

We do something important in this bill. We create a new infrastructure deauthorization commission to review the backlog of corps projects and develop a list of projects that will be deauthorized unless Congress passes a joint resolution opposing the commission's recommendation. It is kind of like the Base Closure Commission, where the Base Closure Commission comes forward and says these are the bases that will be closed.

It is a very cumbersome process to overturn the commission. We did that on purpose because we know politics plays a part in a lot of these things, and we want the commission to have power. I am sure my friend, the Senator from Oklahoma, is grateful we have set up this commission because what he is trying to do is cut out even more projects.

I just want to make the case that when we did this in the committee, we developed a careful balance and we give the infrastructure deauthorization committee a lot of authority. But this amendment removes the bill's limitations on what projects can be deauthorized. So this is in our bill. This is what we say to the commission. We give guidance to the commission. We say: These are the projects that can be deauthorized; in other words, stopped, because I share the view of my friend from Oklahoma. We don't want to keep projects going that are doomed and not going anywhere. It is a waste of taxpayer dollars and, frankly, it makes it very confusing for people back home because they don't understand why a project started in 1996 is still alive.

What we do is projects authorized or reauthorized after the enactment of the Water Resources Development Act of 1996, projects currently undergoing review by the corps, projects that have received appropriations in the last 10 years, projects that are more than 50 percent complete, and projects that have a viable, non-Federal sponsor would not be deauthorized. They would not be deauthorized.

So let me say it again. Projects that would not be deauthorized are projects authorized after 1996, projects currently undergoing review by the corps, projects that received appropriations in the last 10 years, projects that are more than 50 percent complete, projects that have a viable and non-Federal sponsor. So we do give guidance to the commission. We say other than that, go for it and deauthorize.

The provision Senator COBURN wants to strike was included to focus the attention of the commission on the older, truly inactive projects. That is what we are about. The Coburn amendment would give unlimited discretion to the commission to deauthorize a project even if it is in the middle of construction or it has an active non-Federal sponsor. Imagine we have a city or a county or even a private sector participant who is involved, and all of a sudden everything they have done is for naught.

I think what the amendment does is create havoc. I know my friend has the best of intentions. His point that we can overturn the commission is a valid point, but let's be clear. How many bills actually become a law around here these days? It is hard to even pass a resolution saying Happy Mother's Day. So we have a hard time. So to say the Congress could actually overturn the commission—we have never done it in the Base Closure Commission, and we wouldn't do it here.

States and local communities have invested millions of dollars in local cost-shares from project feasibility studies. It isn't fair to these communities that have committed significant resources to deauthorize a project that remained active and is moving forward.

So, in essence, this amendment would disrupt the new deauthorization process created in WRDA 2013, and I urge my colleagues to oppose that amendment.

Now I ask unanimous consent to have printed in the RECORD a letter from the National Construction Alliance. It reads: "The National Construction Alliance strongly opposes the Coburn amendment."

It says: "Communities . . . cannot afford to have the rug pulled out from beneath them."

I think it is important to note that they don't in any way chastise the committee for our work.

We also have opposition from the Road Builders.

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

NATIONAL CONSTRUCTION ALLIANCE II,  
May 15, 2013.

Hon. HARRY REID,  
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC

DEAR MAJORITY LEADER REID: The National Construction Alliance II (NCA II) strongly opposes the Coburn Amendment #816 to the Water Resources Development Act of 2013, S. 601.

The NCA II—a partnership between two of the nation's leading construction unions, the International Union of Operating Engineers and the United Brotherhood of Carpenters and Joiners of America—appreciates the hard work of the Environment and Public Works Committee to establish the Infrastructure Deauthorization Commission contained in S. 601. Senator Coburn's amendment threatens the bipartisan, thoughtful process and criteria for reviewing the backlog of projects in the underlying bill.

