amendment No. 82 intended to be proposed to H.R. 933, a bill making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes.

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 82 intended to be proposed to H.R. 933, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. BARRASSO, and Mr. MERKLEY):

S. 562. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, I am honored to join my colleague from Wyoming, Senator JOHN BARRASSO, in introducing a bill essential to enhancing the delivery of mental health services to our senior citizens, The Seniors Mental Health Access Improvement Act.

Currently, there are limitations on the types of mental health practitioners who may be reimbursed for services in the Medicare program. Our legislation permits mental health counselors and marriage and family therapists to bill Medicare for their services, and it pays them at the rate of clinical social workers. With this legislation, seniors will have more opportunities as part of their Medicare benefit to access professional mental health counseling assistance.

Throughout the United States there are approximately 77 million older adults living in 3,000 so-called ''mental health profession shortage areas.'' Moreover, 50 percent of rural counties have no practicing psychiatrists or psychologists. Seniors living in these areas will be the primary beneficiaries of our efforts.

Mental health counselors and marriage and family therapists are often the only mental health providers in some communities, and yet presently they are not recognized as covered providers within the Medicare program. These therapists have equivalent or greater training, education and practice rights as some existing provider groups that can bill for their services through Medicare.

Additionally, other government agencies, including The National Health Service Corps, the Veteran's Administration and TRICARE, already recognize these mental health professionals and reimburse for their services. We need to utilize the skills of these providers and ensure that seniors have access to them. These professionals play a critical role in the delivery of our Nation's mental health care.

In Oregon, the passage of this legislation will focus the talents of over 2,000 additional qualified providers on the mental health issues of one of our most vulnerable populations. This represents a commonsense approach to relieving a persistent and chronic healthcare workforce shortage.

Finally, I commend our mental health professionals nationwide, for their dedicated work and efforts, and I encourage passage of this legislation.

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. 562

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 ''Seniors Mental Health Access Improvement Act of 2013''.

SEC. 2. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES UNDER PART B OF THE MEDICARE PROGRAM.

(a) COVERAGE OF SERVICES.—

(1) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(A) in subparagraph (EE), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (FF), by inserting ''and'' after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

''(GG) marriage and family therapist services (as defined in subsection (iii)(1)) and mental health counselor services (as defined in subsection (iii)(3));''.

(2) DEFINITIONS.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Marriage and Family Therapist Services; Marriage and Family Therapist; Mental Health Counselor Services; Mental Health Counselor

''(iii)(1) The term 'marriage and family therapist services' means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as an incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

''(2) The term 'marriage and family therapist' means an individual who—

''(A) possesses a master's or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

''(B) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy; and

''(C) in the case of an individual performing services in a State that provides for licensure or certification of marriage and family therapists, is licensed or certified as a marriage and family therapist in such State.

''(3) The term 'mental health counselor services' means services performed by a mental health counselor (as defined in paragraph (4)) for the diagnosis and treatment of mental illnesses which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

''(4) The term 'mental health counselor' means an individual who—

''(A) possesses a master's or doctor's degree in mental health counseling or a related field;

''(B) after obtaining such a degree has performed at least 2 years of supervised mental health counselor practice; and

''(C) in the case of an individual performing services in a State that provides for licensure or certification of mental health counselors or professional counselors, is licensed or certified as a mental health counselor or professional counselor in such State.''.

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

''(v) marriage and family therapist services (as defined in section 1861(iii)(1)) and mental health counselor services (as defined in section 1861(iii)(3));''.

(4) AMOUNT OF PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395*l*(a)(1)) is amended—

(A) by striking ''and (Z)'' and inserting ''(Z)''; and

(B) by inserting before the semicolon at the end the following: '', and (AA) with respect to marriage and family therapist services and mental health counselor services under section 1861(s)(2)(GG), the amounts paid shall be 80 percent of the lesser of the actual charge for the services or 75 percent of the amount determined for payment of a psychologist under subparagraph (L)''.

(5) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting ''marriage and family therapist services (as defined in section 1861(iii)(1)), mental health counselor services (as defined in section 1861(iii)(3)),'' after ''qualified psychologist services,''.

(6) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clauses:

''(vii) A marriage and family therapist (as defined in section 1861(iii)(2)).

''(viii) A mental health counselor (as defined in section 1861(iii)(4)).''.

(b) COVERAGE OF CERTAIN MENTAL HEALTH SERVICES PROVIDED IN CERTAIN SETTINGS.—

(1) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking ''or by a clinical social worker (as defined in subsection (hh)(1))'' and inserting '', by a clinical social worker (as defined in subsection (hh)(1)), by a marriage and family therapist (as defined in subsection (iii)(2)), or by a mental health counselor (as defined in subsection (iii)(4))''.

(2) HOSPICE PROGRAMS.—Section 1861(dd)(2)(B)(i)(III) of the Social Security Act (42 U.S.C. 1395x(dd)(2)(B)(i)(III)) is

amended by inserting '', marriage and family therapist, or mental health counselor'' after ''social worker''.

(c) AUTHORIZATION OF MARRIAGE AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS TO DEVELOP DISCHARGE PLANS FOR POST-HOSPITAL SERVICES.—Section 1861(ee)(2)(G) of the Social Security Act (42 U.S.C. 1395x(ee)(2)(G)) is amended by inserting '', including a marriage and family therapist and a mental health counselor who meets qualification standards established by the Secretary'' before the period at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services furnished on or after January 1, 2014

By Ms. MURKOWSKI:

S. 564. A bill to amend the Federal Power Act to remove the authority of the Federal Energy Commission to collect land use fees for land that has been sold, exchanged, or otherwise transferred from Federal ownership but that is subject to a power site reservation; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, we often hear refrains of the need to make government policies more fair, clear, or simple—especially when these policies involve the collection of fees or taxes. Today I rise to introduce legislation to fix an inherently unfair policy by prohibiting the Federal Energy Regulatory Commission from charging land-use fees for hydropower projects that are no longer located on Federal land.

