

in the water so we sail the ship of state in the right direction in terms of the VA, and let the chips fall where they may—including if the Department of Justice should be involved in case there is any criminal intent or criminal activity. To cook the books or lie to the Federal Government would, in my opinion, be a crime and people should be held accountable. But to call for the head of just one person without going through the entire VA is wrong.

Last August I held a hearing in Atlanta because we had three untimely deaths in the Atlanta VA—two by suicide, one by drug overdose. All three were determined to be the fault of the VA in terms of the mental health ward in particular and the lack or failure to follow up on appointments. That was the beginning of my awareness of what was happening in Georgia.

To Georgia's and Secretary Shinseki's credit, we replaced the Director in Georgia with Ms. Wiggins. Ms. Wiggins now meets with me on an every-other-month basis to go over the activities in the VA—and when we had an incident 6 weeks ago, she was the first to call me before the news media, saying a mistake had been made and punishment had been issued, and she was going to see to it that VA had a 100-percent record of service to the veterans. We need that attitude and approach in every single VA hospital, VA clinic, and VA medical facility in the country.

I hope the President will exhibit the leadership necessary to call on every element of government—from the inspector general, to the Justice Department, to the VA itself—to get to the bottom of what has gone wrong, because it is intolerable, it is unacceptable, and it is wrong, here on the doorstep of a holiday where we celebrate those who sacrificed their life for our freedom, if there are veterans losing their life because of our inability to serve them in the VA hospitals.

I hope the President will exhibit that leadership. I hope we get to the bottom of it. As one member of the veterans committee, I pledge my commitment to get to the bottom of it. Our veterans deserve no less.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BOOKER). The Senator from South Dakota.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INTERNET TAX FREEDOM

Mr. THUNE. Mr. President, I rise today to speak about the Internet Tax Freedom Forever Act, legislation I introduced on a bipartisan basis with my

colleague Senator RON WYDEN to make the expiring Internet tax moratorium permanent. Because of the moratorium Americans have not been taxed on Internet access for 16 years, but this is going to change and new taxes will be levied starting in November if Congress doesn't act soon.

I am proud to work with Senator WYDEN on this bill, the lead Senate sponsor of the original Internet Tax Freedom Act that passed in 1998. This landmark law known as ITFA imposed a Federal moratorium that stopped State and local governments from placing taxes on Internet access. This moratorium has been extended three times, and it has been critical to the rapid growth of the Internet.

As we all know, the Internet provides unprecedented economic and social benefits. Mom and pop businesses in places such as South Dakota, Oregon, and across America found access to consumers and new business opportunities that are only possible through the Internet. Job seekers and entrepreneurs are finding opportunities that were once difficult to discover. Educators are exploring innovative tools and techniques that are powered by the Internet to equip students with the skills they will need for the 21st Century, and health care professionals are remotely providing services that are saving lives in rural areas. The idea behind the moratorium is straightforward. By not taxing Internet access we encourage broadband adoption and investment, which spurs all of the exciting activities that I just mentioned.

The Internet is a gateway to tremendous societal benefits. It is, frankly, astounding when you consider that it wasn't very long ago that the Internet was considered a novelty and only for the tech savvy. Today it is a must-have resource, the existence of which we almost take for granted. We cannot take for granted, however, that the moratorium on Internet access taxes has contributed to the Internet being accessed by hundreds of millions of Americans every single day. Thanks to the 16-year ban, consumer access to the Internet is free from State and local taxation for nearly all Americans. This gives consumers a welcome break on their monthly bills.

In the commerce committee we talk a lot about finding ways to encourage greater broadband deployment across all of America, and as cochair of the Congressional Internet Caucus, I worked with colleagues on both sides of the aisle to find ways to promote the Internet as an engine of economic growth and economic freedom. One of the ways that we can do that is by making broadband more affordable.

State taxation of Internet service will make broadband more expensive, which is at cross-purposes with our goal of encouraging Internet access and deployment. This doesn't make a lot of sense. The moratorium also benefits consumers by prohibiting multiple and discriminatory taxes on goods and

services sold over the Internet. This means consumers won't be taxed by multiple States on the same sale and States won't tax Internet sales more than mail order or telephone sales.

Unfortunately, the Internet tax moratorium is set to expire on November 1. Because of this, many Internet service providers are planning to send out notices to their customers informing them that they may have to start paying taxes on Internet access if Congress fails to act. I expect that many millions of Americans who use the Internet will not be happy when they realize that their phone or Internet bill is going to suddenly increase. Two things are for sure: Expiration of ITFA will not encourage more Americans to get online to do commerce, civic engagement, or social media; and countless Americans will be calling Congress demanding that we keep taxes off of Internet access.