Communities (non-federal entities) simply cannot afford to have the rug pulled out from underneath them when partnering with the Army Corps of Engineers on critical port, harbor or waterway projects. If the commission has broad authority to shut down projects, as envisioned by the Coburn Amendment, that is precisely what could occur.

The bipartisan EPW Committee-reported WRDA bill established criteria to guide the Commission's work and ensure that it focused on inactive and obsolete projects. The Coburn amendment would undermine this careful balance, eliminating important criteria for decommissioning projects and giving the unelected Infrastructure Deauthorization Commission simply too much power

over the process of shutting down projects, with too little Congressional guidance.

Please oppose the Coburn Amendment #816 to the Water Resources Development Act of 2013. The amendment needlessly threatens the bipartisan agreement forged in the Environment and Public Works Committee on the issue of decommissioning of projects.

Thank you for your consideration.

Sincerely,

RAYMOND J. POUPORE,  
Executive Vice President.

Mrs. BOXER. In my concluding moments, we also will have a Coburn amendment on striking section 2030 on the beach nourishment extension. I think it is very important that this be defeated because many of these existing projects provide critical storm damage protection for coastal communities which require periodic nourishment to maintain this protection. There are dozens of important shoreline protection projects around the country that it benefits that exceed the costs.

Hurricane Sandy demonstrated that Federal shoreline protection projects fared better against the storm surge than other areas impacted by the storm. We have seen this. Where there was beach nourishment, they had a lot less damage and people were spared.

So in our work on WRDA, the EPW Committee held hearings on the corps' flood and storm damage reduction projects. We received testimony from local communities such as Ocean City, MD, which highlighted the hundreds of millions of dollars in damages avoided by these projects.

Section 2030 in WRDA 2013 does not provide a blanket extension of all beach nourishment and shore protections. The section simply allows the corps to study projects and to make a recommendation to Congress. I don't know why we would want to stop this since we know, after Hurricane Sandy, some of these projects have cost-benefit for the people—for the taxpayers.

Before receiving an extension, a project has to go through a feasibility analysis to demonstrate that the project is in the national interest, it has to have a positive cost-benefit ratio, is technically feasible, and is environmentally acceptable.

The provision Senator COBURN is attempting to strike doesn't guarantee an extension, it just tells the corps to study the issue and come back with a recommendation.

I honestly believe blocking Federal investment in these projects will harm coastal communities, so I urge my colleagues to oppose this Coburn amendment. I know I speak for many, including Senator LAUTENBERG, who actually brought this issue to my attention years ago.

I yield the floor and note that the time has come to debate the Coburn amendment, 1 minute each side.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

WATER RESOURCES  
DEVELOPMENT ACT OF 2013

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 601, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

Hoeven amendment No. 909, to restrict charges for certain surplus water.

AMENDMENT NO. 815

Mr. COBURN. Mr. President, I ask to set aside the pending amendment and call up amendment No. 815.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself, Mr. McCAIN, and Mr. FLAKE, proposes an amendment numbered 815.

The amendment is as follows:

(Purpose: To stop Federal subsidies for ongoing beach renourishment from being extended to 65 years)

Strike section 2030.

AMENDMENT NO. 816

Mr. COBURN. Mr. President, I ask to set aside the pending amendment and call up amendment No. 816.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself, Mrs. MCCASKILL, and Mr. McCAIN, proposes an amendment numbered 816.

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

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

The amendment is as follows:

(Purpose: To remove restrictions on projects the Infrastructure Deauthorization Commission may consider)

In section 2049(b)(5), strike subparagraph (C).

Mr. COBURN. Mr. President, I have a question for the chairman through the Chair, if I might.

Mrs. BOXER. Yes.

Mr. COBURN. My question on the deauthorizing commission would be why would they not take into consideration all of the things the Senator just mentioned before they would recommend deauthorizing a program, if, in fact, the only reason they would not deauthorize it was because it was spending money that is not going to have a positive purpose.