FERC is responsible for licensing private, municipal and state hydropower projects. Pursuant to the Federal Power Act, the Commission is authorized to collect fees from project owners for those hydro projects located on Federal lands. The rationale behind these land-use fees is to recompense the United States for the ''use, occupancy, or enjoyment'' of its Federal lands. The Federal Government is, in some sense, a landlord for these types of projects, and can collect just and reasonable rent from its tenants. The current level of these rents is a separate issue but today I am focused on how a technicality in Federal law allows the government to continue to collect land-use fees even when the land at issue has been transferred out of Federal ownership. Under current law, if the Federal Government sold the land underneath a hydropower project to the operator, or transferred it into state ownership, FERC can continue to assess full land use fees against the operator. This untenable situation is like a landlord continuing to collect rent from a tenant even after the tenant buys the house outright.

While the inherent unfairness of such a scenario is clear, the statutory and regulatory web that has created this snare is extremely complex. In addition to allowing for the collection of Federal land-use fees, the Federal Power Act also contains a section regarding Power Site Classifications, or PSCs. A PSC attaches to the land when a preliminary hydropower license application is made, and entitles the government, or its designees, to enter the associated land and develop a hydropower project if some other person or operation is occupying it. These classifications are similar to easements, in that they permanently attach to the title of the lands. The purpose of PSCs is to make sure that hydropower can be developed in the limited number of areas on Federal land that are suitable, and furthermore that once such an area is identified by a preliminary application, that the site is not then diverted to an alternate use.

However, FERC has interpreted the statutory fee collection provisions to give these PSCs another affect that is not in keeping with this purpose—to charge land-use fees from existing hydropower operators in cases where the Federal Government no longer owns the land. In such a case, there is no need for a PSC to preserve the hydropower value of land as it is already being used for power production. Nor is the Federal Government somehow missing out on other beneficial uses of the land, because it no longer owns the land at issue.

When I first learned of this issue, I asked FERC for a list of the hydropower projects for which it was collecting these PSC-based Federal land-use fees. I also asked the Department of the Interior, which maintains our Federal lands, for assistance. Unfortunately it appears that the government has not been diligent in keeping track of which projects are located on lands that have since been transferred away from Federal ownership as neither agency was able to produce a list of impacted projects.

Consequently, my staff attempted to survey the number of affected projects by consulting with both the National Hydropower Association and the Alaska Power Association. This search identified 15 possible projects subject to these PSC land use fee collections—11 of which are located in my home State of Alaska. While some may dismiss these fees as being relatively minor, I can tell you that these annual Federal fees for land not even owned by the Federal Government can represent a significant hardship for my constituents.

The bill I am introducing today would put a halt to this kind of fee collection. It simply says that when FERC is making fee determinations, it cannot take PSCs into account. Therefore, the only land that the Federal Government will be able to collect ''use, occupancy, and enjoyment'' fees for is land that it actually owns. I hope all of my colleagues can agree this treatment is a fair resolution of the issue and I ask for their support.

By Mr. DURBIN:

S. 565. A bill to provide for the safe and reliable navigation of the Mississippi River, and for other purposes; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, I rise today to discuss two bills I am introducing—one to maintain navigation on the Mississippi River during extreme weather and the second, to improve the Nation's water infrastructure, including locks and dams on the Mississippi and Illinois Rivers.

For many of us, last year's low water event on the Mississippi River is still fresh in our minds. We came close to economic catastrophe when ongoing drought conditions in the Midwest led to the lowest water levels seen on the Mississippi River since World War II and threatened to disrupt the movement of billions of dollars in goods on the river. At the height of the crisis at the end of 2012, Waterways Council and the American Waterways Operators estimated that up to $7 billion in goods could be effected by a river closure from December to January.

The worst conditions for navigation were near Thebes, IL, in a stretch of river referred to as the Middle Mississippi. It begins at the confluence of the Missouri River and ends at Cairo, IL where the Ohio and Mississippi Rivers merge. The natural bends and twists of the river here combined with naturally occurring rock formations on the river bed make this stretch particularly difficult to navigate during periods of extreme low water. To pass, barges were forced to carry lighter loads than normal, reducing efficiency and costing them money.

Only through better than expected rainfall, Congress pushing the Army Corps to expedite removal of rock pinnacles at Thebes, and some creative reservoir management was the river able to stay open and the worst case scenarios able to be avoided this time. For the Corps' part, it was an amazing fete and they should be commended for their successful efforts.

But we know from Hurricane Katrina to Sandy, from severe flooding on the Mississippi River in 2011 to the historic low water in 2012, extreme weather seems to be the new normal—becoming more frequent and more severe.

The Mississippi River Navigation Sustainment Act seeks to make government and commercial navigation users better prepared for the next extreme weather event that threatens navigation. I am pleased that Representatives BILL ENYART and RODNEY DAVIS are introducing companion legislation in the House.

The bill authorizes the Corps to conduct a study to better coordinate management of the entire Mississippi River Basin during periods of extreme weather. This will ensure that the U.S. Army Corps of Engineers takes into account the effect the entire basin has on navigation and flood control efforts on the Mississippi River.

The Mississippi River Basin is the third largest watershed in the world and covers more than 40 percent of the contiguous United States. It doesn't take a PhD in hydrology to know that what happens on other systems in the

watershed affects the Mississippi River and activities on it.

This bill will also improve river forecasting capabilities through the increased use of tools like sedimentation ranges and the deployment of additional automated river gages on he Mississippi and its tributaries. During the latest low water event, many of the manual gages—sometimes literally lines painted on bridges—became unusable because the water was so low. Improving the ability to accurately forecast and provide information on current river conditions will help barge operators and shippers who have to make long term business decisions based on this information. Operators leaving Minnesota need to know that when they get to Thebes, river conditions will allow them to pass.

The bill will also provide flexibility to the Army Corps to conduct certain operations outside of the authorized channel if such action is deemed necessary to maintaining commercial navigation. This authority would be used to maintain access to loading docks and other critical infrastructure during periods of low water. In addition, it will allow the Corps to better assist the Coast Guard in managing traffic on the river during low water events by providing areas for barge operators to moor their vessels farther away from the navigation channel, leading to increased safety and greater ability to keep the navigation channel clear.

Finally, recognizing that the Mississippi River is a vital natural resource, this bill will create an environmental pilot program in the Middle Mississippi River. This will give the Army Corps the authority to restore and protect fish and wildlife habitat in this portion of the river while conducting activities to maintain navigation.

Also key to maintaining navigation and commerce on the Mississippi and other inland waterways, is continued investment in water infrastructure.