Rather than wait for angry constituents, let us be proactive and pass the Internet Tax Freedom Forever Act without delay. My bill with Finance Committee Chairman WYDEN provides for a permanent extension of the moratorium. By passing a permanent extension we will provide certainty to Internet consumers in every State. Making the moratorium permanent also means that Congress won't have to waste time and energy passing yet another extension, year after year, into the future. There are plenty of other areas for Congress to focus on.

Our bill also eliminates the grandfather clause that currently allows 6 States to tax Internet access. Eliminating the moratorium's grandfather provision will provide consumers and businesses with a tax break. This includes consumers and businesses in my State of South Dakota, where our legislation will make Internet access less expensive, thus helping to encourage broadband deployment.

The Internet Tax Freedom Forever Act currently has 46 cosponsors, nearly half of the Senate. The bipartisan cosponsors of the legislation understand the tremendous benefits provided by ensuring Internet access is not taxed and the discriminatory taxes are not applied to the Internet. I strongly encourage my colleagues in the Senate to join Senator WYDEN and me and the 46 other cosponsors in this fight. When the Senate reconvenes after the Memorial Day recess, we should move quickly to extend the tax moratorium and to ensure that Americans don't wake up on November 2 with new, unexpected taxes.

In the coming weeks and months, I plan to continue raising the need to pass our bipartisan legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

WRRDA CONFERENCE REPORT

Mr. CARDIN. Mr. President, later today we are going to have the opportunity to pass a very important bill,

the Water Resources Reform and Development Act, the WRRDA bill. The Presiding Officer knows firsthand the importance of this legislation to our ports of New Jersey and Maryland. This is a very important bill, and it is going to get passed. It is going to get signed by the President. It is a bipartisan bill.

I congratulate Senator BOXER and Senator VITTER, our chair and ranking member of the Environment and Public Works Committee, for developing a process where Democrats and Republicans, all members of the Senate, could work to develop the very best water resources bill for our country. This follows in the best traditions of the last Congress, when we were able to pass MAP-21, the surface transportation reauthorization that provided for the building of our roads, our bridges, our transit systems, and the FAA, which dealt with our air highways, dealing with the most modern air system that we could have. We are now moving forward with the Water Resources Reform and Development Act that deals with our Nation's locks, levees, dams, ports, channels, and harbors. There is something in common with both this bill and the two other bills I talked about, the highway and Transportation bill, and the aviation bill. They all involve economic progress and growth, planning for our future, creating the types of job opportunities we need, and having a modern infrastructure in order to carry that out.

This bill is vitally important for my State of Maryland. The Port of Baltimore is an economic engine for the State of Maryland. We have the ninth busiest port in the Nation in Baltimore. The port is No. 1 in the country as far as the roll-on/roll-off automobile and truck import-export service. We are also ranked No. 1 on ores, sugar, and gypsum—the bulk products. Our port is critically important to this country, critically important to our national economy, and vitally important to the Maryland economy.

Last summer the Port of Baltimore entered into a new contract with several car manufacturers—including Mazda—in order to increase its traffic within the Port of Baltimore.

My point is that there are tens of thousands of jobs in my community directly and indirectly related to the activities of the port.

Why is this legislation so important? I will give many reasons, but the primary reason is that we need to make sure we have acceptable sites to deal with the dredge material in order to maintain our harbor's depth so that the big cargo ships can come into our port. That has been a continuous struggle for many years.

Several years ago in Maryland we developed the Poplar Island solution. Poplar Island is a barrier island that was disappearing in the Chesapeake. At one time it was habitable, but it is no longer habitable. It was just about

gone. Before Poplar Island, the popular thought was to just pick a site and dump the material and not worry about it. But Poplar Island is not only a site where we can put the dredge material, it is an environmental restoration. It provides a haven or wildlife, birds, and habitat. It offers the original purpose for a barrier island, and that is to protect against the extreme effects of storms. So this is a win-win situation. It gives us a dredge site for the materials so we can keep the harbor at the proper depth, it gives us an environmental plus so we can deal with wildlife in the Chesapeake, and it protects against the extreme weather conditions that occur too often.

It was absolutely essential to change the authorization in order to be able to continue to use Poplar Island as a site for dredge material. In this legislation, we get that done. We accelerated the Army Corps' reports, we got it back in time, and now that location will be available for many years to come in order to accept the dredge materials so we can keep the harbor dredged at the appropriate level.

There is also authorization in this bill to make sure our harbor is maintained at its current depth. We have gone even further than that. We have planned far into the future by now authorizing Mid Bay, the next Poplar Island for the Chesapeake. It is a barrier island that is disappearing, and it will be restored and used for economic purposes and dredge material, and it will also be converted into a positive for the environment and protect us against storms.