So my question is, you trust the deauthorizing committee for all these other areas, but you do not trust their judgment to look at projects that are ongoing. Why would we think they would not make a positive decision in the best interests of the country?

Mrs. BOXER. I would answer my friend in this way. This is a new com-

mission. We set it up in the bill. It has never worked before. We do not know how it will work. So we thought, for starters, let's go after the older projects, see how it works, and any day we could come back and add more authority. But we think, if there are active projects, it sends a very confusing signal to the folks back home.

We think this is the way to start it. It is smart. We have never had this commission before. I am very proud that we have it in here. I know my colleague supports the commission. He is already wanting to expand it. But I think we start this way, and then if it looks like we can give them more authority, we can. By the way, any day of the week Congress could deauthorize as well.

Mr. COBURN. The point I would make is the following: The big problem with WRDA bills is they become parochial in nature. So what we have excluded is everything since 1996 forward, which actually includes the present Members of Congress in terms of projects, their parochial wishes. So what we have done is we have said: You may not be capable of defunding or deauthorizing something else, but if it is new, you do not have the opportunity to do that. So what we are doing is we are protecting interests.

I yield back.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. BOXER. Mr. President, I very much respect my friend. I know his intention is the best. But I do have to say there is not one earmark in this bill. He should be so proud of both sides of the aisle in this committee—not one earmark—and we do not tell the commission what they can and cannot do. But we do set some parameters because we do believe, as we start this deauthorization commission, it ought to go after the older projects. But projects that are active, let them get a chance to move forward. There are no earmarks in this bill. I kind of resent it, in a nice way. I am not angry about it. But, believe me, there is no intention to protect earmarks here at all.

So I hope we will vote no. I think we are starting something new, something good. It is a huge reform. We have a deauthorization commission, but let's start them with the older projects. Let's track it. If we feel we should move forward with more reform, I am certainly open to it.

I yield the floor and hope for a "no" vote on this amendment.

Ms. MIKULSKI. Mr. President, I rise in strong opposition to Senator COBURN's amendment on beach renourishment. The Water Resources Development Act extends Federal funding for beach renourishment projects from 50 to 65 years. Senator COBURN's amendment would strike the new 15-year extension.

In my state of Maryland, we have a very successful beach renourishment project along the Atlantic coast in Ocean City. Ocean City is the beach

destination for many in the Mid-Atlantic region. The purpose of this Army Corps of Engineers project is not to protect a recreational beach but to provide hurricane protection for citizens and for the billions of dollars in public and private infrastructure.

Following severe storms in the late 1980s and early 1990s, Ocean City's beach was severally eroded, threatening the homes and private businesses along the coastline and on the mainland. This is when the State of Maryland and the Army Corps of Engineers constructed the Atlantic Coast of Maryland Hurricane Shoreline Protection Project to provide an essential buffer that saves lives and protects communities.

The Army Corps of Engineers built a steel sheet pile bulkhead along the boardwalk. They placed sand along the coastline to widen and raise the beach and constructed a vegetated sand dune. Every 4 years, the Army Corps of Engineers must reinforce the beach barrier by replenishing sand.

Since its completion, the project has repeatedly demonstrated its value by preventing more than \$240 million in damages. Most recently, this project successfully protected the residents of Ocean City and Worcester County from Superstorm Sandy. The project protected billions of dollars in public and private infrastructure and jobs.

Approximately \$48 million of Federal funding has gone toward this project. This is a small investment considering the billions it would take to rebuild Ocean City's homes, businesses, and hotels along the Atlantic Ocean. I urge my colleagues to oppose Senator COBURN's amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 815.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Washington (Mrs. MURRAY), and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. NELSON) would vote "nay."

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—43

Alexander	Boozman	Cornyn
Ayotte	Coats	Crapo
Barrasso	Coburn	Cruz
Bennet	Collins	Donnelly
Blunt	Corker	Enzi