an embankment section;

(B) a floodwall section;

(C) a closure structure;

(D) a pumping station;

(E) an interior drainage work; and

(F) a flood damage reduction channel.

(10) LEVEE SAFETY GUIDELINES.—The term ''levee safety guidelines'' means the guidelines established by the Secretary under section 6004(c)(1).

(11) LEVEE SEGMENT.—The term ''levee segment'' means a discrete portion of a levee system that is owned, operated, and maintained by a single entity or discrete set of entities.

(12) LEVEE SYSTEM.—The term ''levee system'' means 1 or more levee segments, including all levee features that are interconnected and necessary to ensure protection of the associated leveed areas—

(A) that collectively provide flood damage reduction to a defined area; and

(B) the failure of 1 of which may result in the failure of the entire system.

(13) LEVEED AREA.—The term ''leveed area'' means the land from which flood water in the adjacent watercourse is excluded by the levee system.

(14) NATIONAL LEVEE DATABASE.—The term ''national levee database'' means the levee database established under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303).

(15) PARTICIPATING PROGRAM.—The term ''participating program'' means a levee safety program developed by a State or Indian tribe that includes the minimum components necessary for recognition by the Secretary.

(16) REHABILITATION.—The term ''rehabilitation'' means the repair, replacement, reconstruction, removal of a levee, or reconfiguration of a levee system, including a setback levee, that is carried out to reduce flood risk or meet national levee safety guidelines.

(17) RISK.—The term ''risk'' means a measure of the probability and severity of undesirable consequences.

(18) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(19) STATE.—The term ''State'' means—

(A) each of the several States of the United States;

(B) the District of Columbia;
(C) the Commonwealth of Puerto Rico;
(D) Guam;
(E) American Samoa;
(F) the Commonwealth of the Northern Mariana Islands;
(G) the Federated States of Micronesia;
(H) the Republic of the Marshall Islands;
(I) the Republic of Palau; and
(J) the United States Virgin Islands.

**SEC. 6004. NATIONAL LEVEE SAFETY PROGRAM.**

(a) ESTABLISHMENT.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish a national levee safety program to provide national leadership and consistent approaches to levee safety, including—
(1) a national levee database;
(2) an inventory and inspection of Federal and non-Federal levees;
(3) national levee safety guidelines;
(4) a hazard potential classification system for Federal and non-Federal levees;
(5) research and development;
(6) a national public education and awareness program, with an emphasis on communication regarding the residual risk to communities protected by levees and levee systems;
(7) coordination of levee safety, floodplain management, and environmental protection activities;
(8) development of State and tribal levee safety programs; and
(9) the provision of technical assistance and materials to States and Indian tribes relating to—
(A) developing levee safety programs;
(B) identifying and reducing flood risks associated with residual risk to communities protected by levees and levee systems;
(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and
(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.

(b) MANAGEMENT.—
(1) IN GENERAL.—The Secretary shall appoint—
(A) an administrator of the national levee safety program; and
(B) such staff as is necessary to implement the program.
(2) ADMINISTRATOR.—The sole duty of the administrator appointed under paragraph (1)(A) shall be the management of the national levee safety program.

(c) LEVEE SAFETY GUIDELINES.—
(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency and in coordination with State and local governments and organizations with expertise in levee safety, shall establish a set of voluntary, comprehensive, national levee safety guidelines that—
(A) are available for common, uniform use by all Federal, State, tribal, and local agencies;
(B) incorporate policies, procedures, standards, and criteria for a range of levee types, canal structures, and related facilities and features; and
(C) provide for adaptation to local, regional, or watershed conditions.
(2) REQUIREMENT.—The policies, procedures, standards, and criteria under paragraph (1)(B) shall be developed taking into consideration the levee hazard potential classification system established under subsection (d).
(3) ADOPTION BY FEDERAL AGENCIES.—All Federal agencies shall consider the levee safety guidelines in activities relating to the management of levees.
(4) PUBLIC COMMENT.—Prior to finalizing the guidelines under this subsection, the Secretary shall—
(A) issue draft guidelines for public comment; and
(B) consider any comments received in the development of final guidelines.

(d) HAZARD POTENTIAL CLASSIFICATION SYSTEM.—
(1) ESTABLISHMENT.—The Secretary shall establish a hazard potential classification system for use under the national levee safety program and participating programs.
(2) REVISION.—The Secretary shall review and, as necessary, revise the hazard potential classification system not less frequently than once every 5 years.
(3) CONSISTENCY.—The hazard potential classification system established pursuant to this subsection shall be consistent with and incorporated into the levee safety action classification tool developed by the Corps of Engineers.

(e) TECHNICAL ASSISTANCE AND MATERIALS.—
(1) ESTABLISHMENT.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency and in coordination with the Board, shall establish a national levee safety technical assistance and training program to develop and deliver technical support and technical assistance materials, curricula, and training in order to promote levee safety and assist States, communities, and levee owners in—
(A) developing levee safety programs;
(B) identifying and reducing flood risks associated with levees;
(C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and
(D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.
(2) USE OF SERVICES.—In establishing the national levee safety training program under paragraph (1), the Secretary may use the services of—
(A) the Corps of Engineers;
(B) the Federal Emergency Management Agency;
(C) the Bureau of Reclamation; and
(D) other appropriate Federal agencies, as determined by the Secretary.

(f) COMPREHENSIVE NATIONAL PUBLIC EDUCATION AND AWARENESS CAMPAIGN.—
(1) ESTABLISHMENT.—The Secretary, in coordination with the Administrator of the Federal Emergency Management Agency and the Board, shall establish a national public education and awareness campaign relating to the national levee safety program.
(2) PURPOSES.—The purposes of the campaign under paragraph (1) are—
(A) to educate individuals living in leveed areas regarding the risks of living in those areas;
(B) to promote consistency in the transmission of information regarding levees among government agencies; and
(C) to provide national leadership regarding risk communication for implementation at the State and local levels.

(g) COORDINATION OF LEVEE SAFETY, FLOODPLAIN MANAGEMENT, AND ENVIRONMENTAL CONCERNS.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency and in coordination with the Board, shall evaluate opportunities to coordinate—
(1) public safety, floodplain management, and environmental protection activities relating to levees; and
(2) environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws.

(h) LEVEE INSPECTION.—
(1) IN GENERAL.—The Secretary shall carry out a one-time inventory and inspection of all levees identified in the national levee database.
(2) NO FEDERAL INTEREST.—The inventory and inspection under paragraph (1) does not create a Federal interest in the construction, operation, or maintenance any levee that is included in the inventory or inspected under this subsection.
(3) INSPECTION CRITERIA.—In carrying out the inventory and inspection, the Secretary shall use the levee safety action classification criteria to determine whether a levee should be classified in the inventory as requiring a more comprehensive inspection.
(4) STATE AND TRIBAL PARTICIPATION.—At the request of a State or Indian tribe with respect to any levee subject to inspection under this subsection, the Secretary shall—
(A) allow an official of the State or Indian tribe to participate in the inspection of the levee; and
(B) provide information to the State or Indian tribe relating to the location, construction, operation, or maintenance of the levee.
(5) EXCEPTIONS.—In carrying out the inventory and inspection under this subsection, the Secretary shall not be required to inspect any levee that has been inspected by a State or Indian tribe using the same methodology described in paragraph (3) during the 1-year period immediately preceding the date of enactment of this Act if the Governor of the State or tribal government, as applicable, requests an exemption from the inspection.

(i) STATE AND TRIBAL LEVEE SAFETY PROGRAM.—
(1) GUIDELINES.—
(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in consultation with the Administrator of the Federal Emergency Management Agency and in coordination with the Board, the Secretary shall issue guidelines that establish the minimum components necessary for recognition of a State or tribal levee safety program as a participating program.
(B) GUIDELINE CONTENTS.—The guidelines under subparagraph (A) shall include provisions and procedures requiring each participating State and Indian tribe to certify to the Secretary that the State or Indian tribe, as applicable—
(i) has the authority to participate in the national levee safety program;
(ii) can receive funds under this title;
(iii) has adopted any national levee safety guidelines developed under this title;
(iv) will carry out levee inspections;
(v) will carry out, consistent with applicable requirements, flood risk management and any emergency action planning procedures the Secretary determines to be necessary relating to levees;
(vi) will carry out public education and awareness activities consistent with the national public education and awareness campaign established under subsection (f); and
(vii) will collect and share information regarding the location and condition of levees.
(C) PUBLIC COMMENT.—Prior to finalizing the guidelines under this paragraph, the Secretary shall—
(i) issue draft guidelines for public comment; and
(ii) consider any comments received in the development of final guidelines.
(2) GRANT PROGRAM.—
(A) ESTABLISHMENT.—The Secretary shall establish a program under which the Secretary shall provide grants to assist States and Indian tribes in establishing participating programs, conducting levee inventories, and carrying out this title.

(B) REQUIREMENTS.—To be eligible to receive grants under this section, a State or Indian tribe shall—

(i) meet the requirements of a participating program established by the guidelines issued under paragraph (1);

(ii) use not less than 25 percent of any amounts received to identify and assess non-Federal levees within the State or on land of the Indian tribe;

(iii) submit to the Secretary any information collected by the State or Indian tribe in carrying out this subsection for inclusion in the national levee safety database; and

(iv) identify actions to address hazard mitigation activities associated with levees and leveed areas identified in the hazard mitigation plan of the State approved by the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(j) LEVEE REHABILITATION ASSISTANCE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish a program under which the Secretary shall provide assistance to States, Indian tribes, and local governments in addressing flood mitigation activities that result in an overall reduction in flood risk.

(2) REQUIREMENTS.—To be eligible to receive assistance under this subsection, a State, Indian tribe, or local government shall—

(A) participate in, and comply with, all applicable Federal floodplain management and flood insurance programs;

(B) have in place a hazard mitigation plan that—

(i) includes all levee risks; and

(ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552);

(C) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

(D) comply with such minimum eligibility requirements as the Secretary, in consultation with the Board, may establish to ensure that each owner and operator of a levee under a participating State or tribal levee safety program—

(i) acts in accordance with the guidelines developed in subsection (c); and

(ii) carries out activities relating to the public in the leveed area in accordance with the hazard mitigation plan described in subparagraph (B).

(3) FLOODPLAIN MANAGEMENT PLANS.—

(A) IN GENERAL.—Not later than 1 year after the date of execution of a project agreement for assistance under this subsection, a State, Indian tribe, or local government shall prepare a floodplain management plan in accordance with the guidelines under subparagraph (D) to reduce the impacts of future flood events in each applicable leveed area.

(B) INCLUSIONS.—A plan under subparagraph (A) shall address potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in each applicable leveed area.

(C) IMPLEMENTATION.—Not later than 1 year after the date of completion of construction of the applicable project, a floodplain management plan prepared under subparagraph (A) shall be implemented.

(D) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, shall develop such guidelines for the preparation of floodplain management plans prepared under this paragraph as the Secretary determines to be appropriate.

(E) TECHNICAL SUPPORT.—The Secretary may provide technical support for the development and implementation of floodplain management plans prepared under this paragraph.

(4) USE OF FUNDS.—

(A) IN GENERAL.—Assistance provided under this subsection may be used—

(i) for any rehabilitation activity to maximize overall risk reduction associated with a levee under a participating State or tribal levee safety program; and

(ii) only for a levee that is not federally operated and maintained.

(B) PROHIBITION.—Assistance provided under this subsection shall not be used—

(i) to perform routine operation or maintenance for a levee; or

(ii) to make any modification to a levee that does not result in an improvement to public safety.

(5) NO PROPRIETARY INTEREST.—A contract for assistance provided under this subsection shall not be considered to confer any proprietary interest on the United States.

(6) COST-SHARE.—The maximum Federal share of the cost of any assistance provided under this subsection shall be 65 percent.

(7) PROJECT LIMIT.—The maximum amount of Federal assistance for a project under this subsection shall be $10,000,000.

(8) OTHER LAWS.—Assistance provided under this subsection shall be subject to all applicable laws (including regulations) that apply to the construction of a civil works project of the Corps of Engineers.

(k) EFFECT OF SECTION.—Nothing in this section—

(1) affects the requirement under section 100226(b)(2) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4101 note; 126 Stat. 942); or

(2) confers any regulatory authority on—

(A) the Secretary; or

(B) the Director of the Federal Emergency Management Agency, including for the purpose of setting premium rates under the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

**SEC. 6005. NATIONAL LEVEE SAFETY ADVISORY BOARD.**

(a) ESTABLISHMENT.—The Secretary, in coordination with the Administrator of the Federal Emergency Management Agency, shall establish a board, to be known as the ''National Levee Safety Advisory Board''—

(1) to advise the Secretary and Congress regarding consistent approaches to levee safety;

(2) to monitor the safety of levees in the United States;

(3) to assess the effectiveness of the national levee safety program; and

(4) to ensure that the national levee safety program is carried out in a manner that is consistent with other Federal flood risk management efforts.

(b) MEMBERSHIP.—

(1) VOTING MEMBERS.—The Board shall be composed of the following 14 voting members, each of whom shall be appointed by the Secretary, with priority consideration given to representatives from those States that have the most Corps of Engineers levees in the State, based on mileage:

(A) 8 representatives of State levee safety programs, 1 from each of the civil works divisions of the Corps of Engineers.

(B) 2 representatives of the private sector who have expertise in levee safety.

(C) 2 representatives of local and regional governmental agencies who have expertise in levee safety.

(D) 2 representatives of Indian tribes who have expertise in levee safety.

(2) NONVOTING MEMBERS.—The Secretary (or a designee of the Secretary), the Administrator of the Federal Emergency Management Agency (or a designee of the Administrator), and the administrator of the national levee safety program appointed under section 6004(b)(1)(A) shall serve as nonvoting members of the Board.