That is what this bill means to my State, and that is just one example. We could mention examples all over the country.

With regard to the Chesapeake Bay, I have taken to the floor many times to talk about it. Mr. President, \$1 trillion of our economy comes from the bay. Watermen, fisheries, tourists, commerce, and real estate values are all affected by the quality of the Chesapeake Bay.

We made commonsense reforms to the environmental restoration program in the bill we will be voting on this afternoon. There is a lot in here.

I thank Senator WARNER, my colleague from Virginia. The oyster restoration program is also in this bill, which is vital in order to restore the oyster crops in the Chesapeake Bay. We are making progress on oysters in the bay, and we need to continue that effort. The bill we will have a chance to vote on this afternoon will allow us to continue to make progress on oyster restoration in the Chesapeake Bay.

There is a continuing authorities program—reforms to those programs. I mention that because some people may not pick this up, the legal significance of the changes we are making on the continuing authorization programs. Those programs will help our smaller communities.

In Maryland and New Jersey there are a lot of smaller communities that

very much depend upon projects which may not be as big as Poplar Island or Mid Bay, but they are very important for the local community.

For example, in Cumberland we have a dam that needs to be removed. As a result of the enactment of the legislation we are going to be taking up this afternoon, it is going to be easier to get that type of project accomplished.

We have barrier island restorations off Crisfield on the lower Eastern Shore which will be assisted by the changes we make in this legislation. We deauthorize certain portions of two channels of the lower shore. That is important because the community needs and wants to have boat slips in that area. By deauthorizing, they can do that, and that will improve the community.

Those are the commonsense changes we have made as a result of the legislation we will be voting on this afternoon.

I want to mention one other provision that is in this bill, and I really want to thank the conferees. I was proud to be a part of the conference committee. Senator BOXER and Senator VITTER conferred with us frequently, and we came out with a good, bipartisan, bicameral bill. This is a responsible bill that will help the economy.

We also put in the report reauthorization of the State revolving fund. We have not reauthorized the State revolving fund since 1993. This is a program that is critical to our State and local governments in dealing with how we treat our waste. The wastewater treatment facility plants get their funding from the State revolving fund. It is important to get it authorized, and that is in the bill we will be taking up this afternoon.

I introduced the reauthorization bill in 2009. In that bill I would have liked to have seen the program more robust than it is today. This is a reauthorization that allows us to at least make some significant improvements in the State revolving fund.

We deal with green infrastructure and make it easier for green infrastructure in our wastewater treatment plants. We address water recapture and reuse. Water is a valuable commodity. We take steps in this bill to do that.

As to energy efficiency, we waste a lot of energy in our water infrastructure. This bill makes us more energy efficient, which helps our country and helps our environment. It helps economically disadvantaged communities have a better shot at dealing with wastewater issues.

There is a lot in here that will help everything from the smallest to the largest community and our economy. This is a good day for our Nation because we are going to pass the bill. The bill passed with over 400 votes in the House of Representatives. We are going to pass this bill and the President is going to sign it. This is a good day. Our water infrastructure will have a brighter future. The modernization of our

water infrastructure gives us a bright future for our economy.

I was proud to be on the conference committee that developed the bill and proud to join the Presiding Officer from New Jersey in moving this bill forward, and I look forward to the vote this afternoon.

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Louisiana.

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

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

Mr. VITTER. Mr. President, I rise today in strong support of the Water Resources Reform and Development Act. We are going to be considering the final conference report on that legislation and voting on it in a few hours. This WRRDA bill is a strong, bipartisan bill. It is a jobs bill. It is very much needed in our weak economy. That is why we need to move forward and finally pass this into law. It is also a pretty good example of how this place should work, how we can work in a bipartisan, constructive way, how we can move forward as an institution and find common ground on these sorts of important matters.

Earlier this week the House passed the WRRDA bill 412 to 4. That is pretty much unheard of. I am not sure resolutions expressing admiration for Mother Teresa passed by that vote in the House, so that is a strong testament to the broad, bipartisan, pro-jobs nature of the bill. Again, it is because WRRDA has a sharp focus on what our country desperately needs right now: job creation, as well as improved storm and flood protection, and enhanced national commerce, particularly in our maritime sector.

This bill invests in our Nation's waterborne assets and landside infrastructure to grow jobs and to keep us competitive in global markets. Ensuring our ports and waterways are operated and maintained, thereby improving the flow of commerce in that way, will create jobs. Being prepared for the Panama Canal expansion will increase imports and exports, and that will create jobs. Providing flood and storm damage protection for communities large and small and businesses all along our Nation's coasts and waterways is necessary, it is important, and will also create jobs. So let me underscore: The WRRDA bill will not only grow our economy, it will directly put Americans back to work.