For example, the locks and dams on the upper Mississippi River and Illinois Rivers, built in the 30's and 40's, are aging, making the risk of failure an ever increasing prospect. In addition, the lock chambers are too small to accommodate today's standard barge configuration helping lead to an average delay of more than 4 hours for passing vessels.

That is why I worked with my colleagues in Missouri and Iowa in the 2007 Water Resources and Development Act to authorize the Navigation and Ecosystem Sustainability Program which would expand and modernize these locks while restoring the ecosystem on the Upper Mississippi.

Modernizing these locks means safer, more reliable, and drastically more efficient navigation. Operators and shippers alike would benefit—barge companies could maximize efficiency while Illinois farmers and others could reliably get their products to market.

Unfortunately, under current project delivery processes and Federal fiscal realities, the first benefits of this modernization are not expected to be felt by the navigation industry before 2047. And that was before sequestration. Between sequestration and the continuing resolution being debates on the Senate floor now, the Corps' construction budget for fiscal year 13 would be cut by approximately $80 million. Even before all of that, the Corps estimated a project backlog of approximately $60 billion.

It is clear we need a new model—one that speeds up the process of planning and constructing these projects in the face of an often slow bureaucratic process and brings to the table greater private investment while the Federal Government is cutting back.

That is what Senator KIRK and I are proposing with the Water Infrastructure Now Public-Private Partnership Act. I am proud that Representatives BUSTOS and DAVIS have introduced companion legislation in the House.

The bill will create a pilot program to allow the Army Corps of Engineers to enter into agreements with non-federal partners using new and creative models to finance and construct up to 15 previously-authorized flood damage reduction, hurricane and storm damage reduction, and navigation projects.

I am hopeful that this program will provide a way to maintain our investments in important water infrastructure projects even as we face severe fiscal restraints by creating a greater opportunity for private interests to come to the table.

At the same time, the bill would take care to protect previous taxpayer investments by prohibiting any privatization of Federal assets and requiring a study to show that any proposed agreement would actually provide a public benefit.

For many of these long-stalled, large scale infrastructure projects, like the Locks and Dams on the Mississippi and Illinois Rivers, this common sense bill could provide a way forward.

Together, the Mississippi River Navigation Sustainment Act and the Water Infrastructure Now Public-Private Partnership Act, represent positive steps forward in the effort to maintain the economic viability of the Mississippi River and protect our inland waterway system against threats from extreme weather and aging infrastructure. I hope my colleagues will join me in cosponsoring these common sense measures.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 565

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 ''Mississippi River Navigation Sustainment Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Mississippi River is the largest, most famous river in the United States and a vital natural resource;

(2) the Mississippi River Basin is the third largest watershed in the world, covering more than 1,000,000 square miles and approximately 40 percent of the continental United States;

(3) the rivers, tributaries, and reservoirs that make up the Mississippi River Basin operate naturally as a system and any attempt to operate projects within the Mississippi River Basin by mankind should take this fact into consideration;

(4) the Mississippi River is the backbone of the inland waterway system of the United States and a crucial artery for the movement of goods;

(5) each year millions of tons of commodities, including grain, coal, petroleum, and chemicals, representing billions of dollars are transported on the Mississippi River by barge;

(6) the Mississippi River is home to some of the busiest commercial ports in the United States, including the Port of New Orleans and the Port of St. Louis;

(7) safe and reliable navigation of the Mississippi River is vital to the national economy;

(8) extreme weather events pose challenges to navigation and life along the Mississippi River and are likely to become more severe and more frequent in the coming years, as evidenced by the devastating floods along the Mississippi River in 2011 and the near historic low water levels seen on the same stretch of the Mississippi River in the winter of 2012-2013;

(9) the American Waterways Operators and the Waterways Council, Incorporated have estimated that a disruption of navigation on the Mississippi River due to low water levels between December 2012 and January 2013 would have negatively impacted 20,000 jobs and $7,000,000,000 in cargo;

(10) the Regulating Works Program of the St. Louis District of the Corps of Engineers is critical to maintaining navigation on the middle Mississippi River during extreme weather events and should receive continued Federal financial assistance and support; and

(11) the Federal Government, commercial users, and others have a shared responsibility to take steps to maintain the critical flow of goods on the Mississippi River during extreme weather events.

SEC. 3. DEFINITIONS.

(a) EXTREME WEATHER.—The term ''extreme weather'' means—

(1) severe flooding and drought conditions that lead to above or below average water levels; or

(2) other severe weather events that threaten personal safety, property, and navigation on the inland waterways of the United States.

(b) GREATER MISSISSIPPI RIVER BASIN.—The term ''greater Mississippi River Basin'' means the area covered by hydrologic units 5, 6, 7, 8, 10, and 11, as identified by the United States Geological Survey as of the date of enactment of this Act.

(c) LOWER MISSISSIPPI RIVER.—The term ''lower Mississippi River'' means the portion of the Mississippi River that begins at the confluence of the Ohio River and flows to the Gulf of Mexico.

(d) MIDDLE MISSISSIPPI RIVER.—The term ''middle Mississippi River'' means the portion of the Mississippi River that begins at the confluence of the Missouri River and flows to the lower Mississippi River.

(e) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

SEC. 4. GREATER MISSISSIPPI RIVER BASIN EXTREME WEATHER MANAGEMENT STUDY.

(a) IN GENERAL.—The Secretary shall carry out a study of the Mississippi River Basin—

(1) to improve the coordinated and comprehensive management of water resource projects in the greater Mississippi River Basin relating to extreme weather conditions; and

(2) to evaluate the feasibility of any modifications to those water resource projects and develop new water resource projects to improve the reliability of navigation and more effectively reduce flood risk.

(b) CONTENTS.—The study shall—

(1) identify any Federal actions necessary to prevent and mitigate the impacts of extreme weather, including changes to authorized channel dimensions, operational procedures of locks and dams, and reservoir management within the Mississippi River Basin;

(2) evaluate the effect on navigation and flood risk management to the Mississippi River of all upstream rivers and tributaries, especially the confluence of the Illinois River, Missouri River, and Ohio River;

(3) identify and make recommendations to remedy challenges to the Corps of Engineers presented by extreme weather, including river access, in carrying out its mission to maintain safe, reliable navigation; and

(4) identify and locate natural or other potential impediments to maintaining navigation on the middle and lower Mississippi River during periods of low water, including existing industrial pipeline crossings.