(3) CHAIRPERSON.—The voting members of the Board shall appoint a chairperson from among the voting members of the Board, to serve a term of not more than 2 years.

(c) QUALIFICATIONS.—

(1) INDIVIDUALS.—Each voting member of the Board shall be knowledgeable in the field of levee safety, including water resources and flood risk management.

(2) AS A WHOLE.—The membership of the Board, considered as a whole, shall represent the diversity of skills required to advise the Secretary regarding levee issues relating to—

(A) engineering;

(B) public communications;

(C) program development and oversight;

(D) with respect to levees, flood risk management and hazard mitigation; and

(E) public safety and the environment.

(d) TERMS OF SERVICE.—

(1) IN GENERAL.—A voting member of the Board shall be appointed for a term of 3 years, except that, of the members first appointed—

(A) 5 shall be appointed for a term of 1 year;

(B) 5 shall be appointed for a term of 2 years; and

(C) 4 shall be appointed for a term of 3 years.

(2) REAPPOINTMENT.—A voting member of the Board may be reappointed to the Board, as the Secretary determines to be appropriate.

(3) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the original appointment was made.

(e) STANDING COMMITTEES.—

(1) IN GENERAL.—The Board shall be supported by Standing Committees, which shall be comprised of volunteers from all levels of government and the private sector, to advise the Board regarding the national levee safety program.

(2) ESTABLISHMENT.—The Standing Committees of the Board shall include—

(A) the Standing Committee on Participating Programs, which shall advise the Board regarding—

(i) the development and implementation of State and tribal levee safety programs; and

(ii) appropriate incentives (including financial assistance) to be provided to States, Indian tribes, and local and regional entities;

(B) the Standing Committee on Technical Issues, which shall advise the Board regarding—

(i) the management of the national levee database;

(ii) the development and maintenance of levee safety guidelines;

(iii) processes and materials for developing levee-related technical assistance and training; and

(iv) research and development activities relating to levee safety;

(C) the Standing Committee on Public Education and Awareness, which shall advise the Board regarding the development, implementation, and evaluation of targeted public outreach programs—

(i) to gather public input;

(ii) to educate and raise awareness in leveed areas of levee risks;

(iii) to communicate information regarding participating programs; and

(iv) to track the effectiveness of public education efforts relating to levee risks;

(D) the Standing Committee on Safety and Environment, which shall advise the Board regarding—

(i) operation and maintenance activities for existing levee projects;

(ii) opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees;

(iii) opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and

(iv) opportunities for collaboration by environmental protection and public safety interests in leveed areas and adjacent areas; and

(E) such other standing committees as the Secretary, in consultation with the Board, determines to be necessary.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Board shall recommend to the Secretary for approval individuals for membership on the Standing Committees.

(B) QUALIFICATIONS.—

(i) INDIVIDUALS.—Each member of a Standing Committee shall be knowledgeable in the issue areas for which the Committee is charged with advising the Board.

(ii) AS A WHOLE.—The membership of each Standing Committee, considered as a whole, shall represent, to the maximum extent practicable, broad geographical diversity.

(C) LIMITATION.—Each Standing Committee shall be comprised of not more than 10 members.

(f) DUTIES AND POWERS.—The Board—

(1) shall submit to the Secretary and Congress an annual report regarding the effectiveness of the national levee safety program in accordance with section 6007; and

(2) may secure from other Federal agencies such services, and enter into such contracts, as the Board determines to be necessary to carry out this subsection.

(g) TASK FORCE COORDINATION.—The Board shall, to the maximum extent practicable, coordinate the activities of the Board with the Federal Interagency Floodplain Management Task Force.

(h) COMPENSATION.—

(1) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(2) NON-FEDERAL EMPLOYEES.—To the extent amounts are made available to carry out this section in appropriations Acts, the Secretary shall provide to each member of the Board who is not an officer or employee of the United States a stipend and a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Board.

(3) STANDING COMMITTEE MEMBERS.—Each member of a Standing Committee shall—

(A) serve in a voluntary capacity; but

(B) receive a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the Board.

(i) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or the Standing Committees.

**SEC. 6006. INVENTORY AND INSPECTION OF LEVEES.**

Section 9004(a)(2)(A) of the Water Resources Development Act of 2007 (33 U.S.C. 3303(a)(2)(A)) is amended by striking ''and, for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies'' and inserting ''and updated levee information provided by States, Indian tribes, Federal agencies, and other entities''.

**SEC. 6007. REPORTS.**

(a) STATE OF LEVEES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Secretary in coordination with the Board, shall submit to Congress a report describing the state of levees in the United States and the effectiveness of the national levee safety program, including—

(A) progress achieved in implementing the national levee safety program;

(B) State and tribal participation in the national levee safety program;

(C) recommendations to improve coordination of levee safety, floodplain management, and environmental protection concerns, including—

(i) identifying and evaluating opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees; and

(ii) evaluating opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and

(D) any recommendations for legislation and other congressional actions necessary to ensure national levee safety.

(2) INCLUSION.—Each report under paragraph (1) shall include a report of the Board that describes the independent recommendations of the Board for the implementation of the national levee safety program.

(b) NATIONAL DAM AND LEVEE SAFETY PROGRAM.—Not later than 3 years after the date of enactment of this Act, to the maximum extent practicable, the Secretary, in coordination with the Board, shall submit to Congress a report that includes recommendations regarding the advisability and feasibility of, and potential approaches for, establishing a joint national dam and levee safety program.

(c) ALIGNMENT OF FEDERAL PROGRAMS RELATING TO LEVEES.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on opportunities for alignment of Federal programs to provide incentives to State, tribal, and local governments and individuals and entities—

(1) to promote shared responsibility for levee safety;

(2) to encourage the development of strong State and tribal levee safety programs;

(3) to better align the national levee safety program with other Federal flood risk management programs; and

(4) to promote increased levee safety through other Federal programs providing assistance to State and local governments.

(d) LIABILITY FOR CERTAIN LEVEE ENGINEERING PROJECTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes recommendations that identify and address any legal liability associated with levee engineering projects that prevent—

(1) levee owners from obtaining needed levee engineering services; or

(2) development and implementation of a State or tribal levee safety program.

**SEC. 6008. EFFECT OF TITLE.**

Nothing in this title—

(1) establishes any liability of the United States or any officer or employee of the United States (including the Board and the Standing Committees of the Board) for any damages caused by any action or failure to act; or

(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability incident to the ownership or operation of the levee.

**SEC. 6009. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary to carry out this title—

(1) for funding the administration and staff of the national levee safety program, the Board, the Standing Committees of the Board, and participating programs, $5,000,000 for each of fiscal years 2014 through 2023;

(2) for technical programs, including the development of levee safety guidelines, publications, training, and technical assistance—

(A) $5,000,000 for each of fiscal years 2014 through 2018;

(B) $7,500,000 for each of fiscal years 2019 and 2020; and

(C) $10,000,000 for each of fiscal years 2021 through 2023;

(3) for public involvement and education programs, $3,000,000 for each of fiscal years 2014 through 2023;

(4) to carry out the levee inventory and inspections under section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303), $30,000,000 for each of fiscal years 2014 through 2018;

(5) for grants to State and tribal levee safety programs, $300,000,000 for fiscal years 2014 through 2023; and

(6) for levee rehabilitation assistance grants, $300,000,000 for fiscal years 2014 through 2023.

## TITLE VII—INLAND WATERWAYS

**SEC. 7001. PURPOSES.**

The purposes of this title are—

(1) to improve program and project management relating to the construction and major rehabilitation of navigation projects on inland waterways;

(2) to optimize inland waterways navigation system reliability;

(3) to minimize the size and scope of inland waterways navigation project completion schedules;

(4) to eliminate preventable delays in inland waterways navigation project completion schedules; and

(5) to make inland waterways navigation capital investments through the use of prioritization criteria that seek to maximize systemwide benefits and minimize overall system risk.

**SEC. 7002. DEFINITIONS.**

In this title:

(1) INLAND WATERWAYS TRUST FUND.—The term ''Inland Waterways Trust Fund'' means the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

(2) QUALIFYING PROJECT.—The term ''qualifying project'' means any construction or major rehabilitation project for navigation infrastructure of the inland and intracoastal waterways that is—

(A) authorized before, on, or after the date of enactment of this Act;

(B) not completed on the date of enactment of this Act; and

(C) funded at least in part from the Inland Waterways Trust Fund.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

**SEC. 7003. PROJECT DELIVERY PROCESS REFORMS.**

(a) REQUIREMENTS FOR QUALIFYING PROJECTS.—With respect to each qualifying project, the Secretary shall require—

(1) formal project management training and certification for each project manager;

(2) assignment as project manager only of personnel fully certified by the Chief of Engineers; and

(3) for an applicable cost estimation, that—

(A) the estimation—

(i) is risk-based; and

(ii) has a confidence level of at least 80 percent; and

(B) a risk-based cost estimate shall be implemented—

(i) for a qualified project that requires an increase in the authorized amount in accordance with section 902 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4183), during the preparation of a post-authorization change report or other similar decision document;

(ii) for a qualified project for which the first construction contract has not been awarded, prior to the award of the first construction contract;

(iii) for a qualified project without a completed Chief of Engineers report, prior to the completion of such a report; and

(iv) for a qualified project with a completed Chief of Engineers report that has not yet been authorized, during design for the qualified project.

(b) ADDITIONAL PROJECT DELIVERY PROCESS REFORMS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) establish a system to identify and apply on a continuing basis lessons learned from prior or ongoing qualifying projects to improve the likelihood of on-time and on-budget completion of qualifying projects;

(2) evaluate early contractor involvement acquisition procedures to improve on-time and on-budget project delivery performance; and

(3) implement any additional measures that the Secretary determines will achieve the purposes of this title and the amendments made by this title, including, as the Secretary determines to be appropriate—

(A) the implementation of applicable practices and procedures developed pursuant to management by the Secretary of an applicable military construction program;

(B) the establishment of 1 or more centers of expertise for the design and review of qualifying projects;

(C) the development and use of a portfolio of standard designs for inland navigation locks;

(D) the use of full-funding contracts or formulation of a revised continuing contracts clause; and

(E) the establishment of procedures for recommending new project construction starts using a capital projects business model.

(c) PILOT PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may carry out 1 or more pilot projects to evaluate processes or procedures for the study, design, or construction of qualifying projects.

(2) INCLUSIONS.—At a minimum, the Secretary shall carry out pilot projects under this subsection to evaluate—

(A) early contractor involvement in the development of features and components;

(B) an appropriate use of continuing contracts for the construction of features and components; and

(C) applicable principles, procedures, and processes used for military construction projects.

(d) INLAND WATERWAYS USER BOARD.—Section 302 of the Water Resources Development Act of 1986 (33 U.S.C. 2251) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) DUTIES OF USERS BOARD.—

''(1) IN GENERAL.—The Users Board shall meet not less frequently than semiannually to develop and make recommendations to the Secretary and Congress regarding the inland waterways and inland harbors of the United States.

''(2) ADVICE AND RECOMMENDATIONS.—For commercial navigation features and components of the inland waterways and inland harbors of the United States, the Users Board shall provide—

''(A) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary regarding construction and rehabilitation priorities and spending levels;

''(B) advice and recommendations to Congress regarding any report of the Chief of Engineers relating to those features and components;

''(C) advice and recommendations to Congress regarding an increase in the authorized cost of those features and components;

''(D) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding construction and rehabilitation priorities and spending levels; and

''(E) a long-term capital investment program in accordance with subsection (d).

''(3) PROJECT DEVELOPMENT TEAMS.—The chairperson of the Users Board shall appoint a representative of the Users Board to serve on the project development team for a qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.

''(4) INDEPENDENT JUDGMENT.—Any advice or recommendation made by the Users Board to the Secretary shall reflect the independent judgment of the Users Board.'';

(2) by redesignating subsection (c) as subsection (f); and

(3) by inserting after subsection (b) the following:

''(c) DUTIES OF SECRETARY.—The Secretary shall—

''(1) communicate not less than once each quarter to the Users Board the status of the study, design, or construction of all commercial navigation features or components of the inland waterways or inland harbors of the United States; and

''(2) submit to the Users Board a courtesy copy of all reports of the Chief of Engineers relating to a commercial navigation feature or component of the inland waterways or inland harbors of the United States.

''(d) CAPITAL INVESTMENT PROGRAM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Users Board, shall develop, and submit to Congress a report describing, a 20-year program for making capital investments on the inland and intracoastal waterways, based on the application of objective, national project selection prioritization criteria.

''(2) CONSIDERATION.—In developing the program under paragraph (1), the Secretary shall take into consideration the 20-year capital investment strategy contained in the Inland Marine Transportation System (IMTS) Capital Projects Business Model, Final Report published on April 13, 2010, as approved by the Users Board.

''(3) CRITERIA.—In developing the plan and prioritization criteria under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that investments made under the 20-year program described in paragraph (1)—

''(A) are made in all geographical areas of the inland waterways system; and

''(B) ensure efficient funding of inland waterways projects.

''(4) STRATEGIC REVIEW AND UPDATE.—Not later than 5 years after the date of enactment of this subsection, and not less frequently than once every 5 years thereafter, the Secretary, in conjunction with the Users Board, shall—

''(A) submit to Congress a strategic review of the 20-year program in effect under this subsection, which shall identify and explain any changes to the project-specific recommendations contained in the previous 20-year program (including any changes to the prioritization criteria used to develop the updated recommendations); and

''(B) make such revisions to the program as the Secretary and Users Board jointly consider to be appropriate.

''(e) PROJECT MANAGEMENT PLANS.—The chairperson of the Users Board and the project development team member appointed by the chairperson under subsection (b)(3) shall sign the project management plan for the qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States.''.