Let me mention some of the specifics of the bill. Before I talk about what the bill does, let me start with what it doesn't do. It absolutely does not increase the deficit. It absolutely does not contain any earmarks as defined under our rules or the House rules. In

fact, the Wall Street Journal recently editorialized in strong support of the bill as a fiscally responsible way to address infrastructure needs. In fact, the bill even has a deauthorization provision—a mechanism to provide authorization offsets for the important and necessary positive authorizations the bill contains.

Now what does the bill do? Well, Corps of Engineers reform and accountability, No. 1. That is very important. It includes commonsense solutions to streamline project delivery and environmental decisionmaking.

The bill went to great lengths in making the Corps transparent and accountable to Congress and their non-Federal partners. For instance, this WRRDA requires the Corps to open their financial ledgers to show how taxpayer dollars are being spent and mandates timeframes and costs for feasibility studies which have taken several years and millions of dollars to complete. So it narrows those issues and constrains them.

To strengthen the project delivery timeline, the bill includes language to speed up the environmental review process to ensure there are not unreasonable delays in getting projects built.

The bill will also implement, for the first time ever, monetary penalties on the Corps for missed deadlines and reports. Failure to provide a specific report means funds from the general expenses account of the Civil Works Program are subtracted from that part of the Corps, and they go to the division of the Corps with responsibility for getting the work done. So there is appropriate penalty and incentive to make sure the work is done.

WRRDA also authorizes 34 Corps projects for navigation, flood protection, and ecosystem restoration. But, as I said, it also includes a real deauthorization process to decrease the nearly \$60 billion construction backlog and offset these new authorizations with equal or greater deauthorizations. I thank Senator BARRASSO for this key provision. He authored it. It was refined and expanded by our colleagues in the House. I think it is a very important initiative.

We also include a provision that began as a stand-alone bill by myself and Senator NELSON last year. It puts significant project management control in the hands of State, local, and private entities to try that on a pilot basis and to see if it leads to reduced delays and reduced costs. That is what we do with most highway projects. The Federal Highway Administration is not the project manager of those projects. It doesn't take the lead. That is what we should do with water projects as well and not demand that an already overburdened Corps of Engineers has to be the lead project manager on all of those projects.

The second important category in this bill is the harbor maintenance trust fund. In order to advance our Na-

tion's waterborne commerce and help drive our Nation's economy, this bill makes sweeping reforms to that trust fund. It is no secret that the harbor maintenance trust fund is grossly mismanaged and that in a good year half of the revenue going into that so-called trust fund is stolen—taken out—for completely unrelated purposes, even though that revenue is supposed to be dedicated for the purposes of the trust fund. We have to stop that. So WRRDA changes that status quo and requires a ramp-up in annual funding, incremental increases over 10 years to get to a full spend-out of trust fund revenue in 2025. Additional yearly harbor maintenance trust fund monies will be prioritized with ports which move 99 percent of our Nation's commerce—those high- and medium-use ports getting the highest prioritization. But there is also a limited but important low-use and underserved port set-aside to ensure adequate maintenance there and economic growth.

WRRDA also adds additional metrics to the harbor maintenance trust fund, in addition to commercial tonnage. We now include oil and gas activity, commercial fishing, and transportation of persons—important metrics that were ignored previously in an unfair way.

Without the full utilization of the harbor maintenance trust fund, negative impacts will be felt by manufacturers, producers, shippers, and carriers throughout America. They ultimately contribute to this trust fund to get dredging and other work done. We need to live up to our end of the deal and make sure that money is used for its intended purpose. That has never been more important than now with the expansion of the Panama Canal. We need to do the dredging. We need to be prepared for that economic opportunity.

A third important category in the bill is the inland waterways trust fund—another trust fund also with significant but different problems. WRRDA looks beyond our harbors to address serious concerns related to the delivery of projects on that inland waterway system and helps accelerate the construction of aging locks and dams, many of which have far exceeded their project design life. According to the American Society of Civil Engineers, the average age of our locks is over 60 years old and that continues to cause unwanted delays in the shipment of goods. By the year 2020, more than 80 percent of these locks will be functionally obsolete. This is extremely concerning, considering that more than 70 percent of our imports and exports travel this inland waterway system.

Again, the American Society of Civil Engineers estimates that underinvestment in this inland waterway system cost our businesses \$33 billion in 2010, and that could rise to \$49 billion in 2020 unless we act. This WRRDA bill takes action in the inland waterway trust fund, clears out some of the backlog

and clears out some of the things preventing important projects under that trust fund from getting done.