(c) CONSULTATION AND USE OF EXISTING DATA.—In carrying out the study, the Secretary shall—

(1) consult with appropriate committees of Congress, Federal, State, tribal, and local agencies, environmental interests, river navigation industry representatives, other shipping and business interests, organized labor, and nongovernmental organizations;

(2) to the maximum extent practicable, use data in existence on the date of enactment of this Act; and

(3) incorporate lessons learned and best practices developed as a result of past extreme weather events, including major floods and the successful effort to maintain navigation during the near historic low water levels on the Mississippi River during the winter of 2012-2013.

(d) COST-SHARING.—The Federal share of the cost of carrying out the study under this section shall be 100 percent.

(e) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under this section.

SEC. 5. 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. 6. CORPS OF ENGINEERS FLEXIBILITY IN MAINTAINING NAVIGATION.

(a) IN GENERAL.—If the Secretary determines it to be critical to maintaining safe and reliable navigation, the Secretary—

(1) in consultation with the department in which the Coast Guard is operating, may construct ingress and egress paths to docks, loading facilities, fleeting areas, and other critical locations outside of the authorized navigation channel on the Mississippi River; and

(2) operate and maintain, through dredging and construction of river training structures, ingress and egress paths to loading docks and fleeting areas outside of the authorized navigation channel on the Mississippi River.

(b) MITIGATION.—The Secretary may mitigate through dredging any incidental impacts to loading or fleeting areas outside of the authorized navigation channel on the Mississippi River that result from operation and maintenance of the authorized channel.

SEC. 7. MIDDLE MISSISSIPPI RIVER ENVIRONMENTAL 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 for a period of not less than 10 years, a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—As part of the pilot program carried out under subsection (a), the Secretary shall conduct any activities that are necessary to improve navigation through the project while restoring and protecting fish and wildlife habitat in the middle Mississippi River.

(2) INCLUSIONS.—Activities authorized under paragraph (1) shall include—

(A) the modification of navigation training structures;

(B) the modification and creation of side channels;

(C) the modification and creation of islands;

(D) any studies and analyses necessary to develop adaptive management principles; and

(E) the acquisition from willing sellers of any land associated with a riparian corridor needed to carry out the goals of the pilot program.

(c) COST-SHARING REQUIREMENT.—The cost-sharing requirements under the provisions of law described in subsection (a) for the project described in that subsection shall apply to any activities carried out under this section.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as are necessary.

S. 566

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 ''Water Infrastructure Now Public-Private Partnership Act'' or the ''WIN P3 Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) investment in water infrastructure is critical to protecting property and personal safety through flood, hurricane, and storm damage reduction activities;

(2) investment in infrastructure on the inland waterways of the United States is critical to the economy of the United States through the maintenance of safe, reliable, and efficient navigation for recreation and the movement of billions of dollars in goods each year;

(3) fiscal challenges facing Federal, State, local, and tribal governments require new and innovative financing structures to continue robust investment in public water infrastructure;

(4) under existing fiscal restraints and project delivery processes, large-scale water infrastructure projects like the lock and dam modernization on the upper Mississippi River and Illinois River will take decades to complete, with benefits for the lock modernization not expected to be realized until 2047;

(5) the Corps of Engineers has an estimated backlog of more than $60,000,000,000 in outstanding projects; and

(6) in developing innovative financing options for water infrastructure projects, any prior public investment in projects must be protected.

SEC. 3. WATER INFRASTRUCTURE NOW PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, shall establish a pilot program to evaluate the cost-effectiveness and project delivery efficiency of allowing non-Federal interests to carry out authorized flood damage reduction, hurricane and storm damage reduction, and 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 decision-making processes 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 15 flood damage reduction, hurricane and storm damage reduction, and navigation projects, including levees, floodwalls, flood control channels, water control structures, and navigation locks and channels, authorized for construction;

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

(C) in consultation 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 section 5, except that the total amount transferred to the non-Federal interest shall not exceed the 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) RESTRICTIONS.—Of the projects identified by the Secretary—

(A) not more than 12 projects shall—

(i) have received Federal funds and experienced delays or missed scheduled deadlines in the 5 fiscal years 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

(B) not more than 3 projects shall—

(i) have not received Federal funding for recapitalization and modernization in the period beginning on the date on which the project was authorized and ending on the date of enactment of this Act; and

(ii) be, in the determination of the Secretary, significant to the national economy as a result of the impact the project would have on the national transportation of goods.

(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) obtaining any permits necessary for the project.

(4) WAIVERS.—

(A) IN GENERAL.—For any project included in the pilot program, the Secretary may waive or modify any applicable Federal regulations for that project if the Secretary determines that such a waiver would provide public and financial benefits, including expediting project delivery and enhancing efficiency while maintaining safety.

(B) 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 each time the Secretary issues a waiver or modification under subparagraph (A).

(d) PUBLIC BENEFIT STUDY.—

(1) IN GENERAL.—Before entering into a project partnership agreement under this section, the Secretary shall enter into an arrangement with an independent third party to conduct an assessment of whether, and provide justification that, the proposed partnership agreement would represent a better public and financial benefit than a similar transaction using public funding or financing.

(2) CONTENTS.—The study under paragraph (1) shall—

(A) be completed by the third party in a timely manner and in a period of not more than 90 days;

(B) take into consideration any supporting materials and data submitted by the Secretary, the nongovernmental party to the proposed project partnership agreement, and other stakeholders; and

(C) recommend whether the project partnership agreement will be in the public interest by determining whether the agreement will provide public and financial benefits, including expedited project delivery and savings to taxpayers.

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

(f) 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 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).

(g) ADMINISTRATION.—All laws (including 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 Act.

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

SEC. 4. APPLICABILITY.

Nothing in this Act authorizes or permits the privatization of any Federal asset.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Act such sums as are necessary.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 571. A bill to amend the Federal Water Pollution Control Act to establish a deadline for restricting sewage dumping into the Great Lakes and to fund programs and activities for improving wastewater discharges into the Great Lakes; to the Committee on Environment and Public Works.