**SEC. 7004. MAJOR REHABILITATION STANDARDS.**

Section 205(1)(E)(ii) of the Water Resources Development Act of 1992 (33 U.S.C. 2327(1)(E)(ii)) is amended by striking ''$8,000,000'' and inserting ''$20,000,000''.

**SEC. 7005. INLAND WATERWAYS SYSTEM REVENUES.**

(a) FINDINGS.—Congress finds that—

(1) there are approximately 12,000 miles of Federal waterways, known as the inland waterways system, that are supported by user fees and managed by the Corps of Engineers;

(2) the inland waterways system spans 38 States and handles approximately one-half of all inland waterway freight;

(3) according to the final report of the Inland Marine Transportation System Capital Projects Business Model, freight traffic on the Federal fuel-taxed inland waterways system accounts for 546,000,000 tons of freight each year;

(4) expenditures for construction and major rehabilitation projects on the inland waterways system are equally cost-shared between the Federal Government and the Inland Waterways Trust Fund;

(5) the Inland Waterways Trust Fund is financed through a fee of $0.20 per gallon on fuel used by commercial barges;

(6) the balance of the Inland Waterways Trust Fund has declined significantly in recent years;

(7) according to the final report of the Inland Marine Transportation System Capital Projects Business Model, the estimated financial need for construction and major rehabilitation projects on the inland waterways system for fiscal years 2011 through 2030 is approximately $18,000,000,000; and

(8) users of the inland waterways system are supportive of an increase in the existing revenue sources for inland waterways system construction and major rehabilitation activities to expedite the most critical of those construction and major rehabilitation projects.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the existing revenue sources for inland waterways system construction and rehabilitation activities are insufficient to cover the

costs of non-Federal interests of construction and major rehabilitation projects on the inland waterways system; and

(2) the issue described in paragraph (1) should be addressed.

**SEC. 7006. EFFICIENCY OF REVENUE COLLECTION.**

Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare a report on the efficiency of collecting the fuel tax for the Inland Waterways Trust Fund, which shall include—

(1) an evaluation of whether current methods of collection of the fuel tax result in full compliance with requirements of the law;

(2) whether alternative methods of collection would result in increased revenues into the Inland Waterways Trust Fund; and

(3) an evaluation of alternative collection options.

**SEC. 7007. GAO STUDY, OLMSTED LOCKS AND DAM, LOWER OHIO RIVER, ILLINOIS AND KENTUCKY.**

As soon as practicable after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study to determine why, and to what extent, the project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky (commonly known as the ''Olmsted Locks and Dam project''), authorized by section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013), has exceeded the budget for the project and the reasons why the project failed to be completed as scheduled, including an assessment of—

(1) engineering methods used for the project;

(2) the management of the project;

(3) contracting for the project;

(4) the cost to the United States of benefits foregone due to project delays; and

(5) such other contributory factors as the Comptroller General determines to be appropriate.

**SEC. 7008. OLMSTED LOCKS AND DAM, LOWER OHIO RIVER, ILLINOIS AND KENTUCKY.**

Section 3(a)(6) of the Water Resources Development Act of 1988 (102 Stat. 4013) is amended by striking ''and with the costs of construction'' and all that follows through the period at the end and inserting ''which amount shall be appropriated from the general fund of the Treasury.''.

## TITLE VIII—HARBOR MAINTENANCE

**SEC. 8001. SHORT TITLE.**

This title may be cited as the ''Harbor Maintenance Trust Fund Act of 2013''.

**SEC. 8002. PURPOSES.**

The purposes of this title are—

(1) to ensure that revenues collected into the Harbor Maintenance Trust Fund are used for the intended purposes of those revenues;

(2) to increase investment in the operation and maintenance of United States ports, which are critical for the economic competitiveness of the United States;

(3) to promote equity among ports nationwide;

(4) to ensure United States ports are prepared to meet modern shipping needs, including the capability to receive large ships that require deeper drafts; and

(5) to prevent cargo diversion from United States ports.

**SEC. 8003. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.**

(a) DEFINITIONS.—In this section:

(1) TOTAL BUDGET RESOURCES.—The term ''total budget resources'' means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term ''level of receipts plus interest'' means the level of taxes and interest credited to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection, as determined under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(b) MINIMUM RESOURCES.—

(1) MINIMUM RESOURCES.—

(A) IN GENERAL.—The total budget resources made available to the Secretary from the Harbor Maintenance Trust Fund shall be not less than the lesser of—

(i)(I) for fiscal year 2014, $1,000,000,000;

(II) for fiscal year 2015, $1,100,000,000;

(III) for fiscal year 2016, $1,200,000,000;

(IV) for fiscal year 2017, $1,300,000,000;

(V) for fiscal year 2018, $1,400,000,000; and

(VI) for fiscal year 2019, $1,500,000,000; and

(ii) the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year.

(B) FISCAL YEAR 2020 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2020 and each fiscal year thereafter, the total budget resources made available to the Secretary from the Harbor Maintenance Trust Fund shall be not less than the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year.

(2) USE OF AMOUNTS.—The amounts described in paragraph (1) may be used only for harbor maintenance programs described in section 9505(c) of the Internal Revenue Code of 1986.

(c) IMPACT ON OTHER FUNDS.—

(1) IN GENERAL.—Subject to paragraph (3), subsection (b)(1) shall not apply if providing the minimum resources required under that subsection would result in making the amounts made available for the applicable fiscal year to carry out all programs, projects, and activities of the civil works program of the Corps of Engineers, other than the harbor maintenance programs, to be less than the amounts made available for those purposes in the previous fiscal year.

(2) CALCULATION OF AMOUNTS.—For each fiscal year, the amounts made available to carry out all programs, projects, and activities of the civil works program of the Corps of Engineers shall not include any amounts that are designated by Congress—

(A) as being for emergency requirements pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); or

(B) as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)).

(3) EXCEPTIONS.—Paragraph (1) shall not apply if—

(A) amounts made available for the civil works program of the Corps of Engineers for a fiscal year are less than the amounts made available for the civil works program in the previous fiscal year; and

(B) the reduction in amounts made available—

(i) applies to all discretionary funds and programs of the Federal Government; and

(ii) is applied to the civil works program in the same percentage and manner as other discretionary funds and programs.

**SEC. 8004. HARBOR MAINTENANCE TRUST FUND PRIORITIZATION.**

(a) IN GENERAL.—Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended by adding at the end the following:

''(c) PRIORITIZATION.—

''(1) DEFINITIONS.—In this subsection:

''(A) CONSTRUCTED WIDTH AND DEPTH.—The term 'constructed width and depth' means the depth to which a project has been constructed, which shall not exceed the authorized width and depth of the project.

''(B) GREAT LAKES NAVIGATION SYSTEM.—The term 'Great Lakes Navigation System' includes—

''(i)(I) Lake Superior;

''(II) Lake Huron;

''(III) Lake Michigan;

''(IV) Lake Erie; and

''(V) Lake Ontario;

''(ii) all connecting waters between the lakes referred to in clause (i) used for commercial navigation;

''(iii) any navigation features in the lakes referred to in clause (i) or waters described in clause (ii) that are a Federal operation or maintenance responsibility; and

''(iv) areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.

''(C) HIGH-USE DEEP DRAFT.—

''(i) IN GENERAL.—The term 'high-use deep draft' means a project that has a depth of greater than 14 feet with not less than 10,000,000 tons of cargo annually.

''(ii) EXCLUSION.—The term 'high-use deep draft' does not include a project located in the Great Lakes Navigation System.

''(2) PRIORITY.—Of the amounts made available under this section to carry out projects described in subsection (a)(2) that are in excess of the amounts made available to carry out those projects in fiscal year 2012, the Secretary of the Army, acting through the Chief of Engineers, shall give priority to those projects in the following order:

''(A)(i) In any fiscal year in which all projects subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation) are not maintained to their constructed width and depth, the Secretary shall prioritize amounts made available under this section for those projects that are high-use deep draft and are a priority for navigation in the Great Lakes Navigation System.

''(ii) Of the amounts made available under clause (i)—

''(I) 80 percent shall be used for projects that are high-use deep draft; and

''(II) 20 percent shall be used for projects that are a priority for navigation in the Great Lakes Navigation System.

''(B) In any fiscal year in which all projects identified as high-use deep draft are maintained to their constructed width and depth, the Secretary shall prioritize amounts made available under this section for those projects that are not maintained to the minimum width and depth necessary to provide sufficient clearance for fully loaded commercial vessels using those projects to maneuver safely.

''(C) In any fiscal year in which all projects identified as high-use deep draft are maintained to their constructed width and depth, the Secretary shall prioritize 10 percent of remaining amounts made available under this section for projects—

''(i) that have been maintained at less than their authorized width and depth during the preceding 5 fiscal years; and

''(ii) for which significant State and local investments in infrastructure have been made at those projects.

''(3) ADMINISTRATION.—For purposes of this subsection, State and local investments in infrastructure shall include infrastructure investments made using amounts made available for activities under section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)).

''(4) EXCEPTIONS.—The Secretary may prioritize a project not identified in paragraph (2) if the Secretary determines that funding for the project is necessary to address—

''(A) hazardous navigation conditions; or

''(B) impacts of natural disasters, including storms and droughts.''.

(b) OPERATION AND MAINTENANCE.—Section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)) is amended—

(1) in paragraph (1), by striking ''45 feet'' and inserting ''50 feet''; and

(2) by adding at the end the following:

''(3) OPERATION AND MAINTENANCE ACTIVITIES DEFINED.—

''(A) SCOPE OF OPERATION AND MAINTENANCE ACTIVITIES.—Notwithstanding any other provision of law (including regulations and guidelines) and subject to subparagraph (B), for purposes of this subsection, operation and maintenance activities that are eligible for the Federal cost share under paragraph (1) shall include—

''(i) the dredging of berths in a harbor that is accessible to a Federal channel, if the Federal channel has been constructed to a depth equal to the authorized depth of the channel; and

''(ii) the dredging and disposal of legacy-contaminated sediments and sediments unsuitable for ocean disposal that—

''(I) are located in or affect the maintenance of Federal navigation channels; or

''(II) are located in berths that are accessible to Federal channels.

''(B) LIMITATIONS.—

''(i) IN GENERAL.—For each fiscal year, subject to section 210(c)(2), subparagraph (A) shall only apply—

''(I) to the amounts made available under section 210 to carry out projects described in subsection (a)(2) of that section that are in excess of the amounts made available to carry out those projects in fiscal year 2012; and

''(II) if, in that fiscal year, all projects identified as high-use deep draft (as defined in section 210(c)) are maintained to their constructed width and depth.

''(ii) STATE LIMITATION.—For each fiscal year, the operation and maintenance activities described in subparagraph (A) may only be carried out in a State—

''(I) in which the total amounts collected pursuant to section 4461 of the Internal Revenue Code of 1986 comprise not less than 2.5 percent annually of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986; and

''(II) that received less than 50 percent of the total amounts collected in that State pursuant to section 4461 of the Internal Revenue Code of 1986 in the previous 3 fiscal years.

''(iii) PRIORITIZATION.—In allocating amounts made available under this paragraph, the Secretary shall give priority to projects that have received the lowest amount of funding from the Harbor Maintenance Trust Fund in comparison to the amount of funding contributed to the Harbor Maintenance Trust Fund in the previous 3 fiscal years.

''(iv) MAXIMUM AMOUNT.—The total amount made available in each fiscal year to carry out this paragraph shall not exceed the lesser of—

''(I) amount that is equal to 40 percent of the amounts made available under section 210 to carry out projects described in subsection (a)(2) of that section that are in excess of the amounts made available to carry out those projects in fiscal year 2012; and

''(II) the amount that is equal to 20 percent of the amounts made available under section 210 to carry out projects described in subsection (a)(2) of that section.

''(4) DONOR PORTS AND PORTS CONTRIBUTING TO ENERGY PRODUCTION.—

''(A) DEFINITIONS.—In this paragraph:

''(i) CARGO CONTAINER.—The term 'cargo container' means a cargo container that has an inside volume of not less than 20 feet.

''(ii) ELIGIBLE DONOR PORT.—The term, 'eligible donor port' means a port—

''(I) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

''(II)(aa) at which the total amounts collected pursuant to section 4461 of the Internal Revenue Code of 1986 comprise not less than $15,000,000 annually of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986; and

''(bb) that received less than 25 percent of the total amounts collected at that port pursuant to section 4461 of the Internal Revenue Code of 1986 in the previous 5 fiscal years; and

''(III) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded on to vessels in calendar year 2011.

''(iii) ELIGIBLE ENERGY TRANSFER PORT.—The term 'eligible energy transfer port' means a port—

''(I) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulation (or successor regulation); and

''(II)(aa) at which energy commodities comprised greater than 25 percent of all commercial activity by tonnage in calendar year 2011; and

''(bb) through which more than 40 million tons of cargo were transported in calendar year 2011.

''(iv) ENERGY COMMODITY.—The term 'energy commodity' includes—

''(I) petroleum products;

''(II) natural gas;

''(III) coal;

''(IV) wind and solar energy components; and

''(V) biofuels.

''(B) ADDITIONAL USES.—

''(i) IN GENERAL.—Subject to appropriations, the Secretary may provide to eligible donor ports and eligible energy transfer ports amounts in accordance with clause (ii).

''(ii) LIMITATIONS.—The amounts described in clause (i)—

''(I) made available for eligible energy transfer ports shall be divided equally among all States with an eligible energy transfer port; and

''(II) shall be made available only to a port as either an eligible donor port or an eligible energy transfer port.