Another very important category which I certainly deeply care about, considering the State I represent, is flood protection and levee safety. Not only does WRRDA authorize critical flood protection projects, but it also strengthens levee safety initiatives to provide critical funds to State and local agencies to make sure levees and flood protection systems stay up to par. There are over 15,000 miles of Federal levees and almost 100,000 miles of non-Federal levees protecting communities all around the country. However, many are graded as in unsatisfactory condition. These levees protect nearly 43 percent of the Nation's population, so we need to make sure they are strong and adequate. This levee safety initiative will provide national and local leadership the resources they need to promote sound technical practices and to keep up with aging levee and protection systems.

Most important for this program is levee rehabilitation funding. It is imperative that our non-Federal sponsors have the ability, both technical and financial, to repair and rehabilitate levees. Storm surge and floodwaters are damaging to our economy. We must address this. In the experience of Hurricane Katrina, for instance, about 80 percent of the catastrophic flooding of the city of New Orleans was due directly to breaches in the levee system due to inadequate design or maintenance—flawed design at the beginning and inadequate maintenance continuing. Literally 80 percent of that catastrophic flooding was completely avoidable, completely manmade—that part of the disaster. We need to make sure that never happens again.

Certainly, in all of these categories I am talking about, there are major benefits to Louisiana. I thank all of my Louisiana partners who have done so much to give me the information and the expertise we needed to address these important areas, including Morganza to the gulf, which is very important to Lafourche and Terrebonne Parishes, as well as our ecosystem restoration projects under the Louisiana Coastal Area Program, and many other important Louisiana priorities. Again, we could only address those properly with the full help and partnership of those Louisiana partners.

In closing, I wish to thank many folks, and I will start with those Louisiana partners. As I said, they were instrumental in helping us get the Louisiana piece right, and I thank them, and that work will continue and that partnership will continue.

I thank Chairman BARBARA BOXER, a Washington, DC, partner on this bill. As she has said many times, the two of us don't agree on a whole lot of things, but we do agree on infrastructure needs and we do agree on this WRRDA bill, and we came together, as a result, very constructively, very productively on

this infrastructure work, as we are doing right now on the next highway bill. Certainly that has been an important tradition at the EPW Committee, which we are continuing. The crucial element there is the will and determination to do it, and she always provided that will and determination, as did I. I thank her for being such a great partner.

We also had great House partners: Chairman SHUSTER and Ranking Member RAHALL. They exhibited real leadership in getting a House bill done to begin with and then working with us on a productive conference committee. I thank them and their staffs for all of their work.

Speaking of staffs, I am deeply indebted to all of the staff work that went into this bill. It was very significant. The chair and I personally dealt with probably a couple dozen issues and semicrises that would crop up over time. Our staffs, in contrast, did that multiple times over—hundreds and hundreds of problems and issues before they developed to the Member level, literally hundreds and hundreds.

I thank both staffs, but I am particularly indebted to my staff for all of their hard work, particularly Charles Brittingham, Zak Baig, Chris Tomassi, Sarah Veatch, Rebecca Louviere, Jill Landry, Luke Bolar, and Cheyenne Steel. They put enormous hours into this bill and I truly appreciate their work.

I certainly want to also recognize and thank Chairman BOXER's staff, particularly Bettina Poirier, Jason Albritton, Ted Illston, Mary Kerr, and Kate Gilman.

In closing, I strongly commend this WRRDA bill to the Senate. It is a strong bipartisan jobs and infrastructure bill. It is what we need to do more of, and it is the model we need to adopt more in the Senate: working together on important projects across party lines. One key reason we were able to do it successfully is we had a strong bipartisan process and an open process that invited participation from all sides, including significant floor amendments to the Senate bill. That was absolutely crucial to moving the bill in a productive way through the process.

We will try to implement the same approach with the highway bill. We reported a strong bipartisan highway bill out of our committee unanimously last week, but we need to bring it to the Senate floor. We need to act well in advance of the highway trust fund running out of money around August. I hope we expand on this work. I hope we use this model, including an open-floor process, in many other areas on many other bills.

I urge all of my colleagues to support this WRRDA bill.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I come to the floor to speak in support of

the Water Resources Reform and Development Act, also known as the WRRDA bill.

I thank Senator VITTER for his work on this bill. Of course, I also thank Chairman BOXER for her leadership in shepherding this bill through, when I think many people thought it would be a very difficult year to get a major infrastructure bill done. She was able to do it, work with Senator VITTER, work with the House most significantly, and we are very pleased with this bill.

I support this legislation because it will keep invasive carp out of Minnesota's northern lakes. It will help towns across the country advance critical flood protection projects. It will address overdue port and harbor maintenance on the Great Lakes. It will also ensure that navigation will remain strong on the inland waterways system, including the powerful and important Mississippi River, which of course starts in my State in Itasca State Park, where one can literally walk over the mighty Mississippi.