Mr. KIRK. Mr. President, today I rise to join with Senator DURBIN to introduce the Great Lakes Water Protection Act. This bipartisan legislation would set a date certain to end sewage dumping in the Great Lakes, America's largest source of surface fresh water. The Great Lakes are home to more than 3,500 species of plants and animals and are the source of drinking water for more than 30 million Americans. It is time that we put a stop to the poisoning of our water supply. Cities along the Great Lakes must become environmental stewards of our country's most precious freshwater ecosystem and take action to reverse the trend of discharging sewage into the Great Lakes.

The Great Lakes Water Protection Act gives cities until 2033 to build the necessary infrastructure to prevent sewage dumping in the Great Lakes. Those who violate the EPA's sewage dumping regulations after this deadline will be subject to fines up to $100,000 for every day they are in violation. These fines would be directed into a Great Lakes Clean-Up Fund within the Clean Water State Revolving Fund to be used for wastewater treatment options, with a special focus on greener solutions such as habitat protection and wetland restoration.

Many cities along the Great Lakes Basin lack the critical infrastructure needed to divert sewage overflows during times of heavy rainfall. Some reports estimate that as much as 24 billion gallons of combined sewage and storm water runoff are dumped into the Great Lakes every year. Loaded with a mix of bacteria and other pathogens, untreated sewage poses a serious threat to public health and safety and is one of the leading causes of beach closings and contamination advisories at Great Lakes beaches.

According to data collected over the past 5 years by the Illinois Department of Public Health, it is not uncommon to see the total number of beach closures and contamination advisories across the Lake Michigan beaches in our State exceed 500 in a single swim season. These events threaten the health of our children and families and cost local economies millions. A University of Chicago study concluded the closings due to high levels of harmful pathogens like E.coli cost the local economy about $2.4 million each year in lost revenue.

Protecting the Great Lakes is one of my top priorities in Congress. As an original cosponsor of the Great Lakes Restoration Act, I support a broad approach to address some of the greatest challenges to the Great Lakes ecosystem and the economic growth of the region. However, while we continue to push for comprehensive Great Lakes restoration, we must also move forward with tailored approaches to tackle specific problems.

I am proud to introduce this important legislation to end the disastrous practice of releasing billions of gallons of untreated sewage into our Nation's most abundant source of freshwater. It is my hope that my colleagues will work with me to to preserve the Great Lakes and ensure this source of safe drinking water is safeguarded for future generations.

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. 571

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 ''Great Lakes Water Protection Act''.

SEC. 2. PROHIBITION ON SEWAGE DUMPING INTO THE GREAT LAKES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) PROHIBITION ON SEWAGE DUMPING INTO THE GREAT LAKES.—

''(1) DEFINITIONS.—In this subsection:

''(A) BYPASS.—The term 'bypass' means an intentional diversion of waste streams to bypass any portion of a treatment facility which results in a discharge into the Great Lakes.

''(B) DISCHARGE.—

''(i) IN GENERAL.—The term 'discharge' means a direct or indirect discharge of untreated sewage or partially treated sewage from a treatment works into the Great Lakes.

''(ii) INCLUSIONS.—The term 'discharge' includes a bypass and a combined sewer overflow.

''(C) GREAT LAKES.—The term 'Great Lakes' has the meaning given the term in section 118(a)(3).

''(D) PARTIALLY TREATED SEWAGE.—The term 'partially treated sewage' means any sewage, sewage and storm water, or sewage and wastewater, from domestic or industrial sources that—

''(i) is not treated to national secondary treatment standards for wastewater; or

''(ii) is treated to a level less than the level required by the applicable national pollutant discharge elimination system permit.

''(E) TREATMENT FACILITY.—The term 'treatment facility' includes all wastewater treatment units used by a publicly owned treatment works to meet secondary treatment standards or higher, as required to attain water quality standards, under any operating conditions.

''(F) TREATMENT WORKS.—The term 'treatment works' has the meaning given the term in section 212.

''(2) PROHIBITION.—A publicly owned treatment works is prohibited from performing a bypass unless—

''(A)(i) the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

''(ii) there is not a feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and

''(iii) the treatment works provides notice of the bypass in accordance with this subsection; or

''(B) the bypass does not cause effluent limitations to be exceeded, and the bypass is for essential maintenance to ensure efficient operation of the treatment facility.

''(3) LIMITATION.—The requirement of paragraph (2)(A)(ii) is not satisfied if—

''(A) adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent the bypass; and

''(B) the bypass occurred during normal periods of equipment downtime or preventive maintenance.

''(4) IMMEDIATE NOTICE REQUIREMENTS.—

''(A) IN GENERAL.—A publicly owned treatment works shall provide to the entities described in subparagraph (B)—

''(i) for any anticipated discharge, prior notice of that discharge; and

''(ii) for any unanticipated discharge, as soon as practicable, but not later than—

''(I) for a treatment works with an automated detection system, 2 hours after the discharge begins; and

''(II) for a treatment works without an automated detection system, 12 hours after the discharge begins.

''(B) NOTICE.—The entities referred to in subparagraph (A) are—

''(i) the Administrator or, in the case of a State that has a permit program approved under this section, the State;

''(ii) each local health department or, if a local health department does not exist, the State health department;

''(iii) the municipality in which the discharge occurred and each municipality with jurisdiction over waters that may be affected by the discharge;

''(iv) a daily newspaper of general circulation in each county in which a municipality described in clause (iii) is located; and

''(v) the general public through a prominent announcement on a publicly accessible Internet site of the treatment works.

''(C) CONTENTS.—The notice under subparagraph (A) shall include a description of—

''(i) the volume and state of treatment of the discharge;

''(ii) the date and time of the discharge;

''(iii) the expected duration of the discharge;

''(iv) the steps being taken to contain the discharge, except for a discharge that is a wet weather combined sewer overflow discharge;

''(v) the location of the discharge, with the maximum level of specificity practicable; and

''(vi) the cause for the discharge.

''(5) FOLLOW-UP NOTICE REQUIREMENTS.—Each publicly owned treatment works that provides notice under paragraph (4)(B) shall provide to the Administrator (or to the State in the case of a State that has a permit program approved under this section), not later than 5 days after the date on which the publicly owned treatment works provides initial notice, a follow-up notice containing—

''(A) a more full description of the cause of the discharge;

''(B) the reason for the discharge;

''(C) the period of discharge, including the exact dates and times;

''(D) if the discharge has not been corrected, the anticipated time the discharge is expected to continue;

''(E) the volume of the discharge resulting from the bypass;

''(F) a description of any public access areas that has or may be impacted by the bypass; and

''(G) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the discharge.