''(C) USES.—Amounts provided to an eligible port under this paragraph may only be used by that port—

''(i) to provide payments to importers entering cargo or shippers transporting cargo through an eligible donor port or eligible energy transfer port, as calculated by U.S. Customs and Border Protection;

''(ii) to dredge berths in a harbor that is accessible to a Federal channel;

''(iii) to dredge and dispose of legacy-contaminated sediments and sediments unsuitable for ocean disposal that—

''(I) are located in or affect the maintenance of Federal navigation channels; or

''(II) are located in berths that are accessible to Federal channels; or

''(iv) for environmental remediation related to dredging berths and Federal navigation channels.

''(D) ADMINISTRATION OF PAYMENTS.—If an eligible donor port or eligible energy transfer port elects to provide payments to importers or shippers in accordance with subparagraph (C)(i), the Secretary shall transfer the amounts that would be provided to the port under this paragraph to the Commissioner of U.S. Customs and Border Protection to provide the payments to the importers or shippers.

''(E) AUTHORIZATION OF APPROPRIATIONS.—

''(i) IN GENERAL.—For fiscal years 2014 through 2024, if the total amounts made available from the Harbor Maintenance Trust Fund exceed the total amounts made available from the Harbor Maintenance Trust Fund in fiscal year 2012, there is authorized to be appropriated from the Harbor Maintenance Trust Fund to carry out this paragraph the sum obtained by adding—

''(I) $50,000,000; and

''(II) the amount that is equal to 10 percent of the amounts made available under section 210 to carry out projects described in subsection (a)(2) of that section that are in excess of the amounts made available to carry out those projects in fiscal year 2012.

''(ii) DIVISION BETWEEN ELIGIBLE DONOR PORTS AND ELIGIBLE ENERGY TRANSFER PORTS.—For each fiscal year, amounts made available shall be divided equally between eligible donor ports and eligible energy transfer ports.''.

(c) CONFORMING AMENDMENT.—Section 9505(c)(1) of the Internal Revenue Code of 1986 is amended by striking ''as in effect on the date of the enactment of the Water Resources Development Act of 1996'' and inserting ''as in effect on the date of the enactment of the Harbor Maintenance Trust Fund Act of 2013''.

## TITLE IX—DAM SAFETY

**SEC. 9001. SHORT TITLE.**

This title may be cited as the ''Dam Safety Act of 2013''.

**SEC. 9002. PURPOSE.**

The purpose of this title and the amendments made by this title is to reduce the risks to life and property from dam failure in the United States through the reauthorization of an effective national dam safety program that brings together the expertise and resources of the Federal Government and non-Federal interests in achieving national dam safety hazard reduction.

**SEC. 9003. ADMINISTRATOR.**

(a) IN GENERAL.—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Administrator''.

(b) CONFORMING AMENDMENT.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.''.

**SEC. 9004. INSPECTION OF DAMS.**

Section 3(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467a(b)(1)) is amended by striking ''or maintenance'' and inserting ''maintenance, condition, or provisions for emergency operations''.

**SEC. 9005. NATIONAL DAM SAFETY PROGRAM.**

(a) OBJECTIVES.—Section 8(c) of the National Dam Safety Program Act (33 U.S.C. 467f(c)) is amended by striking paragraph (4) and inserting the following:

''(4) develop and implement a comprehensive dam safety hazard education and public awareness program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents;''.

(b) BOARD.—Section 8(f)(4) of the National Dam Safety Program Act (33 U.S.C. 467f(f)(4))

is amended by inserting '', representatives from nongovernmental organizations,'' after ''State agencies''.

**SEC. 9006. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.**

The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended—

(1) by redesignating sections 11, 12, and 13 as sections 12, 13, and 14, respectively; and

(2) by inserting after section 10 (33 U.S.C. 467g–1) the following:

**''SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.**

''The Administrator, in consultation with other Federal agencies, State and local governments, dam owners, the emergency management community, the private sector, nongovernmental organizations and associations, institutions of higher education, and any other appropriate entities shall carry out a nationwide public awareness and outreach program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents.''.

**SEC. 9007. AUTHORIZATION OF APPROPRIATIONS.**

(a) NATIONAL DAM SAFETY PROGRAM.—

(1) ANNUAL AMOUNTS.—Section 14(a)(1) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking ''$6,500,000'' and all that follows through ''2011'' and inserting ''$9,200,000 for each of fiscal years 2014 through 2018''.

(2) MAXIMUM AMOUNT OF ALLOCATION.—Section 14(a)(2)(B) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(2)(B)) (as so redesignated) is amended—

(A) by striking ''The amount'' and inserting the following:

''(i) IN GENERAL.—The amount''; and

(B) by adding at the end the following:

''(ii) FISCAL YEAR 2014 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2014 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities.''.

(b) NATIONAL DAM INVENTORY.—Section 14(b) of the National Dam Safety Program Act (33 U.S.C. 467j(b)) (as so redesignated) is amended by striking ''$650,000'' and all that follows through ''2011'' and inserting ''$500,000 for each of fiscal years 2014 through 2018''.

(c) PUBLIC AWARENESS.—Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) (as so redesignated) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) PUBLIC AWARENESS.—There is authorized to be appropriated to carry out section 11 $1,000,000 for each of fiscal years 2014 through 2018.''.

(d) RESEARCH.—Section 14(d) of the National Dam Safety Program Act (as so redesignated) is amended by striking ''$1,600,000'' and all that follows through ''2011'' and inserting ''$1,450,000 for each of fiscal years 2014 through 2018''.

(e) DAM SAFETY TRAINING.—Section 14(e) of the National Dam Safety Program Act (as so redesignated) is amended by striking ''$550,000'' and all that follows through ''2011'' and inserting ''$750,000 for each of fiscal years 2014 through 2018''.

(f) STAFF.—Section 14(f) of the National Dam Safety Program Act (as so redesignated) is amended by striking ''$700,000'' and all that follows through ''2011'' and inserting ''$1,000,000 for each of fiscal years 2014 through 2018''.

**TITLE X—INNOVATIVE FINANCING PILOT PROJECTS**

**SEC. 10001. SHORT TITLE.**

This title may be cited as the ''Water Infrastructure Finance and Innovation Act of 2013''.

**SEC. 10002. PURPOSES.**

The purpose of this title is to establish a pilot program to assess the ability of innovative financing tools to—

(1) promote increased development of critical water resources infrastructure by establishing additional opportunities for financing water resources projects that complement but do not replace or reduce existing Federal infrastructure financing tools such as the State water pollution control revolving loan funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12);

(2) attract new investment capital to infrastructure projects that are capable of generating revenue streams through user fees or other dedicated funding sources;

(3) complement existing Federal funding sources and address budgetary constraints on the Corps of Engineers civil works program and existing wastewater and drinking water infrastructure financing programs;

(4) leverage private investment in water resources infrastructure;

(5) align investments in water resources infrastructure to achieve multiple benefits; and

(6) assist communities facing significant water quality, drinking water, or flood risk challenges with the development of water infrastructure projects.

**SEC. 10003. DEFINITIONS.**

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COMMUNITY WATER SYSTEM.—The term ''community water system'' has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

(3) FEDERAL CREDIT INSTRUMENT.—The term ''Federal credit instrument'' means a secured loan or loan guarantee authorized to be made available under this title with respect to a project.

(4) INVESTMENT-GRADE RATING.—The term ''investment-grade rating'' means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to project obligations.

(5) LENDER.—

(A) IN GENERAL.—The term ''lender'' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or a successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)).

(B) INCLUSIONS.—The term ''lender'' includes—

(i) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

(ii) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

(6) LOAN GUARANTEE.—The term ''loan guarantee'' means any guarantee or other pledge by the Secretary or the Administrator to pay all or part of the principal of, and interest on, a loan or other debt obligation issued by an obligor and funded by a lender.

(7) OBLIGOR.—The term ''obligor'' means an eligible entity that is primarily liable for payment of the principal of, or interest on, a Federal credit instrument.

(8) PROJECT OBLIGATION.—

(A) IN GENERAL.—The term ''project obligation'' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project.

(B) EXCLUSION.—The term ''project obligation'' does not include a Federal credit instrument.

(9) RATING AGENCY.—The term ''rating agency'' means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

(10) SECURED LOAN.—The term ''secured loan'' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 10010.

(11) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(12) STATE INFRASTRUCTURE FINANCING AUTHORITY.—The term ''State infrastructure financing authority'' means the State entity established or designated by the Governor of a State to receive a capitalization grant provided by, or otherwise carry out the requirements of, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et. seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(13) SUBSIDY AMOUNT.—The term ''subsidy amount'' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, as calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(14) SUBSTANTIAL COMPLETION.—The term ''substantial completion'', with respect to a project, means the earliest date on which a project is considered to perform the functions for which the project is designed.

(15) TREATMENT WORKS.—The term ''treatment works'' has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

**SEC. 10004. AUTHORITY TO PROVIDE ASSISTANCE.**

(a) IN GENERAL.—The Secretary and the Administrator may provide financial assistance under this title to carry out pilot projects, which shall be selected to ensure a diversity of project types and geographical locations.

(b) RESPONSIBILITY.—

(1) SECRETARY.—The Secretary shall carry out all pilot projects under this title that are eligible projects under section 10007(1).

(2) ADMINISTRATOR.—The Administrator shall carry out all pilot projects under this title that are eligible projects under paragraphs (2), (3), (4), (5), (6), and (8) of section 10007.

(3) OTHER PROJECTS.—The Secretary or the Administrator, as applicable, may carry out eligible projects under paragraph (7) or (9) of section 10007.

**SEC. 10005. APPLICATIONS.**

(a) IN GENERAL.—To receive assistance under this title, an eligible entity shall submit to the Secretary or the Administrator, as applicable, an application at such time, in such manner, and containing such information as the Secretary or the Administrator may require.

(b) COMBINED PROJECTS.—In the case of an eligible project described in paragraph (8) or

(9) of section 10007, the Secretary or the Administrator, as applicable, shall require the eligible entity to submit a single application for the combined group of projects.

**SEC. 10006. ELIGIBLE ENTITIES.**

The following entities are eligible to receive assistance under this title:

(1) A corporation.

(2) A partnership.

(3) A joint venture.

(4) A trust.

(5) A Federal, State, or local governmental entity, agency, or instrumentality.

(6) A tribal government or consortium of tribal governments.

(7) A State infrastructure financing authority.

**SEC. 10007. PROJECTS ELIGIBLE FOR ASSISTANCE.**

The following projects may be carried out with amounts made available under this title:

(1) A project for flood control or hurricane and storm damage reduction that the Secretary has determined is technically sound, economically justified, and environmentally acceptable, including—

(A) a structural or nonstructural measure to reduce flood risk, enhance stream flow, or protect natural resources; and

(B) a levee, dam, tunnel, aqueduct, reservoir, or other related water infrastructure.

(2) 1 or more activities that are eligible for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)), notwithstanding the public ownership requirement under paragraph (1) of that subsection.

(3) 1 or more activities described in section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)).

(4) A project for enhanced energy efficiency in the operation of a public water system or a publicly owned treatment works.

(5) A project for repair, rehabilitation, or replacement of a treatment works, community water system, or aging water distribution or waste collection facility (including a facility that serves a population or community of an Indian reservation).

(6) A brackish or sea water desalination project, a managed aquifer recharge project, or a water recycling project.

(7) Acquisition of real property or an interest in real property—

(A) if the acquisition is integral to a project described in paragraphs (1) through (6); or

(B) pursuant to an existing plan that, in the judgment of the Administrator or the Secretary, as applicable, would mitigate the environmental impacts of water resources infrastructure projects otherwise eligible for assistance under this section.

(8) A combination of projects, each of which is eligible under paragraph (2) or (3), for which a State infrastructure financing authority submits to the Administrator a single application.

(9) A combination of projects secured by a common security pledge, each of which is eligible under paragraph (1), (2), (3), (4), (5), (6), or (7), for which an eligible entity, or a combination of eligible entities, submits a single application.

**SEC. 10008. ACTIVITIES ELIGIBLE FOR ASSISTANCE.**

For purposes of this title, an eligible activity with respect to an eligible project includes the cost of—

(1) development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(2) construction, reconstruction, rehabilitation, and replacement activities;

(3) the acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land), environmental mitigation (including acquisitions pursuant to section 10007(7)), construction contingencies, and acquisition of equipment;

(4) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction; and

(5) refinancing interim construction funding, long-term project obligations, or a secured loan or loan guarantee made under this title.

**SEC. 10009. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.**

(a) ELIGIBILITY REQUIREMENTS.—To be eligible to receive financial assistance under this title, a project shall meet the following criteria, as determined by the Secretary or Administrator, as applicable:

(1) CREDITWORTHINESS.—

(A) IN GENERAL.—Subject to subparagraph (B), the project shall be creditworthy, which shall be determined by the Secretary or the Administrator, as applicable, who shall ensure that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment.

(B) PRELIMINARY RATING OPINION LETTER.—The Secretary or the Administrator, as applicable, shall require each project applicant to provide a preliminary rating opinion letter from at least 1 rating agency indicating that the senior obligations of the project (which may be the Federal credit instrument) have the potential to achieve an investment-grade rating.

(C) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—The Administrator shall develop a credit evaluation process for a Federal credit instrument provided to a State infrastructure financing authority for a project under section 10007(8) or an entity for a project under section 10007(9), which may include requiring the provision of a preliminary rating opinion letter from at least 1 rating agency.

(2) ELIGIBLE PROJECT COSTS.—The eligible project costs of a project shall be reasonably anticipated to be not less than $20,000,000.

(3) DEDICATED REVENUE SOURCES.—The Federal credit instrument for the project shall be repayable, in whole or in part, from dedicated revenue sources that also secure the project obligations.

(4) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project carried out by an entity that is not a State or local government or an agency or instrumentality of a State or local government or a tribal government or consortium of tribal governments, the project shall be publicly sponsored.