Minnesota's fishing and boating industries contribute around \$4 billion to our State's economy every single year. For Minnesotans, being on the water is more than just a way of life. It is also part of our State's culture, part of our heritage, and it is certainly part of our economic engine, but that way of life is under threat right now because of invasive species of carp, also called Asian carp. They were imported and accidentally released into the Mississippi River years ago. How I would love to reverse that moment when they were accidentally released in the Southern States into the Mississippi River, but it happened, and years later we are still stuck with the consequences.

Anyone who has not seen the YouTube video, I would suggest you view it—of these Asian carp literally jumping out of the water, hitting fishermen in the head because they eat so much every single day, and of course they are eating the fish we have come to rely on in our State for great food and also great recreation.

As these invasive carp have worked their way farther upstream, we have learned they are not deterred by cold winters, which was once thought to be the case. Today invasive species of carp are knocking on our doorstep. They have been found around Winona, MN, and they are already in the St. Croix River.

Minnesotans know we cannot simply wish the problem away. The problem is literally swimming and jumping into our lives. That is why I authored the Upper Mississippi CARP Act, which would close the Upper St. Anthony Falls Lock in Minneapolis. My lock closure provision included in the Water Resources Reform and Development Act conference report will simply require the Army Corps of Engineers to close the Upper St. Anthony Falls Lock within 1 year following the date of enactment.

The language is a product of years of working with State and local stakeholders, and today, with the passage of this provision, we will take a significant step forward in the fight against invasive species to make sure they do not move up into Minnesota's northern lakes.

This provision has the support of Senator FRANKEN and also Representatives ELLISON, PAULSEN, WALZ, and NOLAN in the House. It was bipartisan. It was supported by Governor Dayton and the City of Minneapolis, as well as a large number of environmental and wildlife organizations, including Minnesota Trout Unlimited, the National Wildlife Federation, the Mississippi River Fund, the Minnesota Izaak Walton League, the National Parks Conservation Association, and the Friends of the Mississippi River, just to name a few.

It is also supported by countless anglers across Minnesota, and I appreciate the broad support we have had. It is not easy closing a lock, and we know there were some limited uses of the lock by certain businesses that during the winter do not use the lock but use barges, and we know the city will be working with them. We also know the kayaking community was using the lock, and I truly appreciate their support in closing down this lock. We had a tour boat that was using this lock, and they no longer use it.

Then of course we had the Army Corps there. We worked with them. It was not easy at first, but I have appreciated their work. We know in an emergency the lock could be opened again. But this is not just a study; this closes down this lock in 1 year.

I also want to thank my colleagues who worked with me on this provision who may have similar locks and dams and were concerned about what precedent this would set. We were able to make this a very focused provision, so we did not get resistance in the end, and they actually worked with me on compromise language, got it in the Senate, and I thank my colleagues in the House for using this exact provision in the House bill.

Closing this lock is supported by many people. I remember meeting with a group of kayakers who, despite being impacted by the lock closure, told me: "We're with you on this!"

Recreational users of the Upper St. Anthony Falls Lock have taken voluntary steps, as I mentioned, to limit their use of the lock to reduce the chance of allowing invasive carp to spread upstream, but we knew we had to go further, and that is what we are doing today with the passage of this provision.

Although making the decision to close the lock was not done lightly, it is right for our State. We know invasive species of carp can dominate the environment and make up an astounding 90 percent of the biomass in the river. They outcompete prized sport fish. They make waterskiing un-

safe for families, and they make boating in our lakes and rivers smelly and even dangerous.

In Minnesota, the Department of Natural Resources and the Metropolitan Council studied the economic impact of closing the Upper St. Anthony Falls Lock and also the economic value of recreation activities upstream of this lock. They found that for every one job dependent on the lock staying open, over eight jobs rely on recreational boat trips upstream of the Upper St. Anthony Falls Lock.

Closing the Upper St. Anthony Falls Lock is a key part of a strategy to protect Minnesota's waters for future generations, but the fight against invasive carp does not end here. I will continue to fight for an "all of the above" solution to this challenge that includes closing this lock while also supporting research and carp barriers to protect other bodies of water in Minnesota.

Solving this problem will require the continued cooperation of Federal, State, and local stakeholders all working together, and the passage of the lock closure provision is a leap forward, but of course it only helps with Minnesota's northern lakes. We are already seeing problems in the southern rivers, and we need to develop that research.

There must be a way to eliminate these carp—by giving them food that will not kill other fish, by doing things with bubble barriers, and other ideas that have been brought forward. I know the State of Minnesota is working on that. I know the State of Wisconsin is working on that—and people all over the country. The Federal Government must play a role, and we must protect our Great Lakes, but we also must not forget our waterways.