''(6) PUBLIC AVAILABILITY OF NOTICES.—

''(A) IN GENERAL.—Not later than 48 hours after providing or receiving a follow-up notice under paragraph (5), as applicable, a publicly owned treatment works and the Administrator (or the State, in the case of a State that has a permit program approved under this section) shall each post the follow-up notice on a publicly accessible, searchable database on the Internet.

''(B) ANNUAL PUBLICATION.—The Administrator (or the State, in the case of a State that has a permit program approved under this section) shall annually publish and make available to the public a list of each of the treatment works from which the Administrator or the State, as applicable, received a follow-up notice under paragraph (5).

''(7) SEWAGE BLENDING.—Bypasses prohibited by this section include bypasses resulting in discharges from a publicly owned treatment works that consist of effluent routed around treatment units and thereafter blended together with effluent from treatment units prior to discharge.

''(8) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall establish procedures to ensure that permits issued under this section (or under a State permit program approved under this section) to a publicly owned treatment works include requirements to implement this subsection.

''(9) INCREASE IN MAXIMUM CIVIL PENALTY FOR VIOLATIONS OCCURRING AFTER JANUARY 1, 2033.—Notwithstanding section 309, in the case of a violation of this subsection occurring on or after January 1, 2033, or any violation of a permit limitation or condition implementing this subsection occurring after that date, the maximum civil penalty that shall be assessed for the violation shall be $100,000 per day for each day the violation occurs.

''(10) APPLICABILITY.—This subsection shall apply to a bypass occurring after the last day of the 1-year period beginning on the date of enactment of this subsection.''.

SEC. 3. ESTABLISHMENT OF GREAT LAKES CLEANUP FUND.

(a) IN GENERAL.—Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 (33 U.S.C. 1251 note) as section 520; and

(2) by inserting after section 518 (33 U.S.C. 1377) the following:

''SEC. 519. ESTABLISHMENT OF GREAT LAKES CLEANUP FUND.

''(a) DEFINITIONS.—In this section:

''(1) FUND.—The term 'Fund' means the Great Lakes Cleanup Fund established by subsection (b).

''(2) GREAT LAKES; GREAT LAKES STATES.—The terms 'Great Lakes' and 'Great Lakes States' have the meanings given the terms in section 118(a)(3).

''(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Great Lakes Cleanup Fund' (referred to in this section as the 'Fund').

''(c) TRANSFERS TO FUND.—Effective January 1, 2033, there are authorized to be appropriated to the Fund amounts equivalent to the penalties collected for violations of section 402(s).

''(d) ADMINISTRATION OF FUND.—The Administrator shall administer the Fund.

''(e) USE OF FUNDS.—The Administrator shall—

''(1) make the amounts in the Fund available to the Great Lakes States for use in carrying out programs and activities for improving wastewater discharges into the Great Lakes, including habitat protection and wetland restoration; and

''(2) allocate those amounts among the Great Lakes States based on the proportion that—

''(A) the amount attributable to a Great Lakes State for penalties collected for violations of section 402(s); bears to

''(B) the total amount of those penalties attributable to all Great Lakes States.

''(f) PRIORITY.—In selecting programs and activities to be funded using amounts made available under this section, a Great Lakes State shall give priority consideration to programs and activities that address violations of section 402(s) resulting in the collection of penalties.''.

(b) CONFORMING AMENDMENT TO STATE REVOLVING FUND PROGRAM.—Section 607 of the

Federal Water Pollution Control Act (33 U.S.C. 1387) is amended—

(1) by striking ''There is'' and inserting ''(a) IN GENERAL.—There is''; and

(2) by adding at the end the following:

''(b) TREATMENT OF GREAT LAKES CLEANUP FUND.—For purposes of this title, amounts made available from the Great Lakes Cleanup Fund under section 519 shall be treated as funds authorized to be appropriated to carry out this title and as funds made available under this title, except that the funds shall be made available to the Great Lakes States in accordance with section 519.''.

Mr. DURBIN. Mr. President, among Chicago's most treasured assets is Lake Michigan. The Great Lakes are among this country's most valuable natural resources, but the lakes face many natural and man-made threats. I'm pleased to join my Illinois colleague, Senator MARK KIRK, in introducing today the Great Lakes Water Protection Act to address one of those threats—municipal sewage.

A recent report found that from January 2010 through January 2011, 7 U.S. cities dumped a combined 18.7 billion gallons of waste water into the Great Lakes. Sewage and storm water discharges have been associated with elevated levels of bacterial pollutants. For the 40 million people who depend on the Great Lakes for their drinking water, that is no small matter.

When bacterial counts go too high, beaches have to be closed. In Illinois, we have 52 public beaches along the Lake Michigan shoreline. People use these beaches for swimming, boating, fishing and many communities generate revenue from the public beaches. Every lost visitor to a public beach costs the local economy between $20 and $36 in revenue.

Our legislation would quadruple fines for municipalities that dump raw sewage in the Great Lakes and direct the revenue from these penalties to projects that improve water quality. The bill also includes new reporting requirements to provide a more complete understanding of the frequency and impact of sewage dumping on this critical water system.

The Great Lakes are a national treasure. Illinoisans know that. They want to protect Lake Michigan and they are willing to fight for the Lake. Three and a half years ago, when we learned that BP was planning to increase the pollutants it puts into Lake Michigan—the people of Illinois stood up and said no. Polluting our lake further is not an option.

Senator KIRK and I agree. Protecting the Great Lakes is not a partisan issue, and this is not a partisan bill. We will work together to ensure that this national treasure is around for generations, providing drinking water, recreation and commerce for Illinois and other Great Lakes States.

By Ms. COLLINS (for herself, Mr. LEAHY, and Mr. CARPER):

S. 573. A bill to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce the Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2013, also known as the FOR VETS Act of 2013. I am pleased that Senators LEAHY and CARPER have joined me in cosponsoring this bill. This bill is necessary to ensure that veterans' service organizations are provided access to federal surplus personal property as the Senate intended when it passed the FOR VETS Act of 2010. The FOR VETS Act of 2010 provides that veterans' service organizations should be categorized as eligible nonprofit, tax-exempt organizations that may acquire surplus personal property for the purposes of education or public health.