(5) LIMITATION.—No project receiving Federal credit assistance under this title may be financed or refinanced (directly or indirectly), in whole or in part, with proceeds of any obligation—

(A) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(B) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(b) SELECTION CRITERIA.—

(1) ESTABLISHMENT.—The Secretary or the Administrator, as applicable, shall establish criteria for the selection of projects that meet the eligibility requirements of subsection (a), in accordance with paragraph (2).

(2) CRITERIA.—The selection criteria shall include the following:

(A) The extent to which the project is nationally or regionally significant, with respect to the generation of economic and public benefits, such as—

(i) the reduction of flood risk;

(ii) the improvement of water quality and quantity, including aquifer recharge;

(iii) the protection of drinking water; and

(iv) the support of international commerce.

(B) The extent to which the project financing plan includes public or private financing in addition to assistance under this title.

(C) The likelihood that assistance under this title would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

(D) The extent to which the project uses new or innovative approaches.

(E) The amount of budget authority required to fund the Federal credit instrument made available under this title.

(F) The extent to which the project—

(i) protects against extreme weather events, such as floods or hurricanes; or

(ii) helps maintain or protect the environment.

(G) The extent to which a project serves regions with significant energy exploration, development, or production areas.

(H) The extent to which a project serves regions with significant water resource challenges, including the need to address—

(i) water quality concerns in areas of regional, national, or international significance;

(ii) water quantity concerns related to groundwater, surface water, or other water sources;

(iii) significant flood risk;

(iv) water resource challenges identified in existing regional, State, or multistate agreements; or

(v) water resources with exceptional recreational value or ecological importance.

(I) The extent to which assistance under this title reduces the contribution of Federal assistance to the project.

(3) SPECIAL RULE FOR CERTAIN COMBINED PROJECTS.—For a project described in section 10007(8), the Administrator shall only consider the criteria described in subparagraphs (B) through (I) of paragraph (2).

(c) FEDERAL REQUIREMENTS.—Nothing in this section supersedes the applicability of other requirements of Federal law (including regulations).

**SEC. 10010. SECURED LOANS.**

(a) AGREEMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Secretary or the Administrator, as applicable, may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

(A) to finance eligible project costs of any project selected under section 10009;

(B) to refinance interim construction financing of eligible project costs of any project selected under section 10009; or

(C) to refinance long-term project obligations or Federal credit instruments, if that refinancing provides additional funding capacity for the completion, enhancement, or expansion of any project that—

(i) is selected under section 10009; or

(ii) otherwise meets the requirements of section 10009.

(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A secured loan under paragraph (1) shall not be used to refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the applicable project.

(3) FINANCIAL RISK ASSESSMENT.—Before entering into an agreement under this subsection for a secured loan, the Secretary or the Administrator, as applicable, in consultation with the Director of the Office of

Management and Budget and each rating agency providing a preliminary rating opinion letter under section 10009(a)(1)(B), shall determine an appropriate capital reserve subsidy amount for the secured loan, taking into account each such preliminary rating opinion letter.

(4) INVESTMENT-GRADE RATING REQUIREMENT.—The execution of a secured loan under this section shall be contingent on receipt by the senior obligations of the project of an investment-grade rating.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—A secured loan provided for a project under this section shall be subject to such terms and conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits), as the Secretary or the Administrator, as applicable, determines to be appropriate.

(2) MAXIMUM AMOUNT.—The amount of a secured loan under this section shall not exceed the lesser of—

(A) an amount equal to 49 percent of the reasonably anticipated eligible project costs; and

(B) if the secured loan does not receive an investment-grade rating, the amount of the senior project obligations of the project.

(3) PAYMENT.—A secured loan under this section—

(A) shall be payable, in whole or in part, from State or local taxes, user fees, or other dedicated revenue sources that also secure the senior project obligations of the relevant project;

(B) shall include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

(C) may have a lien on revenues described in subparagraph (A), subject to any lien securing project obligations.

(4) INTEREST RATE.—The interest rate on a secured loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

(5) MATURITY DATE.—

(A) IN GENERAL.—The final maturity date of a secured loan under this section shall be not later than 35 years after the date of substantial completion of the relevant project.

(B) SPECIAL RULE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—The final maturity date of a secured loan to a State infrastructure financing authority under this section shall be not later than 35 years after the date on which amounts are first disbursed.

(6) NONSUBORDINATION.—A secured loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor of the project.

(7) FEES.—The Secretary or the Administrator, as applicable, may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this section may be used to pay any non-Federal share of project costs required if the loan is repayable from non-Federal funds.

(9) MAXIMUM FEDERAL INVOLVEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for each project for which assistance is provided under this title, the total amount of Federal assistance shall not exceed 80 percent of the total project cost.

(B) EXCEPTION.—Subparagraph (A) shall not apply to any rural water project—

(i) that is authorized to be carried out by the Secretary of the Interior;

(ii) that includes among its beneficiaries a federally recognized Indian tribe; and

(iii) for which the authorized Federal share of the total project costs is greater than the amount described in subparagraph (A).

(c) REPAYMENT.—

(1) SCHEDULE.—The Secretary or the Administrator, as applicable, shall establish a repayment schedule for each secured loan provided under this section, based on the projected cash flow from project revenues and other repayment sources.

(2) COMMENCEMENT.—

(A) IN GENERAL.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

(B) SPECIAL RULE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—Scheduled loan repayments of principal or interest on a secured loan to a State infrastructure financing authority under this title shall commence not later than 5 years after the date on which amounts are first disbursed.

(3) DEFERRED PAYMENTS.—

(A) AUTHORIZATION.—If, at any time after the date of substantial completion of a project for which a secured loan is provided under this section, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary or the Administrator, as applicable, subject to subparagraph (C), may allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the secured loan.

(C) CRITERIA.—

(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting such criteria as the Secretary or the Administrator, as applicable, may establish.

(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.

(4) PREPAYMENT.—

(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay a secured loan under this section without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—A secured loan under this section may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

(d) SALE OF SECURED LOANS.—

(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after the date of substantial completion of a project and after providing a notice to the obligor, the Secretary or the Administrator, as applicable, may sell to another entity or reoffer into the capital markets a secured loan for a project under this section, if the Secretary or the Administrator, as applicable, determines that the sale or reoffering can be made on favorable terms.

(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary or the Administrator, as applicable, may not change the original terms and conditions of the secured loan without the written consent of the obligor.

(e) LOAN GUARANTEES.—

(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may provide a loan guarantee to a lender in lieu of making a secured loan under this section, if the Secretary or the Administrator, as applicable, determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

(2) TERMS.—The terms of a loan guarantee provided under this subsection shall be consistent with the terms established in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary or the Administrator, as applicable.

**SEC. 10011. PROGRAM ADMINISTRATION.**

(a) REQUIREMENT.—The Secretary or the Administrator, as applicable, shall establish a uniform system to service the Federal credit instruments made available under this title.

(b) FEES.—

(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may collect and spend fees, contingent on authority being provided in appropriations Acts, at a level that is sufficient to cover—

(A) the costs of services of expert firms retained pursuant to subsection (d); and

(B) all or a portion of the costs to the Federal Government of servicing the Federal credit instruments provided under this title.

(c) SERVICER.—

(1) IN GENERAL.—The Secretary or the Administrator, as applicable, may appoint a financial entity to assist the Secretary or the Administrator in servicing the Federal credit instruments provided under this title.

(2) DUTIES.—A servicer appointed under paragraph (1) shall act as the agent for the Secretary or the Administrator, as applicable.

(3) FEE.—A servicer appointed under paragraph (1) shall receive a servicing fee, subject to approval by the Secretary or the Administrator, as applicable.

(d) ASSISTANCE FROM EXPERTS.—The Secretary or the Administrator, as applicable, may retain the services, including counsel, of organizations and entities with expertise in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments provided under this title.

(e) APPLICABILITY OF OTHER LAWS.—Section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) applies to the construction of a project carried out, in whole or in part, with assistance made available through a Federal credit instrument under this title in the same manner that section applies to a treatment works for which a grant is made available under that Act.

**SEC. 10012. STATE, TRIBAL, AND LOCAL PERMITS.**

The provision of financial assistance for project under this title shall not—

(1) relieve any recipient of the assistance of any obligation to obtain any required State, local, or tribal permit or approval with respect to the project;

(2) limit the right of any unit of State, local, or tribal government to approve or regulate any rate of return on private equity invested in the project; or

(3) otherwise supersede any State, local, or tribal law (including any regulation) applicable to the construction or operation of the project.

**SEC. 10013. REGULATIONS.**

The Secretary or the Administrator, as applicable, may promulgate such regulations as the Secretary or Administrator determines to be appropriate to carry out this title.

**SEC. 10014. FUNDING.**

(a) IN GENERAL.—There is authorized to be appropriated to each of the Secretary and

the Administrator to carry out this title $50,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.

(b) ADMINISTRATIVE COSTS.—Of the funds made available to carry out this title, the Secretary or the Administrator, as applicable, may use for the administration of this title, including for the provision of technical assistance to aid project sponsors in obtaining the necessary approvals for the project, not more than $2,200,000 for each of fiscal years 2014 through 2018.

**SEC. 10015. REPORT TO CONGRESS.**

Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary or the Administrator, as applicable, shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report summarizing for the projects that are receiving, or have received, assistance under this title—

(1) the financial performance of those projects, including a recommendation as to whether the objectives of this title are being met; and

(2) the public benefit provided by those projects, including, as applicable, water quality and water quantity improvement, the protection of drinking water, and the reduction of flood risk.

## TITLE XI—EXTREME WEATHER

**SEC. 11001. STUDY ON RISK REDUCTION.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall enter into an arrangement with the National Academy of Sciences to carry out a study and make recommendations relating to infrastructure and coastal restoration options for reducing risk to human life and property from extreme weather events, such as hurricanes, coastal storms, and inland flooding.

(b) CONSIDERATIONS.—The study under subsection (a) shall include—

(1) an analysis of strategies and water resources projects, including authorized water resources projects that have not yet been constructed, and other projects implemented in the United States and worldwide to respond to risk associated with extreme weather events;

(2) an analysis of historical extreme weather events and the ability of existing infrastructure to mitigate risks associated with those events;

(3) identification of proven, science-based approaches and mechanisms for ecosystem protection and identification of natural resources likely to have the greatest need for protection, restoration, and conservation so that the infrastructure and restoration projects can continue safeguarding the communities in, and sustaining the economy of, the United States;

(4) an estimation of the funding necessary to improve infrastructure in the United States to reduce risk associated with extreme weather events;

(5) an analysis of the adequacy of current funding sources and the identification of potential new funding sources to finance the necessary infrastructure improvements referred to in paragraph (3); and

(6) an analysis of the Federal, State, and local costs of natural disasters and the potential cost-savings associated with implementing mitigation measures.

(c) COORDINATION.—The National Academy of Sciences may cooperate with the National Academy of Public Administration to carry out 1 or more aspects of the study under subsection (a).

(d) PUBLICATION.—Not later than 30 days after completion of the study under subsection (a), the National Academy of Sciences shall—

(1) submit a copy of the study to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) make a copy of the study available on a publicly accessible Internet site.

**SEC. 11002. GAO STUDY ON MANAGEMENT OF FLOOD, DROUGHT, AND STORM DAMAGE.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a study of the strategies used by the Corps of Engineers for the comprehensive management of water resources in response to floods, storms, and droughts, including an historical review of the ability of the Corps of Engineers to manage and respond to historical drought, storm, and flood events.

(b) CONSIDERATIONS.—The study under subsection (a) shall address—

(1) the extent to which existing water management activities of the Corps of Engineers can better meet the goal of addressing future flooding, drought, and storm damage risks, which shall include analysis of all historical extreme weather events that have been recorded during the previous 5 centuries as well as in the geological record;

(2) whether existing water resources projects built or maintained by the Corps of Engineers, including dams, levees, floodwalls, flood gates, and other appurtenant infrastructure were designed to adequately address flood, storm, and drought impacts and the extent to which the water resources projects have been successful at addressing those impacts;

(3) any recommendations for approaches for repairing, rebuilding, or restoring infrastructure, land, and natural resources that consider the risks and vulnerabilities associated with past and future extreme weather events;

(4) whether a reevaluation of existing management approaches of the Corps of Engineers could result in greater efficiencies in water management and project delivery that would enable the Corps of Engineers to better prepare for, contain, and respond to flood, storm, and drought conditions;

(5) any recommendations for improving the planning processes of the Corps of Engineers to provide opportunities for comprehensive management of water resources that increases efficiency and improves response to flood, storm, and drought conditions; and

(6) any recommendations for improving approaches to rebuilding or restoring infrastructure and natural resources that contribute to risk reduction, such as coastal wetlands, to prepare for flood and drought.

**SEC. 11003. POST-DISASTER WATERSHED ASSESSMENTS.**

(a) WATERSHED ASSESSMENTS.—

(1) IN GENERAL.—In an area that the President has declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may carry out a watershed assessment to identify, to the maximum extent practicable, specific flood risk reduction, hurricane and storm damage reduction, or ecosystem restoration project recommendations that will help to rehabilitate and improve the resiliency of damaged infrastructure and natural resources to reduce risks to human life and property from future natural disasters.

(2) EXISTING PROJECTS.—A watershed assessment carried out paragraph (1) may identify existing projects being carried out under 1 or more of the authorities referred to in subsection (b) (1).

(3) DUPLICATE WATERSHED ASSESSMENTS.—In carrying out a watershed assessment under paragraph (1), the Secretary shall use all existing watershed assessments and related information developed by the Secretary or other Federal, State, or local entities.

