

(A) DEED TO NON-FEDERAL LAND.—The Secretary may only accept conveyance of the non-Federal land by warranty deed, as determined acceptable by the Secretary.

(B) DEED TO FEDERAL LAND.—The Secretary shall convey the Federal land to the Tulsa Port of Catoosa by quitclaim deed and subject to any reservations, terms, and conditions that the Secretary determines necessary to—

(i) allow the United States to operate and maintain the McClellan-Kerr Arkansas River Navigation System; and

(ii) protect the interests of the United States.

(2) LEGAL DESCRIPTIONS.—The exact acreage and legal descriptions of the Federal land and the non-Federal land shall be determined by surveys acceptable to the Secretary.

(3) PAYMENT OF COSTS.—The Tulsa Port of Catoosa shall be responsible for all costs associated with the land exchange authorized by this section, including any costs that the Secretary determines necessary and reasonable in the interest of the United States, including surveys, appraisals, real estate transaction fees, administrative costs, and environmental documentation.

(4) CASH PAYMENT.—If the appraised fair market value of the Federal land, as determined by the Secretary, exceeds the appraised fair market value of the non-Federal land, as determined by the Secretary, the Tulsa Port of Catoosa shall make a cash payment to the United States reflecting the difference in the appraised fair market values.

(5) LIABILITY.—The Tulsa Port of Catoosa shall hold and save the United States free from damages arising from activities carried out under this section, except for damages due to the fault or negligence of the United States or a contractor of the United States.

#### TITLE XIII—MISCELLANEOUS

##### SEC. 13001. APPLICABILITY OF SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.

(a) DEFINITIONS.—In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) FARM.—The term “farm” has the meaning given the term in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(3) GALLON.—The term “gallon” means a United States liquid gallon.

(4) OIL.—The term “oil” has the meaning given the term in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(5) OIL DISCHARGE.—The term “oil discharge” has the meaning given the term “discharge” in section 112.2 of title 40, Code of Federal Regulations (or successor regulations).

(6) REPORTABLE OIL DISCHARGE HISTORY.—The term “reportable oil discharge history” has the meaning used to describe the legal requirement to report a discharge of oil under applicable law.

(7) SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.—The term “Spill Prevention, Control, and Countermeasure rule” means the regulation, including amendments, promulgated by the Administrator under part 112 of title 40, Code of Federal Regulations (or successor regulations).

(b) CERTIFICATION.—In implementing the Spill Prevention, Control, and Countermeasure rule with respect to any farm, the Administrator shall—

(1) require certification of compliance with the rule by—

(A) a professional engineer for a farm with—

(i) an individual tank with an aboveground storage capacity greater than 10,000 gallons;

(ii) an aggregate aboveground storage capacity greater than or equal to 20,000 gallons; or

(iii) a reportable oil discharge history; or  
(B) the owner or operator of the farm (via self-certification) for a farm with—

(i) an aggregate aboveground storage capacity not more than 20,000 gallons and not less than the lesser of—

(I) 6,000 gallons; or  
(II) the adjustment described in subsection (d)(2); and

(ii) no reportable oil discharge history of oil; and

(2) not require a certification of a statement of compliance with the rule—

(A) subject to subsection (d), with an aggregate aboveground storage capacity of not less than 2,500 gallons and not more than 6,000 gallons; and

(B) no reportable oil discharge history; and

(3) not require a certification of a statement of compliance with the rule for an aggregate aboveground storage capacity of not more than 2,500 gallons.

(c) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For purposes of subsection (b), the aggregate aboveground storage capacity of a farm excludes—

(1) all containers on separate parcels that have a capacity that is 1,000 gallons or less; and

(2) all containers holding animal feed ingredients approved for use in livestock feed by the Commissioner of Food and Drugs.

(d) STUDY.—

(1) IN GENERAL.—Not later than 12 months of the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture, shall conduct a study to determine the appropriate exemption under subsection (b)(2)(A) and (b)(1)(B) to not more than 6,000 gallons and not less than 2,500 gallons, based on a significant risk of discharge to water.

(2) ADJUSTMENT.—Not later than 18 months after the date on which the study described in paragraph (1) is complete, the Administrator, in consultation with the Secretary of Agriculture, shall promulgate a rule to adjust the exemption levels described in subsection (b)(2)(A) and (b)(1)(B) in accordance with the study.

##### SEC. 13002. AMERICA THE BEAUTIFUL NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS PROGRAM.

The Secretary may participate in the America the Beautiful National Parks and Federal Recreational Lands Pass program in the same manner as the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, the Forest Service, and the Bureau of Reclamation, including the provision of free annual passes to active duty military personnel and dependents.