Unfortunately, the General Services Administration, or GSA, has interpreted this law in the strictest of terms. In its published guidelines, veterans' service organizations may acquire the surplus property for the purposes of education or public health, but with minimal flexibility in what an educational or public health service may be. For example, acquiring a van to transport a disabled veteran to a doctor's appointment may not be considered an eligible use for a veterans' organization under current guidelines.

The bill that we are introducing today makes the legislative modification necessary for GSA to carry out the original intent of the FOR VETS Act of 2010.

The National Association of State Agencies for Surplus Property, NASASP, has identified the need for this legislation to ensure that veterans' service organizations are able to receive surplus equipment to enable them to improve their provision of critical services to our nation's veterans. The American Legion has said that this bill would enable them to better serve our veterans, their families, and the communities in which they live.

Veterans' groups—whose work enhances the lives of countless veterans every day—should benefit from access to these goods just as other service organizations do. Many veterans' organizations offer career development and job training assistance to our nation's veterans, yet often lack the computer equipment needed to assist our veterans in the often difficult transition from military service to the civilian work force.

These are just a couple of examples of the needs of veterans' service organizations. This bill is one way to say ''thank you'' to those Americans who have worn the uniform and to the families that supported them. In these challenging fiscal times, the need for excess federal property to be used for job training, rehabilitation, and other important assistance to our veterans is greater now than ever. I am proud to introduce this legislation with Senators LEAHY and CARPER, and I look forward to working with my colleagues to pass this bill through the Senate and into law.

By Mr. GRASSLEY:

S. 575. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today I am reintroducing the Judicial Transparency and Ethics Enhancement Act, a bill that would establish within the judicial branch an Office of Inspector General to assist the Judiciary with its ethical obligations as well as to ensure taxpayer dollars are not lost to waste, fraud, or abuse. Representative SENSENBRENNER is introducing the companion bill in the House. This bill will help make sure that our Federal judicial system remains free of corruption, bias, and hypocrisy.

The facts demonstrate that the institution of the Inspector General has been crucial in detecting, exposing and deterring problems within our government. The job of the Inspector General is to be the first line of defense against fraud, waste and abuse. In collaboration with whistleblowers, Inspectors General have been extremely effective in their efforts to expose and help correct these wrongs.

That is why, during my 30 years in Congress I have worked hard to strengthen the oversight role of Inspectors General throughout the Federal Government. I have come to rely on IGs and whistleblowers to ensure that our tax dollars are spent according to the letter and spirit of the law. When that doesn't happen, we in Congress need to know about it and take corrective action.

During the past fiscal year, Congress appropriated nearly $7 billion in taxpayer money to the Federal judiciary. To put this in context, the National Science Foundation, the Small Business Administration, and the Corporation for National and Community Service each received a similar or less amount than the judiciary. Yet all three of these entities have an Office of Inspector General. If we in Congress believed that these entities could use an Inspector General, I cannot see why the Judiciary wouldn't deserve the same assistance.

But there is an additional reason why the Judiciary needs an Inspector General. The fact remains that the current practice of self-regulation of judges with respect to ethics and the judicial code of conduct has time and time again proven inadequate. I would point out to my colleagues two recent events here in the Senate that support this conclusion.

In the past 5 years, the Senate received articles of impeachment for not one but two Federal judges. In the first case, former Judge Samuel B. Kent, although charged with multiple counts of sexual assault, pled guilty to obstruction of justice. Who did he obstruct?

Who did he lie to? He did this to his fellow judges, who were assembled to investigate the allegations of his obscene and criminal behavior. But it took a criminal investigation by the Department of Justice to uncover his false statements to his colleagues as well as substantiate the horrendous claims made against him.

In the second case, the Senate found that former Judge G. Thomas Porteous, Jr. was guilty of a number of things, including accepting money from attorneys who had a case pending before him in his court and committing perjury by falsifying his name on bankruptcy filings. Once again, this Judge's misbehavior came to light through a Federal criminal investigation, after which another judicial committee had to be organized to investigate their fellow judge.

What's more, in each case the disgraced judge tried to game the system in order to retain his $174,000 salary. Rather than resign their commissions, each first tried to claim disability status what would allow each to continue to receive payment, even if in prison. Then both played chicken with Congress daring us to strip them of their pay by impeaching and convicting them. I am pleased that we put our foot down and said ''No.''

The judicial misconduct committees are simply inadequate for investigating claims of misconduct. These judges are not given the resources necessary nor do they have the expertise in conducting a complete investigation. They cannot, despite their best intentions, remove the inherent biases that develop from working closely with other judges. This duty would be better suited to an independent entity within the Judiciary.

The Judicial Transparency and Ethics Enhancement Act is the answer. This bill would establish an Office of Inspector General for the judicial branch. The IG's responsibilities would include conducting investigations of possible judicial misconduct, investigating waste fraud and abuse, and recommending changes in laws and regulations governing the Federal judiciary. The bill would require the IG to provide the Chief Justice and Congress with an annual report on its activities, as well as refer matters that may constitute a criminal violation to the Department of Justice. In addition, the bill establishes whistleblower protections for judicial branch employees.

Ensuring a fair and independent judiciary is critical to our Constitutional system of checks and balances. Judges are supposed to maintain impartiality. They are supposed to be free from conflicts of interest. An independent watchdog for the Federal judiciary will help its members comply with the ethics rules and promote credibility within the judicial branch of government. Whistleblower protections for judiciary branch employees will help keep the judiciary accountable. The Judicial Transparency and Ethics Enhancement Act will not only ensure continued public confidence in our Federal courts and keep them beyond reproach, it will strengthen our judicial branch.

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. 575

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 ''Judicial Transparency and Ethics Enhancement Act of 2013''.

SEC. 2. INSPECTOR GENERAL FOR THE JUDICIAL BRANCH.

(a) ESTABLISHMENT AND DUTIES.—Part III of title 28, United States Code, is amended by adding at the end the following:

''CHAPTER 60—INSPECTOR GENERAL FOR THE JUDICIAL BRANCH

''§ 1021. Establishment

''There is established for the judicial branch of the Government the Office of Inspector General for the Judicial Branch (in this chapter referred to as the 'Office').