(b) PROJECTS.—

(1) IN GENERAL.—The Secretary may carry out 1 or more small projects identified in a watershed assessment under subsection (a) that the Secretary would otherwise be authorized to carry out under—

(A) section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s);

(B) section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i);

(C) section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(D) section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a);

(E) section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577); or

(F) section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

(2) EXISTING PROJECTS.—In carrying out a project under paragraph (1), the Secretary shall—

(A) to the maximum extent practicable, use all existing information and studies available for the project; and

(B) not require any element of a study completed for the project prior to the disaster to be repeated.

(c) REQUIREMENTS.—All requirements applicable to a project under the Acts described in subsection (b) shall apply to the project.

(d) LIMITATIONS ON ASSESSMENTS.—

(1) IN GENERAL.—A watershed assessment under subsection (a) shall be initiated not later than 2 years after the date on which the major disaster declaration is issued.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out a watershed assessment under subsection (a) shall not exceed $1,000,000.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2014 through 2018.

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**SA 800.** Mr. BLUNT (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Redesignate sections 11001, 11002, and 11003 as sections 11002, 11003, and 11004, respectively.

At the beginning of title XI, insert the following:

**SEC. 11001. DEFINITION OF RESILIENT CONSTRUCTION TECHNIQUE.**

In this title, the term ''resilient construction technique'' means a construction method that—

(1) allows a property—

(A) to resist hazards brought on by a major disaster; and

(B) to continue to provide the primary functions of the property after a major disaster;

(2) reduces the magnitude or duration of a disruptive event to a property; and

(3) has the absorptive capacity, adaptive capacity, and recoverability to withstand a potentially disruptive event.

In section 11002(b) (as redesignated), strike paragraph (2) and insert the following:

(2) an analysis of—

(A) historical extreme weather events;

(B) the ability of existing infrastructure to mitigate risks associated with extreme weather events; and

(C) the reduction in long-term costs and vulnerability to infrastructure through the use of resilient construction techniques.

In section 11003(b)(5) (as redesignated), strike the ''and'' at the end.

In section 11003(b) (as redesignated) redesignate paragraph (6) as paragraph (7).

In section 1003(b) (as redesignated), insert after paragraph (5) the following:

(6) any recommendations on the use of resilient construction techniques to reduce future vulnerability from flood, storm, and drought conditions; and

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**SA 801.** Mr. PRYOR (for himself, Mr. INHOFE, Mrs. FISCHER, Ms. LANDRIEU, Mr. JOHANNS, and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE XII—MISCELLANEOUS**

**SEC. 12001. APPLICABILITY OF SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.**

(a) DEFINITIONS.—In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) FARM.—The term ''farm'' has the meaning given the term in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(3) GALLON.—The term ''gallon'' means a United States liquid gallon.

(4) OIL.—The term ''oil'' has the meaning given the term in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(5) OIL DISCHARGE.—The term ''oil discharge'' has the meaning given the term ''discharge'' in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(6) REPORTABLE OIL DISCHARGE HISTORY.—The term ''reportable oil discharge history'' has the meaning used to describe ''reportable discharge history'' in section 112.7(k)(1) of title 40, Code of Federal Regulations (or successor regulations).

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

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

(1) require certification of compliance with the rule by—

(A) a professional engineer for a farm with—

(i) an individual tank with an aboveground storage capacity greater than 10,000 gallons;

(ii) an aggregate aboveground storage capacity greater than or equal to 42,000 gallons; or

(iii) a reportable oil discharge history; or

(B) the owner or operator of the farm (via self-certification) for a farm with—

(i) an aggregate aboveground storage capacity greater than 10,000 gallons but less than 42,000 gallons; and

(ii) no reportable oil discharge history of oil; and

(2) exempt from all requirements of the rule any farm—

(A) with an aggregate aboveground storage capacity of less than or equal to 10,000 gallons; and

(B) no reportable oil discharge history.

(c) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For purposes of subsection (b), the aggregate aboveground storage capacity of a farm excludes—

(1) all containers on separate parcels that have a capacity that is 1,000 gallons or less; and

(2) all containers holding animal feed ingredients approved for use in livestock feed by the Commissioner of Food and Drugs.

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**SA 802.** Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 20____. DELAY IN FLOOD INSURANCE RATE CHANGES.**

(a) IN GENERAL.—Any change in risk premium rates for flood insurance under the National Flood Insurance Program under the amendments made by sections 100205 and 100207 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 917) to sections 1307 and 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014, 4015) shall not take effect until the date that is 180 days after the date on which the Administrator of the Federal Emergency Management Agency submits the report on affordability under section 100236(c) of the Biggert-Waters Flood Insurance Reform Act of 2012.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect as if enacted as part of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 916).

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**SA 803.** Mr. WHITEHOUSE (for himself, Mr. ROCKEFELLER, Mr. NELSON, Mr. BLUMENTHAL, Ms. CANTWELL, Ms. COLLINS, and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE XII—NATIONAL ENDOWMENT FOR THE OCEANS**

**SEC. 12001. SHORT TITLE.**

This title may be cited as the ''National Endowment for the Oceans Act''.

**SEC. 12002. PURPOSES.**

The purposes of this title are to protect, conserve, restore, and understand the oceans, coasts, and Great Lakes of the United States, ensuring present and future generations will benefit from the full range of ecological, economic, educational, social, cultural, nutritional, and recreational opportunities and services these resources are capable of providing.

**SEC. 12003. DEFINITIONS.**

In this title:

(1) COASTAL SHORELINE COUNTY.—The term ''coastal shoreline county'' has the meaning given the term by the Administrator of the Federal Emergency Management Agency for purposes of administering the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

(2) COASTAL STATE.—The term ''coastal State'' has the meaning given the term ''coastal state'' in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) CORPUS.—The term ''corpus'', with respect to the Endowment fund, means an amount equal to the Federal payments to such fund, amounts contributed to the fund from non-Federal sources, and appreciation from capital gains and reinvestment of income.

(4) ENDOWMENT.—The term ''Endowment'' means the endowment established under subsection (a).

(5) ENDOWMENT FUND.—The term ''Endowment fund'' means a fund, or a tax-exempt foundation, established and maintained pursuant to this title by the Foundation for the purposes described in section 12004(a).

(6) FOUNDATION.—The term ''Foundation'' means the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(a)).

(7) INCOME.—The term ''income'', with respect to the Endowment fund, means an amount equal to the dividends and interest accruing from investments of the corpus of such fund.

(8) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(10) TIDAL SHORELINE.—The term ''tidal shoreline'' has the meaning given that term pursuant to section 923.110(c)(2)(i) of title 15, Code of Federal Regulations, or a similar successor regulation.

**SEC. 12004. NATIONAL ENDOWMENT FOR THE OCEANS.**

(a) ESTABLISHMENT.—The Secretary and the Foundation are authorized to establish the National Endowment for the Oceans as a permanent Endowment fund, in accordance with this section, to further the purposes of this title and to support the programs established under this title.

(b) AGREEMENTS.—The Secretary and the Foundation may enter into such agreements as may be necessary to carry out the purposes of this title.

(c) DEPOSITS.—There shall be deposited in the Fund, which shall constitute the assets of the Fund, amounts as follows:

(1) Amounts appropriated or otherwise made available to carry out this title.

(2) Amounts earned through investment under subsection (d).

(d) INVESTMENTS.—The Foundation shall invest the Endowment fund corpus and income for the benefit of the Endowment.

(e) REQUIREMENTS.—Any amounts received by the Foundation pursuant to this title shall be subject to the provisions of the National Fish and Wildlife Establishment Act (16 U.S.C. 3701 et seq.), except the provisions of section 10(a) of that Act (16 U.S.C. 3709(a)).

(f) WITHDRAWALS AND EXPENDITURES.—

(1) ALLOCATION OF FUNDS.—Each fiscal year, the Foundation shall, in consultation with the Secretary, allocate an amount equal to not less than 3 percent and not more than 7 percent of the corpus of the Endowment fund and the income generated from the Endowment fund from the current fiscal year.

(2) EXPENDITURE.—Except as provided in paragraph (3), of the amounts allocated under paragraph (1) for each fiscal year—

(A) at least 59 percent shall be used by the Foundation to award grants to coastal States under section 12006(b);

(B) at least 39 percent shall be allocated by the Foundation to award grants under section 12006(c); and

(C) no more than 2 percent may be used by the Secretary and the Foundation for administrative expenses to carry out this title, which amount shall be divided between the Secretary and the Foundation pursuant to an agreement reached and documented by both the Secretary and the Foundation.

(3) PROGRAM ADJUSTMENTS.—

(A) IN GENERAL.—In any fiscal year in which the amount described in subparagraph (B) is less than $100,000,000, the Foundation, in consultation with the Secretary, may elect not to use any of the amounts allocated under paragraph (1) for that fiscal year to award grants under section 12006(b).

(B) DETERMINATION AMOUNT.—The amount described in this subparagraph for a fiscal year is the amount that is equal to the sum of—

(i) the amount that is 5 percent of the corpus of the Endowment fund; and

(ii) the aggregate amount of income the Foundation expects to be generated from the Endowment fund in that fiscal year.

(g) RECOVERY OF PAYMENTS.—After notice and an opportunity for a hearing, the Secretary is authorized to recover any Federal payments under this section if the Foundation—

(1) makes a withdrawal or expenditure of the corpus of the Endowment fund or the income of the Endowment fund that is not consistent with the requirements of section 12005; or

(2) fails to comply with a procedure, measure, method, or standard established under section 12006(a)(1).

**SEC. 12005. ELIGIBLE USES.**

(a) IN GENERAL.—Amounts in the Endowment may be allocated by the Foundation to support programs and activities intended to restore, protect, maintain, or understand living marine resources and their habitats and ocean, coastal, and Great Lakes resources, including baseline scientific research, ocean observing, and other programs and activities carried out in coordination with Federal and State departments or agencies, that are consistent with Federal environmental laws and that avoid environmental degradation, including the following:

(1) Ocean, coastal, and Great Lakes restoration and protection, including the protection of the environmental integrity of such areas, and their related watersheds, including efforts to mitigate potential impacts of sea level change, changes in ocean chemistry, and changes in ocean temperature.

(2) Restoration, protection, or maintenance of living ocean, coastal, and Great Lakes resources and their habitats, including marine protected areas and riparian migratory habitat of coastal and marine species.

(3) Planning for and managing coastal development to enhance ecosystem integrity or minimize impacts from sea level change and coastal erosion.

(4) Analyses of current and anticipated impacts of ocean acidification and assessment of potential actions to minimize harm to ocean, coastal, and Great Lakes ecosystems.

(5) Analyses of, and planning for, current and anticipated uses of ocean, coastal, and Great Lakes areas.

(6) Regional, subregional, or site-specific management efforts designed to manage, protect, or restore ocean, coastal, and Great Lakes resources and ecosystems.

(7) Research, assessment, monitoring, observation, modeling, and sharing of scientific information that contribute to the understanding of ocean, coastal, and Great Lakes ecosystems and support the purposes of this title.

(8) Efforts to understand better the processes that govern the fate and transport of petroleum hydrocarbons released into the marine environment from natural and anthropogenic sources, including spills.

(9) Efforts to improve spill response and preparedness technologies.

(10) Acquiring property or interests in property in coastal and estuarine areas, if such property or interest is acquired in a manner that will ensure such property or interest will be administered to support the purposes of this title.

(11) Protection and relocation of critical coastal public infrastructure affected by erosion or sea level change.

(b) MATCHING REQUIREMENT.—An amount from the Endowment may not be allocated to fund a project or activity described in paragraph (10) or (11) of subsection (a) unless non-Federal contributions in an amount equal to 30 percent or more of the cost of such project or activity is made available to carry out such project or activity.

(c) CONSIDERATIONS FOR GREAT LAKES STATES.—Programs and activities funded in Great Lakes States shall also seek to attain the goals embodied in the Great Lakes Restoration Initiative Plan, the Great Lakes Regional Collaboration Strategy, the Great Lakes Water Quality Agreement, or other collaborative planning efforts of the Great Lakes Region.

(d) PROHIBITION ON USE OF FUNDS FOR LITIGATION.—No funds made available under this title may be used to fund litigation over any matter.

**SEC. 12006. GRANTS.**

(a) ADMINISTRATION OF GRANTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Foundation shall establish the following:

(A) Application and review procedures for the awarding of grants under this section, including requirements ensuring that any amounts awarded under such subsections may only be used for an eligible use described under section 12005.

(B) Approval procedures for the awarding of grants under this section that require consultation with the Secretary of Commerce and the Secretary of the Interior.

(C) Eligibility criteria for awarding grants—

(i) under subsection (b) to coastal States; and

(ii) under subsection (c) to entities including States, Indian tribes, regional bodies, associations, non-governmental organizations, and academic institutions.

(D) Performance accountability and monitoring measures for programs and activities funded by a grant awarded under subsection (b) or (c).

(E) Procedures and methods to ensure accurate accounting and appropriate administration grants awarded under this section, including standards of record keeping.

(F) Procedures to carry out audits of the Endowment as necessary, but not less frequently than once every 5 years.

(G) Procedures to carry out audits of the recipients of grants under this section.

(2) APPROVAL PROCEDURES.—

(A) SUBMITTAL.—The Foundation shall submit to the Secretary each procedure, measure, method, and standard established under paragraph (1).

(B) DETERMINATION AND NOTICE.—Not later than 90 days after receiving the procedures, measures, methods, and standards under subparagraph (A), the Secretary shall—

(i) determine whether to approve or disapprove of such procedures, measures, methods, and standards; and

(ii) notify the Foundation of such determination.

(C) JUSTIFICATION OF DISAPPROVAL.—If the Secretary disapproves of the procedures, measures, methods, and standards under subparagraph (B), the Secretary shall include in notice submitted under clause (ii) of such subparagraph the rationale for such disapproval.