The WRRDA bill also advances critical flood protection projects, including the Fargo-Moorhead—or as I like to call it, being from Minnesota: the Moorhead-Fargo—diversion project which will protect Moorhead, MN, and Fargo, ND, from flooding caused by the Red River of the North.

I have seen firsthand how hard people in the Red River Valley work to prepare for a potential flood. The Presiding Officer knows what this is like in New Jersey with his hurricanes, but I can tell you in Minnesota we literally have to plan for it every single year. They literally have warehouses for people putting sand in bags, anticipating this flooding. In a number of years we nearly lost these two major cities.

This is not the way to do this, as much as we love our volunteers—our seniors, our school kids, and everyone else—who have gathered together to get this project done and have stopped their lives for weeks. It would be much better to have permanent flood protection.

I have worked with Senator HOEVEN, of course, and Senator HEITKAMP. They have both taken a lead, as well as Senator FRANKEN, to get this done.

The region avoided flooding this year. The river has been, however, in

major flood stage 6 out of the last 8 years. In 2009—the year of the record flood—the river rose to more than 40 feet. In Minnesota and North Dakota, the Red River does not divide us. Working together, it actually brings us together and unites us, and it is that spirit of solidarity that drives our efforts in the Red River Basin.

Floods damage homes, destroy crops, and hold entire cities hostage. The Fargo-Moorhead flood diversion project is critical to safety and economic development in the region, and finding a permanent solution to the issue makes much more economic sense than continuing to fight the flooding and repair damages year after year.

The WRRDA bill also helps address flood protection for Roseau, MN. Roseau has recovered from a flood in 2002 that caused widespread damage, but the area needs flood protection to reduce the flood stages in the city. The next phase of the Roseau diversion project will reduce future flood damages by nearly 86 percent. I thank COLLIN PETERSON, the Representative who represents Roseau, for his work on getting this funding. The families and businesses of Roseau have waited too long for flood protection, and the WRRDA bill ensures the project will be completed.

But the WRRDA bill does not just protect property; it also strengthens our economy. The competitiveness of our economy is directly tied to the strength of our infrastructure. This includes upgrading and modernizing our ports, our harbors, and our waterways.

The harbor maintenance trust fund collects \$700 million more each year than it spends on dredging and maintenance. Meanwhile, our ports and navigation channels wait for basic maintenance.

Coming from New Jersey, the Presiding Officer may think of New Jersey as having ports. Well, we have a major port—one of the biggest ports—in Duluth, MN, that connects goods from the Midwest—not just from Minnesota, from all over the Midwest—to the Great Lakes through the St. Lawrence Seaway. It is a major port and brings goods in from the rest of the world.

The backlog of sediment due to insufficient dredging is more than 18 million cubic yards and is estimated to cost \$200 million. The WRRDA bill helps correct this disparity and ensures that funds are spent to address the needs of shippers and that the Great Lakes system does not fall into further disrepair.

When ships on the Great Lakes have to light load—which means they have about 10 percent less cargo than they should have—when they have to reduce their cargo because channels are not deep enough, our whole economy suffers, not just the shippers, not just the people who are producing the goods. Our whole economy suffers when we have to ship 10 percent less than we could on these ships and instead we are bringing it in from other parts of the world. This does not make any sense at all.

That is why I cosponsored an amendment with Senator LEVIN that establishes the Great Lakes ports as a single navigation system and sets aside additional funding for the Great Lakes ports.

This provision will help ensure maintenance and dredging is done throughout the Great Lakes system. We are so excited about this. It is finally warming up in Duluth. In northern Minnesota, it is no longer colder than Mars. Our ships are ready to go and transport goods. We want them to be at their full capacity. The only way we can achieve this is by dredging some of these areas where we have seen some major problems.

The bill also makes critical reforms to our Nation's rivers and waterways. The inland waterways system in this country spans 38 States and handles approximately one-half of all inland freight. With many maintenance and construction projects years overdue, the inland waterways are in dire need of major rehabilitation.

The inland waterways trust fund, which funds these projects, is in steady decline. If we do not strengthen it, the industries that so heavily depend on the inland waterways system and the people that work for these industries—critical jobs—will suffer. That is why I cosponsored the RIVER Act with Senators CASEY and LANDRIEU to help move forward major construction projects on the inland waterways system, including much-needed rehabilitation of the locks and dams on the Mississippi River.

A number of the provisions of the RIVER Act are included in the final WRRDA bill, including reforms to the project management process that will help ensure waterways projects are completed on time and cost overruns are minimized.

I also supported Senator CASEY's amendment to increase the inland waterways user fee. Let me emphasize that the user who pays this fee asked for it. They agreed to pay this fee. We have a case of a win-win situation where the businesses that use these locks and dams want to actually pay more money to upgrade them because they need to carry their goods to market.