''§ 1022. Appointment, term, and removal of Inspector General

''(a) APPOINTMENT.—The head of the Office shall be the Inspector General, who shall be appointed by the Chief Justice of the United States after consultation with the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives.

''(b) TERM.—The Inspector General shall serve for a term of 4 years and may be reappointed by the Chief Justice of the United States for any number of additional terms.

''(c) REMOVAL.—The Inspector General may be removed from office by the Chief Justice of the United States. The Chief Justice shall communicate the reasons for any such removal to both Houses of Congress.

''§ 1023. Duties

''With respect to the judicial branch, the Office shall—

''(1) conduct investigations of alleged misconduct in the judicial branch (other than the United States Supreme Court) under chapter 16 that may require oversight or other action within the judicial branch or by Congress;

''(2) conduct investigations of alleged misconduct in the United States Supreme Court that may require oversight or other action within the judicial branch or by Congress;

''(3) conduct and supervise audits and investigations;

''(4) prevent and detect waste, fraud, and abuse; and

''(5) recommend changes in laws or regulations governing the judicial branch.

''§ 1024. Powers

''(a) POWERS.—In carrying out the duties of the Office, the Inspector General shall have the power to—

''(1) make investigations and reports;

''(2) obtain information or assistance from any Federal, State, or local governmental agency, or other entity, or unit thereof, including all information kept in the course of business by the Judicial Conference of the United States, the judicial councils of circuits, the Administrative Office of the United States Courts, and the United States Sentencing Commission;

''(3) require, by subpoena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memoranda, papers, and documents, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by civil action;

''(4) administer to or take from any person an oath, affirmation, or affidavit;

''(5) employ such officers and employees, subject to the provisions of title 5, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

''(6) obtain services as authorized by section 3109 of title 5 at daily rates not to exceed the equivalent rate for a position at level IV of the Executive Schedule under section 5315 of such title; and

''(7) the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the duties of the Office.

''(b) CHAPTER 16 MATTERS.—The Inspector General shall not commence an investigation under section 1023(1) until the denial of a petition for review by the judicial council of the circuit under section 352(c) of this title or upon referral or certification to the Judicial Conference of the United States of any matter under section 354(b) of this title.

''(c) LIMITATION.—The Inspector General shall not have the authority to—

''(1) investigate or review any matter that is directly related to the merits of a decision or procedural ruling by any judge, justice, or court; or

''(2) punish or discipline any judge, justice, or court.

''§ 1025. Reports

''(a) WHEN TO BE MADE.—The Inspector General shall—

''(1) make an annual report to the Chief Justice and to Congress relating to the activities of the Office; and

''(2) make prompt reports to the Chief Justice and to Congress on matters that may require action by the Chief Justice or Congress.

''(b) SENSITIVE MATTER.—If a report contains sensitive matter, the Inspector General may so indicate and Congress may receive that report in closed session.

''(c) DUTY TO INFORM ATTORNEY GENERAL.—In carrying out the duties of the Office, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

''§ 1026. Whistleblower protection

''(a) IN GENERAL.—No officer, employee, agent, contractor, or subcontractor in the judicial branch may discharge, demote, threaten, suspend, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding any possible violation of Federal law or regulation, or misconduct, by a judge, justice, or any other employee in the judicial branch, which may assist the Inspector General in the performance of duties under this chapter.

''(b) CIVIL ACTION.—An employee injured by a violation of subsection (a) may, in a civil action, obtain appropriate relief.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 28, United States Code, is amended by adding at the end the following:

''60. Inspector General for the judicial branch ..... 1021''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 88. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table.

SA 89. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 90. Mr. COONS (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 91. Mr. VITTER (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 92. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 93. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 94. Mr. BURR (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 95. Mr. NELSON submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 96. Mr. BROWN (for himself, Mr. JOHANNS, Mr. GRASSLEY, Mr. JOHNSON of South Dakota, Mrs. GILLIBRAND, Mr. TESTER, and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 97. Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 98. Ms. MIKULSKI (for herself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 99. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 100. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 101. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 102. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 103. Mr. WHITEHOUSE (for himself, Mr. COWAN, Mr. CARDIN, Mr. SCHATZ, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 104. Mr. MANCHIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 105. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 106. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 107. Mr. FRANKEN (for himself, Mr. UDALL of New Mexico, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, and Ms. HEITKAMP) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 108. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 109. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 110. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 111. Mr. BAUCUS (for himself, Mr. TESTER, Mr. BEGICH, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 112. Mr. UDALL of Colorado submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 113. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 114. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 115. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra.

SA 116. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 117. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 118. Mr. BARRASSO (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 119. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 120. Ms. MURKOWSKI (for herself, Ms. CANTWELL, Mr. BEGICH, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 121. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 122. Ms. MURKOWSKI (for herself, Mr. COCHRAN, Ms. COLLINS, Mr. KING, Ms. WARREN, Mrs. SHAHEEN, Mr. COWAN, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 123. Mr. DURBIN proposed an amendment to amendment SA 115 submitted by Mr. TOOMEY to the amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra.

SA 124. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 84 submitted by Ms. AYOTTE (for herself and Mr. CHAMBLISS) and intended to be proposed to the bill H.R. 933, supra; which was ordered to lie on the table.

SA 125. Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 88. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 26 proposed by Ms. MIKULSKI (for herself and Mr. SHELBY) to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal year ending September 30, 2013, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division C, insert the following:

SEC. 8131. (a) ADDITIONAL AMOUNT FOR O&M, DEFENSE-WIDE, FOR ACTIVITIES IN CONUS.—The amount appropriated by title II of this division under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby increased by $60,000,000, with the amount to be available for operation and maintenance expenses in connection with programs, projects, and activities in the continental United States.

(b) OFFSET.—The amount appropriated by title III of this division under the heading ''PROCUREMENT, DEFENSE-WIDE'' is hereby decreased by $60,000,000, with the amount of the reduction to be allocated to amounts available under that heading for Advanced Drop in Biofuel Production.

SA 89. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 933, making appropriations for the Department of Defense, the Department of Veterans Affairs, and other departments and agencies for the fiscal