(D) RESUBMITTAL.—Not later than 30 days after the Foundation receives notification under subparagraph (B)(ii) that the Secretary has disapproved the procedures, measures, methods, and standards, the Foundation shall revise such procedures, measures, methods, and standards and submit such revised procedures, measures, methods, and standards to the Secretary.

(E) REVIEW OF RESUBMITTAL.—Not later than 30 days after receiving revised procedures, measures, methods, and standards resubmitted under subparagraph (D), the Secretary shall—

(i) determine whether to approve or disapprove the revised procedures, measures, methods, and standards; and

(ii) notify the Foundation of such determination.

(b) GRANTS TO COASTAL STATES.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), the Foundation shall award grants of amounts allocated under section 12004(e)(2)(A) to eligible coastal States, based on the following formula:

(A) Fifty percent of the funds are allocated equally among eligible coastal States.

(B) Twenty-five percent of the funds are allocated on the basis of the ratio of tidal shoreline miles in a coastal State to the tidal shoreline miles of all coastal States.

(C) Twenty-five percent of the funds are allocated on the basis of the ratio of population density of the coastal shoreline counties of a coastal State to the population density of all coastal shoreline counties.

(2) ELIGIBLE COASTAL STATES.—For purposes of paragraph (1), an eligible coastal State includes—

(A) a coastal State that has a coastal management program approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(B) during the period beginning on the date of the enactment of this Act and ending on December 31, 2018, a coastal State that had, during the period beginning January 1, 2008, and ending on the date of the enactment of this Act, a coastal management program approved as described in subparagraph (A).

(3) MAXIMUM ALLOCATION TO STATES.—Notwithstanding paragraph (1), not more than 10 percent of the total funds distributed under this subsection may be allocated to any single State. Any amount exceeding this limit shall be redistributed among the remaining States according to the formula established under paragraph (1).

(4) MAXIMUM ALLOCATION TO CERTAIN GEOGRAPHIC AREAS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), each geographic area described in subparagraph (B) may not receive more than 1 percent of the total funds distributed under this subsection. Any amount exceeding this

limit shall be redistributed among the remaining States according to the formula established under paragraph (1).

(B) GEOGRAPHIC AREAS DESCRIBED.—The geographic areas described in this subparagraph are the following:

(i) American Samoa.

(ii) The Commonwealth of the Northern Mariana Islands.

(iii) Guam.

(iv) Puerto Rico.

(v) The Virgin Islands.

(5) REQUIREMENT TO SUBMIT PLANS.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, a coastal State shall submit to the Secretary, and the Secretary shall review, a 5-year plan, which shall include the following:

(i) A prioritized list of goals the coastal State intends to achieve during the time period covered by the 5-year plan.

(ii) Identification and general descriptions of existing State projects or activities that contribute to realization of such goals, including a description of the entities conducting those projects or activities.

(iii) General descriptions of projects or activities, consistent with the eligible uses described in section 12005, applicable provisions of law relating to the environment, and existing Federal ocean policy, that could contribute to realization of such goals.

(iv) Criteria to determine eligibility for entities which may receive grants under this subsection.

(v) A description of the competitive process the coastal State will use in allocating funds received from the Endowment, except in the case of allocating funds under paragraph (7), which shall include—

(I) a description of the relative roles in the State competitive process of the State coastal zone management program approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and any State Sea Grant Program; and

(II) a demonstration that such competitive process is consistent with the application and review procedures established by the Foundation under subsection (a)(1).

(B) UPDATES.—As a condition of receiving a grant under this subsection, a coastal State shall submit to the Secretary, not less frequently than once every 5 years, an update to the plan submitted by the coastal State under subparagraph (A) for the 5-year period immediately following the most recent submittal under this paragraph.

(6) OPPORTUNITY FOR PUBLIC COMMENT.—In determining whether to approve a plan or an update to a plan described in subparagraph (A) or (B) of paragraph (5), the Secretary shall provide the opportunity for, and take into consideration, public input and comment on the plan.

(7) APPROVAL PROCEDURE.—

(A) IN GENERAL.—Not later than 30 days after the opportunity for public comment on a plan or an update to a plan of a coastal State under paragraph (6), the Secretary shall notify such coastal State that the Secretary—

(i) approves the plan as submitted; or

(ii) disapproves the plan as submitted.

(B) DISAPPROVAL.—If the Secretary disapproves a proposed plan or an update of a plan submitted under subparagraph (A) or (B) of paragraph (5), the Secretary shall provide notice of such disapproval to the submitting coastal State in writing, and include in such notice the rationale for the Secretary's decision.

(C) RESUBMITTAL.—If the Secretary disapproves a plan of a coastal State under subparagraph (A), the coastal State shall resubmit the plan to the Secretary not later than 30 days after receiving the notice of disapproval under subparagraph (B).

(D) REVIEW OF RESUBMITTAL.—Not later than 60 days after receiving a plan resubmitted under subparagraph (C), the Secretary shall review the plan.

(8) INDIAN TRIBES.—As a condition on receipt of a grant under this subsection, a State that receives a grant under this subsection shall ensure that Indian tribes in the State are eligible to participate in the competitive process described in the State's plan under paragraph (5)(A)(v).

(c) NATIONAL GRANTS FOR OCEANS, COASTS, AND GREAT LAKES.—

(1) IN GENERAL.—The Foundation may use amounts allocated under section 12004(e)(2)(B) to award grants according to the procedures established in subsection (a) to support activities consistent with section 12005.

(2) ADVISORY PANEL.—

(A) IN GENERAL.—The Foundation shall establish an advisory panel to conduct reviews of applications for grants under paragraph (1) and the Foundation shall consider the recommendations of the Advisory Panel with respect to such applications.

(B) MEMBERSHIP.—The advisory panel established under subparagraph (A) shall include persons representing a balanced and diverse range, as determined by the Foundation, of—

(i) ocean, coastal, and Great Lakes dependent industries;

(ii) geographic regions;

(iii) nonprofit conservation organizations with a mission that includes the conservation and protection of living marine resources and their habitats; and

(iv) academic institutions with strong scientific or technical credentials and experience in marine science or policy.

**SEC. 12007. ANNUAL REPORT.**

(a) REQUIREMENT FOR ANNUAL REPORT.—Beginning with fiscal year 2014, not later than 60 days after the end of each fiscal year, the Foundation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Endowment during the fiscal year.

(b) CONTENT.—Each annual report submitted under subsection (a) for a fiscal year shall include—

(1) a statement of the amounts deposited in the Endowment and the balance remaining in the Endowment at the end of the fiscal year; and

(2) a description of the expenditures made from the Endowment for the fiscal year, including the purpose of the expenditures.

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**SA 804.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. ANNUAL REPORT ON AMMUNITION.**

(a) DEFINITION.—In this section, the term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(b) ANNUAL REPORT.—Except as provided in subsection (c), not later than December 31, 2013, and before each December 31 thereafter, each agency shall submit to Congress a report on—

(1) the number of firearms and types of firearms purchased or otherwise acquired by the agency during the previous fiscal year;

(2) the number of rounds of ammunition and the type of ammunition purchased by the agency during the previous fiscal year;

(3) the number of firearms owned by the agency that were stolen, lost, or unaccounted for during the previous fiscal year; and

(4) the number of firearms possessed by the agency at the end of the previous fiscal year.

(c) NATIONAL SECURITY EXCEPTION.—Subsection (b) shall not apply to the Department of Defense or the Central Intelligence Agency, if the Secretary of Defense or the Director of the Central Intelligence Agency—

(1) submits to Congress a detailed explanation of why reporting of the information described in subsection (b) would harm national security; and

(2) upon request, makes the information described in subsection (b) available to the relevant congressional oversight committees in a classified format.

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**SA 805.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 20____. PROTECTING AMERICANS FROM VIOLENT CRIME.**

(a) FINDINGS.—Congress finds that—

(1) the Second Amendment of the Constitution provides that ''the right of the people to keep and bear arms shall not be infringed'';

(2) section 327.13 of title 36, Code of Federal Regulations provides that, except in special circumstances, ''possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited'' at water resources development projects administered by the Secretary;

(3) the regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the Second Amendment rights of the individuals while at the water resources development projects; and

(4) Federal laws should make it clear that the Second Amendment rights of an individual at a water resources development project should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS AT WATER RESOURCES DEVELOPMENT PROJECTS.—The Secretary shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under part 327 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

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**SA 806.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which

was ordered to lie on the table; as follows:

In section 2012, strike subsection (b) and insert the following:

(b) APPLICABILITY.—Section 2003(e) of the Water Resources Development Act of 2007 (42 U.S.C. 1962d–5b) is amended—

(1) by inserting '', or construction of design deficiency corrections on the project,'' after ''construction on the project''; and

(2) by inserting '', or under which construction of the project has not been completed and the work to be performed by the non-Federal interests has not been carried out and is creditable only toward any remaining non-Federal cost share,'' after ''has not been initiated''.

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**SA 807.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. APPLICABILITY OF PROPOSED RULE ON IMPACT ANALYSES OF FISH AND WILDLIFE HABITAT.**

The proposed rule of the United States Fish and Wildlife Service entitled ''Endangered and Threatened Wildlife and Plants; Revisions to the Regulations for Impact Analyses of Critical Habitat'' (77 Fed. Reg. 51503-51510 (August 24, 2012)) shall have no force or effect.

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**SA 808.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In section 1003, redesignate subsection (c) as subsection (d) and insert after subsection (b) the following:

(c) HIGH COST PROJECTS.—If the cost of a project carried out under this section exceeds 400 percent of the authorized cost of the project, the Comptroller General of the United States shall—

(1) conduct an assessment of the reasons for the excess costs; and

(2) submit to Congress a recommendation for continued authorization or deauthorization of the project.

In section 11003(c), strike ''All'' and insert the following:

(1) IN GENERAL.—All

At the end of section 11003(c), add the following:

(2) HIGH COST PROJECTS.—If the cost of a project carried out under this section exceeds 400 percent of the authorized cost of the project and the benefit-cost ratio requirement was waived for the project, a benefit-cost ratio shall be calculated for the project, and included in the assessment required under section 1003(c), using the most recent available data.

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**SA 809.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE _____—REINS ACT**

**SEC. _01. SHORT TITLE.**

This title may be cited as the ''Regulations From the Executive in Need of Scrutiny Act of 2013'' or the ''REINS Act''.

**SEC. _02. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) Section 1 of article I of the United States Constitution grants all legislative powers to Congress.

(2) Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes.

(3) By requiring a vote in Congress, the REINS Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the people of the United States for the laws imposed upon them.

(b) PURPOSE.—The purpose of this title is to increase accountability for and transparency in the Federal regulatory process.

**SEC. _03. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**

Chapter 8 of title 5, United States Code, is amended to read as follows:

**''CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING**



**''§ 801. Congressional review**

''(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of Congress and to the Comptroller General a report containing—

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule;

''(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

''(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

''(v) the proposed effective date of the rule.

''(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

''(i) a complete copy of the cost-benefit analysis of the rule, if any;

''(ii) the actions of the agency pursuant to sections 603, 604, 605, 607, and 609 of title 5, United States Code;

''(iii) the actions of the agency pursuant to sections 1532, 1533, 1534, and 1535 of title 2, United States Code; and

''(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

''(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of compliance by the agency with procedural steps required by paragraph (1)(B).

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

''(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

''(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

''(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

''(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to any statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, sections 802 and 803 shall apply, in the succeeding session of Congress, to any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

''(A) in the case of the Senate, 60 session days before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session; or

''(B) in the case of the House of Representatives, 60 legislative days before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session.

''(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register on—

''(I) in the case of the Senate, the 15th session day after the succeeding session of Congress first convenes; or

''(II) in the case of the House of Representatives, the 15th legislative day after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

**''§ 802. Congressional approval procedure for major rules**

''(a)(1) For purposes of this section, the term 'joint resolution' means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

''(A) bears no preamble;

''(B) bears the following title: 'Approving the rule submitted by _____ relating to _____.' (The blank spaces being appropriately filled in);

''(C) includes after its resolving clause only the following: 'That Congress approves the rule submitted by _____ relating to _____.' (The blank spaces being appropriately filled in); and

''(D) is introduced pursuant to paragraph (2).

''(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or the designee of the majority leader) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

''(A) in the case of the House of Representatives, within 3 legislative days; and

''(B) in the case of the Senate, within 3 session days.

''(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

''(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

''(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the House of Representatives, if the committee or committees to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee or committees shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for not fewer than 5 legislative days to call up the joint resolution for immediate consideration in the House without intervention of any point of order. When so called up, a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

''(f)(1) For purposes of this subsection, the term 'identical joint resolution' means a joint resolution of the first House that proposes to approve the same major rule as a joint resolution of the second House.

''(2) If the second House receives from the first House a joint resolution, the Chair shall determine whether the joint resolution is an identical joint resolution.

''(3) If the second House receives an identical joint resolution—

''(A) the identical joint resolution shall not be referred to a committee; and

''(B) the procedure in the second House shall be the same as if no joint resolution had been received from the first house, except that the vote on final passage shall be on the identical joint resolution.

''(4) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

''(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

''(h) This section and section 803 are enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

**''§ 803. Congressional disapproval procedure for nonmajor rules**

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the nonmajor rule submitted by the _____ relating to _____, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in).