I think the Presiding Officer knows the only way we are going to advance here in this economy on an international basis is if we are making stuff, inventing things, and sending them overseas instead of everyone sending their goods to America. We are not going to do that without a modern transportation system. Here we have businesses that are employing tens of thousands of people, hundreds of thousands of people, that are willing to pay extra money to upgrade our locks and dams. That is all this is about.

Industry partners, from farmers to shippers to companies such as Cargill in my State, strongly support this user fee increase. The increase was their idea. They know this modest change

will go a long way to ensuring that our Nation's rivers are viable for years to come. The fee increase did not make it into the WRRDA bill because it is a tax provision. There are some good things in this bill for locks and dams. I do appreciate how the industry worked so well with me on allowing this provision of the closure of the one lock in Minnesota to stop the invasive species from going up into our northern lakes.

But I also am continuing to work with them to upgrade our locks and dams throughout the country. One aspect that would truly help is this fee that businesses are willing to pay. It is exactly what we want—private money going to upgrade our infrastructure. So we need to get this done. I will work with them in the future to get it on any bill we can so we can upgrade this country's locks and dams.

Again, I commend Chairman BOXER and Ranking Member VITTER and all of the WRRDA conferees for putting together this bipartisan legislation. From keeping invasive carp out of our waters, to fighting to protect towns from flooding, investing in critical waterway infrastructure, to making sure our harbors are at 100 percent, this legislation is vital to the economy, our environment, our cities and towns. I will be proud to vote for it today.

I yield the floor.

UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. MENENDEZ. I thank the distinguished Senator from Arizona and a distinguished member of the Senate Foreign Relations Committee for his courtesy. I know he will be making comments in which I share his concerns and for which he has been very outspoken. I will try to condense my effort here.

On Monday, the Department of Justice announced that Swiss bank Credit Suisse pled guilty to the criminal charge of helping American citizens cheat on their taxes, and agreed to pay a \$2.6 billion fine. The bank admitted to using bogus entities to disguise undeclared U.S. accounts from American tax authorities, and it admitted to helping its clients arrange large cash transactions to skirt U.S. reporting requirements.

The guilty plea means that the bank will be punished for its transgressions, and it serves as a warning to others who would engage in or enable tax evasion. But astoundingly, Credit Suisse will not be required to disclose additional names of U.S. citizens who hired the bank to help them cheat on their taxes and evade prosecution by U.S. authorities.

As the Permanent Subcommittee on Investigations reported earlier this year, the Justice Department has only been able to obtain the names of 238 Credit Suisse customers out of 22,000 U.S.-owned accounts at the bank. The reason for this is simple. Swiss bank secrecy laws forbid Credit Suisse and

other Swiss banks from sharing information about their clients with U.S. tax authorities, even if those clients are actively violating U.S. tax laws.

Luckily, we have a simple solution, one which we could enact right now with the agreement from this body. On April 1, the Foreign Relations Committee, with strong bipartisan support, reported out favorably a new protocol amending our tax treaty with Switzerland. For decades, tax treaties have played a key role in facilitating greater and more transparent trade and investment. They have helped protect American companies from double taxation and made it easier for them to explore new markets and business opportunities.

They do this all while simultaneously protecting U.S. taxpayer privacy and information confidentiality. They enhance our efforts to prevent tax avoidance or evasion. The new protocol with Switzerland would not permit Swiss banks, like Credit Suisse, to withhold information on U.S. individuals who have, for years, hidden behind Swiss bank secrecy laws to avoid paying U.S. taxes.

The protocol brings our tax treaty with Switzerland into conformity with both the entire internationally accepted standards on the information exchange as well as the most recent U.S. model tax treaty. It includes an arbitration provision to ensure that when disputes arise between the U.S. and Swiss tax authorities over issues like the exchange of information, these disputes will be resolved expeditiously, rather than dragging on and frustrating cross-border tax enforcement.

The Swiss government has already ratified the protocol. We should do the same. Credit Suisse pled guilty to abetting tax evasion—a criminal charge. But they were not forced to disclose the names of actual tax evaders because doing so would violate Swiss bank secrecy laws. Ratifying the treaty with Switzerland is therefore necessary.

It will enable U.S. authorities to obtain information about these and other tax evaders who are still taking advantage of bank secrecy laws to avoid paying their fair share.

I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 9, treaty document No. 112-1; that the treaty be considered as having advanced through the various parliamentary stages up to and including the presentation of resolutions of ratification; that any committee declarations be agreed to as applicable; that any statements be printed in the RECORD as if read; that if the resolution of ratification is agreed to, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.