#### NOTICES OF INTENT TO OBJECT TO PROCEEDING

I, Senator KIRSTEN GILLIBRAND, intend to object to proceeding to the nomination of Jo Ann Rooney, of Massachusetts, to be Under Secretary of the Navy, dated October 31, 2013.

I, Senator BARBARA BOXER, intend to object to proceeding to the nomination of Jo Ann Rooney, of Massachusetts, to be Under Secretary of the Navy, dated October 31, 2013.

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing was previously scheduled for Thursday, October 10, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building; and will now be held on Thursday, November 7, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to consider the Draft Regional Recommendation regarding the Columbia River Treaty.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Lauren\_Goldschmidt@energy.senate.gov.

For further information, please contact Dan Adamson at (202) 224-2871, Cisco Minthorn at (202) 224-4756 or Lauren Goldschmidt at (202) 224-5488.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources on Thursday, November 14, 2013, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing to consider the nominations of Mr. Steven P. Croley to be the General Counsel of the Department of Energy, Christopher A. Smith to be an Assistant Secretary of Energy, Fossil Energy, and Ms. Esther P. Kia'aina to be an Assistant Secretary of the Interior, for Insular Areas.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Abigail\_Campbell@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Abigail Campbell at (202) 224-4905.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Subcommittee on Public Lands, Forests, and Mining. The hearing will be held on Wednesday, November 20, 2013, at 3:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 182, to provide for the unencumbering of title to non-Federal land owned by the city of Anchorage, Alaska, for purposes of economic development by conveyance of the Federal reversion interest to the City;

S. 483, to designate the Berryessa Snow Mountain National Conservation Area in the State of California, and for other purposes;

S. 771, to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA-20139 and CA-22901, and for other purposes;

S. 776, to establish the Columbine-Hondo Wilderness in the State of New Mexico, to provide for the conveyance of certain parcels of National Forest System land in the State, and for other purposes;

S. 841, to designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness, and for other purposes;

S. 1305, to provide for the conveyance of the Forest Service Lake Hill Administrative Site in Summit County, Colorado;

S. 1341, to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes;

S. 1414, to provide for the conveyance of certain Federal land in the State of Oregon to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians;

S. 1415, to provide for the conveyance of certain Federal land in the State of Oregon to the Cow Creek Band of Umpqua Tribe of Indians, and;

S. 1479, to address the forest health, public safety, and wildlife habitat threat presented by the risk of wildfire, including catastrophic wildfire, on National Forest System land and public land managed by the Bureau of Land Management by requiring the Secretary of Agriculture and the Secretary of the Interior to expedite forest management projects relating to hazardous fuels reduction, forest health, and economic development, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC, 20510-6150, or by email to [John\\_Assini@energy.senate.gov](mailto:John_Assini@energy.senate.gov).

For further information, please contact please contact Meghan Conklin (202) 224-8046, or John Assini (202) 224-9313.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MARKEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 31, 2013, at 10 a.m.

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MARKEY. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 31, 2013, at 10 a.m., to conduct a hearing entitled "Housing Finance Reform: Essential Elements of a Government Guarantee for Mortgage-Backed Securities."

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. MARKEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 31, 2013, at 10 a.m.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. MARKEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 31, 2013, at 10:15 a.m., to hold a hearing entitled "Syria".

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. MARKEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 31, 2013, at 2:15 p.m.

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MARKEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Attaining a Quality Degree: Innovations to Improve Student Success" on October 31, 2013, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MARKEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 31, 2013, at 10 a.m. to conduct a hearing entitled "The Navy Yard Tragedy: Examining Government Clearances and Background Checks."

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

##### COMMITTEE ON THE JUDICIARY

Mr. MARKEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 31, 2013, at 10 a.m. SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. MARKEY. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on October 31, 2013, at 2 p.m.

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

#### EMPLOYMENT NON-DISCRIMINATION ACT OF 2013—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 184.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 815) to prohibit the employment discrimination on the basis of sexual orientation or gender identity.

##### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 184, S. 815, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

Richard J. Durbin, Tom Harkin, Jeff Merkley, Benjamin L. Cardin, Michael F. Bennet, Barbara Mikulski, Charles E. Schumer, Martin Heinrich, Patrick J. Leahy, Robert Menendez, Barbara Boxer, Kirsten E. Gillibrand, Mazie Hirono, Tammy Baldwin, Amy Klobuchar, Jack Reed, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 357; that the nomination be confirmed; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

##### DEPARTMENT OF DEFENSE

Marcel J. Lettre II, of Maryland, to be a Principal Deputy Under Secretary of Defense.

Mr. REID. Mr. President, this is a fine young man. He worked for me, did my intelligence work. He is an outstanding person. We are so fortunate