''(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(2) For purposes of this section, the term 'submission or publication date' means the later of the date on which—

''(A) the Congress receives the report submitted under section 801(a)(1); or

''(B) the nonmajor rule is published in the Federal Register, if so published.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution

shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

''(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

''(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

**''§ 804. Definitions**

''For purposes of this chapter—

''(1) the term 'Federal agency' means any agency as that term is defined in section 551(1);

''(2) the term 'major rule' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

''(A) an annual effect on the economy of $100,000,000 or more;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

''(3) the term 'nonmajor rule' means any rule that is not a major rule; and

''(4) the term 'rule' has the meaning given such term in section 551, except that such term does not include—

''(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

''(B) any rule relating to agency management or personnel; or

''(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

**''§ 805. Judicial review**

''(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

''(c) The enactment of a joint resolution of approval under section 802 shall not—

''(1) be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule;

''(2) extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule; and

''(3) form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

**''§ 806. Exemption for monetary policy**

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

**''§ 807. Effective date of certain rules**

''Notwithstanding section 801—

''(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

''(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.''.

**SEC. __04. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.**

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)) is amended by adding at the end the following:

''(E) Any rules subject to the congressional approval procedure set forth in section 802 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.''.

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**SA 810.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE XII—MISCELLANEOUS**

**SECTION 12001. SHORT TITLE.**

This title may be cited as the ''Defense of Environment and Property Act of 2013''.

**SEC. 12002. NAVIGABLE WATERS.**

(a) IN GENERAL.—Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by striking paragraph (7) and inserting the following:

''(7) NAVIGABLE WATERS.—

''(A) IN GENERAL.—The term 'navigable waters' means the waters of the United States, including the territorial seas, that are—

''(i) navigable-in-fact; or

''(ii) permanent, standing, or continuously flowing bodies of water that form geographical features commonly known as streams, oceans, rivers, and lakes that are connected to waters that are navigable-in-fact.

''(B) EXCLUSIONS.—The term 'navigable waters' does not include (including by regulation)—

''(i) waters that—

''(I) do not physically abut waters described in subparagraph (A); and

''(II) lack a continuous surface water connection to navigable waters;

''(ii) man-made or natural structures or channels—

''(I) through which water flows intermittently or ephemerally; or

''(II) that periodically provide drainage for rainfall; or

''(iii) wetlands without a continuous surface connection to bodies of water that are waters of the United States.

''(C) EPA AND CORPS ACTIVITIES.—An activity carried out by the Administrator or the Corps of Engineers shall not, without explicit State authorization, impinge upon the traditional and primary power of States over land and water use.

''(D) AGGREGATION; WETLANDS.—

''(i) AGGREGATION.—Aggregation of wetlands or waters not described in clauses (i) through (iii) of subparagraph (B) shall not be used to determine or assert Federal jurisdiction.

''(ii) WETLANDS.—Wetlands described in subparagraph (B)(iii) shall not be considered to be under Federal jurisdiction.

''(E) JUDICIAL REVIEW.—If a jurisdictional determination by the Administrator or the Secretary of the Army would affect the ability of a State or individual property owner to plan the development and use (including restoration, preservation, and enhancement) of land and water resources, the State or individual property owner may obtain expedited judicial review not later than 30 days after the date on which the determination is made in a district court of the United States, of appropriate jurisdiction and venue, that is located within the State seeking the review.

''(F) TREATMENT OF GROUND WATER.—Ground water shall—

''(i) be considered to be State water; and

''(ii) not be considered in determining or asserting Federal jurisdiction over isolated or other waters, including intermittent or ephemeral water bodies.

''(G) PROHIBITION ON USE OF NEXUS TEST.—Notwithstanding any other provision of law, the Administrator may not use a significant nexus test (as used by EPA in the proposed document listed in section 3(a)(1)) to determine Federal jurisdiction over navigable waters and waters of the United States.''.

(b) APPLICABILITY.—Nothing in this section or the amendments made by this section affects or alters any exemption under—

(1) section 402(l) of the Federal Water Pollution Control Act (33 U.S.C. 1342(l)); or

(2) section 404(f) of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)).

**SEC. 12003. APPLICABILITY OF AGENCY REGULATIONS AND GUIDANCE.**

(a) IN GENERAL.—The following regulations and guidance shall have no force or effect:

(1) The final rule of the Corps of Engineers entitled ''Final Rule for Regulatory Programs of the Corps of Engineers'' (51 Fed. Reg. 41206 (November 13, 1986)).

(2) The proposed rule of the Environmental Protection Agency entitled ''Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of 'Waters of the United States' '' (68 Fed. Reg. 1991 (January 15, 2003)).

(3) The guidance document entitled ''Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in 'Rapanos v. United States' & 'Carabell v. United States' '' (December 2, 2008) (relating to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)).

(4) Any subsequent regulation of or guidance issued by any Federal agency that defines or interprets the term ''navigable waters''.

(b) PROHIBITION.—The Secretary of the Army, acting through the Chief of Engineers, and the Administrator of the Environmental Protection Agency shall not promulgate any rules or issue any guidance that expands or interprets the definition of navigable waters unless expressly authorized by Congress.

**SEC. 12004. STATE REGULATION OF WATER.**

Nothing in this title affects, amends, or supersedes—

(1) the right of a State to regulate waters in the State; or

(2) the duty of a landowner to adhere to any State nuisance laws (including regulations) relating to waters in the State.

**SEC. 12005. CONSENT FOR ENTRY BY FEDERAL REPRESENTATIVES.**

Section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1318) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) ENTRY BY FEDERAL AGENCY.—A representative of a Federal agency shall only enter private property to collect information about navigable waters if the owner of that property—

''(A) has consented to the entry in writing;

''(B) is notified regarding the date of the entry; and

''(C) is given access to any data collected from the entry.

''(2) ACCESS.—If a landowner consents to entry under paragraph (1), the landowner shall have the right to be present at the time any data collection on the property of the landowner is carried out.''.

**SEC. 12006. COMPENSATION FOR REGULATORY TAKING.**

(a) IN GENERAL.—If a Federal regulation relating to the definition of navigable waters or waters of the United States diminishes the fair market value or economic viability of a property, as determined by an independent appraiser, the Federal agency issuing the regulation shall pay the affected property owner an amount equal to twice the value of the loss.

(b) ADMINISTRATION.—Any payment provided under subsection (a) shall be made from the amounts made available to the relevant agency head for general operations of the agency.

(c) APPLICABILITY.—A Federal regulation described in subsection (a) shall have no force or effect until the date on which each landowner with a claim under this section relating to that regulation has been compensated in accordance with this section.

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**SA 811.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. 5011. RELEASE OF USE RESTRICTIONS.**

Notwithstanding any other provision of law, the Tennessee Valley Authority shall, in a manner it considers appropriate and without need for further congressional approval, grant releases from real estate restrictions established pursuant to section 4(k)(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c(k)(b)) with respect to tracts of land identified in section 4(k)(b) of that Act.

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**SA 812.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 578, after line 10, add the following:

**TITLE XII—MISCELLANEOUS**

**SEC. 12001. REMOVAL OF FAT POCKETBOOK PEARLY MUSSEL FROM THE LIST OF ENDANGERED OR THREATENED SPECIES.**

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(b) REMOVAL.—Not later than 30 days after the date of enactment of this section, the Secretary shall remove from the list of endangered or threatened species under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)) the fat pocketbook pearly mussel.

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**SA 813.** Mr. BROWN (for himself, Mr. TOOMEY, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 601, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. 50____. MULTIAGENCY EFFORT TO SLOW THE SPREAD OF ASIAN CARP IN THE UPPER MISSISSIPPI RIVER AND OHIO RIVER BASINS AND TRIBUTARIES.**

(a) MULTIAGENCY EFFORT TO SLOW THE SPREAD OF ASIAN CARP IN THE UPPER MISSISSIPPI AND OHIO RIVER BASINS AND TRIBUTARIES.—

(1) IN GENERAL.—The Director of the United States Fish and Wildlife Service, in coordination with the Chief of Engineers, the Director of the National Park Service, and the Director of the United States Geological Survey, shall lead a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries by providing high-level technical assistance, coordination, best practices, and support to State and local governments in carrying out activities designed to slow, and eventually eliminate, the threat posed by Asian carp.

(2) BEST PRACTICES.—To the maximum extent practicable, the multiagency effort shall apply lessons learned and best practices such as those described in the document prepared by the Asian Carp Working Group entitled ''Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States'', and dated November 2007, and the document prepared by the Asian Carp Regional Coordinating Committee entitled ''FY 2012 Asian Carp Control Strategy Framework'' and dated February 2012.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than December 31 of each year, the Director of the United States Fish and Wildlife Service, in coordination with the Chief of Engineers, shall submit to the Committee on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Appropriations and the Committee on Environmental and Public Works of the Senate a report describing the coordinated strategies established and progress made toward goals to control and eliminate Asian carp in the Upper Mississippi and Ohio River basins and tributaries.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) any observed changes in the range of Asian carp in the Upper Mississippi and Ohio River basins and tributaries during the 2-year period preceding submission of the report;

(B) a summary of Federal agency efforts, including cooperative efforts with non-Federal partners, to control the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries;

(C) any research that the Director determines could improve the ability to control the spread of Asian carp;

(D) any quantitative measures that Director intends to use to document progress in controlling the spread of Asian carp; and

(E) a cross-cut accounting of Federal and non-Federal expenditures to control the spread of Asian carp.

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## NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, May 8, 2013, at 4 p.m. in room 430 of the Dirksen Senate Office Building to mark up the nomination of Thomas E. Perez, to be Secretary of Labor.

For further information regarding this meeting, please contact the Committee at (202) 224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, May 9, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Pharmaceutical Compounding: Proposed Legislative Solution.''

For further information regarding this meeting, please contact Emily Schlichting of the committee staff on (202) 224–6840

COMMITTEE ON VETERANS' AFFAIRS

Mr. SANDERS. Mr. President, I wish to announce that the Committee on Veterans' Affairs will meet on Thursday, May 9, 2013, at 10 a.m., to conduct a hearing entitled ''Pending Health Care Legislation.''

For further information regarding this meeting, please contact Jeff Johnson at the Veterans' Affairs Committee at (202 224–6478.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, May 16, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Pending Nominations to the National Labor Relations Board.''

For further information regarding this meeting, please contact Anna Porto of the committee staff on (202) 224–5441.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 7, 2013, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 7, 2013, at 10:15 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 7, 2013, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 7, 2013, at 10 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 7, 2013, at 10:30 a.m. to conduct a hearing entitled ''Border Security: Examining Provisions in the Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744).''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 7, 2013, at 2:30 p.m.

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

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 7, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, ''Credit Reports: What Accuracy and Errors Mean for Consumers.''

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Forces be authorized to meet during the session of the Senate on May 7, 2013, at 2:30 p.m.

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

JOINT COMMITTEE ON THE LIBRARY

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Joint Committee on the Library be authorized to meet during the session of the Senate on May 7, 2013, at 10 a.m.

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

## NOTICE: PUBLIC FINANCIAL DISCLOSURE REPORTS

The filing date for the 2012 Public Financial Disclosure reports is Wednesday, May 15, 2013. Senators, political fund designees and staff members whose salaries exceed 120% of the GS–15 pay scale must file reports.

Public Financial Disclosure reports should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

The PRESIDING OFFICER. The Senator from Ohio.

## PRODUCTION OF NATIONAL BASEBALL HALL OF FAME COMMEMORATIVE COINS

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1071, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1071) to specify the size of the precious-metal blanks that will be used in the production of the National Baseball Hall of Fame commemorative coins.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Madam President, I ask unanimous consent that the bill be read three times and passed; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The bill (H.R. 1071) was ordered to a third reading, was read the third time, and passed.

## COMMEMORATING THE 10-YEAR ANNIVERSARY OF THE LOSS OF THE STATE SYMBOL OF NEW HAMPSHIRE

Mr. BROWN. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 127.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 127) commemorating the 10-year anniversary of the loss of the State symbol of New Hampshire, the Old Man of the Mountain.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 127) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of April 25, 2013, under ''Submitted Resolutions.'')

## NATIONAL PHYSICAL EDUCATION AND SPORT WEEK

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 130, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 130) designating the week of May 1 through May 7, 2013, as ''National Physical Education and Sport Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 130) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## MEASURE READ THE FIRST TIME—S. 888

Mr. BROWN. Madam President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

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

Mr. BROWN. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive a second reading on the next legislative day.

## AUTHORITY TO APPOINT ESCORT COMMITTEE

Mr. BROWN. Madam President, I ask the President of the Senate be authorized to appoint a committee on the part of the Senate to join a like committee on the part of the House of Representatives to escort Her Excellency Park Geun-hye, the President of South Korea, into the House Chamber for the joint meeting at 10:30 a.m., Wednesday, May 8, 2013.

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

## ORDERS FOR WEDNESDAY, MAY 8, 2013

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, May 8; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; further, that at 10 a.m. the Senate recess for the joint meeting of Congress with the President of the Republic of Korea until 11:30 a.m.; that when the Senate reconvenes, the Senate resume consideration of S. 601, the Water Resources Development Act, under the previous order.

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

## PROGRAM

Mr. BROWN. Senators should gather in the Senate Chamber at 10 a.m. tomorrow to proceed as a body to the House for the joint meeting of Congress.

There will be three rollcall votes at 2 o'clock in relation to amendments to WRDA.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Wednesday, May 8, 2013, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. PAUL A. GROSKLAGS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. SCOTT H. SWIFT

DEPARTMENT OF TRANSPORTATION

ANTHONY RENARD FOXX, OF NORTH CAROLINA, TO BE SECRETARY OF TRANSPORTATION, VICE RAY LAHOOD.

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL FROMAN, OF NEW YORK, TO BE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, VICE RONALD KIRK, RESIGNED.

FEDERAL HOUSING FINANCE AGENCY

MELVIN L. WATT, OF NORTH CAROLINA, TO BE DIRECTOR OF THE FEDERAL HOUSING FINANCE AGENCY FOR A TERM OF FIVE YEARS. (NEW POSITION)

## CONFIRMATION

Executive nomination confirmed by the Senate May 7, 2013:

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

DAVID MEDINE, OF MARYLAND, TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2018.