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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

God of love and judgment, show us Your mercy and forgiveness today. Pardon us for neglecting to do right; for remaining silent when we should speak; for ignoring the whisper of conscience; for looking away from the oppressed; and for being poor stewards of Your bounty. Show us Your mercy for our failure to embrace humility, for our excessive dependence upon our wisdom, and for our reluctance to build stronger bridges of cooperation and friendship.

God of love and judgment, gently lead our lawmakers to a growth in ethical fitness that will enable them to glorify Your Name. May their moral development bear such visible fruits that people will lift praises to You. We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 17, 2007.

To the Senate:

Under the provisions of rule I, Paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning, following any time utilized by Senator MCCONNELL and myself, the Senate will begin consideration of H.R. 2206, the emergency supplemental legislation. There will be an hour of debate prior to a vote on the motion to invoke cloture on the Reid-McConnell substitute amendment. The time is also equally divided between the two leaders or their designees.

The cloture vote will occur around 10:45. If cloture is invoked, and we expect that it will be, the Senate will immediately agree to the amendment and then go to a vote on the passage of the legislation. Therefore, there will be 2 rollcall votes expected this morning.

Following the completion of the action on the supplemental, the Senate will begin debate on the conference report accompanying the budget resolution. Senators GREGG and CONRAD have worked on this through the entire process. They are two veteran legislators, and they understand this issue more than anyone else in the Senate and probably in the country. We will have that vote, hopefully, around 3:30, between 3:30 and 4:30 this afternoon, if all things go well. We are waiting for the House to pass it. I think they will do that around 3:30 this afternoon.

RESERVATION OF LEADER TIME

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

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2206, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2206) making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Reid/McConnell amendment No. 1123, in the nature of a substitute.

Reid/McConnell amendment No. 1124 (to amendment No. 1123), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions.

Reid amendment No. 1125 (to amendment No. 1124), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions.

Reid amendment No. 1126 (to the instructions of the motion to commit H.R. 2206), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions.

Reid amendment No. 1127 (to the instructions of the motion to commit (to amendment No. 1126)), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions.

Reid amendment No. 1128 (to amendment No. 1127), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of

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

the United States or impact their ability to complete their assigned or future missions.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 shall be equally divided and controlled by the two leaders or their designees.

Ms. KLOBUCHAR. Mr. President, I yield myself 10 minutes.

U.S. ATTORNEY INVESTIGATION

Ms. KLOBUCHAR. Mr. President, today I was shocked to read in the Washington Post that Tom Heffelfinger, the former U.S. attorney for the District of Minnesota, was among those recommended for removal by the Justice Department under Attorney General Alberto Gonzales. Tom Heffelfinger had previously been appointed U.S. attorney for Minnesota by the first Bush administration in 1991 and had the distinction of being appointed again in 2001 by George W. Bush.

During his second term as U.S. attorney, I had the privilege of working with Tom as a district attorney and chief prosecutor for Minnesota's largest county. The relationship between the U.S. attorney and the district attorney for a large metropolitan county is a very important one but also a difficult one. I can tell my colleagues this: It has been my experience that the people of this country don't care who prosecutes a case. They don't care if it is a local attorney or a State attorney or a Federal attorney. They just want us to get the job done. That was the spirit in which I worked with Tom Heffelfinger and his predecessor, B. Todd Jones, who was appointed by President Clinton.

When I was first elected in 1998, B. Todd Jones had been appointed by President Clinton. Todd Jones and I forged an excellent relationship. We spoke often about the various cases in our jurisdiction and the surrounding area, and we worked together when jurisdictional lines were blurred, deciding if a case would be prosecuted federally or locally. It is not a small thing. In other jurisdictions there are often disputes that are not in the best interests of the citizens, but we were able to forge that relationship.

I remember we made a plan early on, and that is that we were going to work together. I remember when Mr. Jones and I decided we would have a party for our joint offices, and he invited the county attorney's prosecutors over to the U.S. attorneys, and I have to tell you, there is traditionally a little bit of jealousy that goes on. The county attorneys always look at the U.S. attorneys and figure they can have less cases and fewer resources to do those fewer cases, and the U.S. attorneys may look at the county attorneys and say, oh, why can't they spend more time on a case.

So we decided we would bring the people together. I still remember when we had the party at their beautiful offices. I got there first, and I never told my office, but U.S. attorney Todd Jones got on the intercom, and before my office came over, he said: Nail down the furniture; The cousins are coming over.

Since then, we forged an amazing relationship. So when George W. Bush appointed Tom Heffelfinger as U.S. attorney—Tom Heffelfinger, of course, was a Republican; I was a Democrat—you might think there would be problems. Well, there weren't. Tom Heffelfinger basically ran the office the same way Todd Jones did, in a professional manner. Many of the same people continued to work there and, in fact, the chief deputy remained the same under both the Republican-appointed U.S. attorney and the Democrat-appointed U.S. attorney.

An example of Tom's professionalism comes to mind. When there was an armored truck robbery in the southern suburbs in our metropolitan area, the victim was killed execution style, kneeling next to a truck. It was a Brink's truck driver. The case had gone unsolved for a number of years. Tom came to my office. I want my colleagues to know he didn't have to do this. He could have had just a press conference and announced the charges, and that would be the end of it. But he came to my office weeks before the case was charged to tell me he thought they were closing in on the suspect; to tell me he knew in most cases murders were handled by our office, but that this case was going to be different. It was different because the Feds had been investigating it for a number of years, and it was different because it involved an armored truck. It was also different because it could potentially be eligible for the death penalty, and he knew I was personally opposed to the death penalty and Minnesota didn't have a death penalty. Nothing required him to come and talk to me about that case, but Tom Heffelfinger did because he had the respect for me and he had the respect for our office that you don't always see with people in government service.

Our office jointly prosecuted many cases, and when there was a jurisdictional issue, Tom and I would always talk about it. We did a number of criminally focused initiatives together. We saw our offices as partners, not as rivals, and as time went on, as the years went on, the respect between both our offices grew. As I said, each came to see each other, the people in our office, not as rivals, but as partners in justice.

This is why I am so appalled that Tom Heffelfinger was targeted for firing. I take Tom at his word—and we have talked many times in the last few months—that he had made a decision to leave the office, that he never knew he was on such a list, and he made the decision based on the fact that his wife was going to retire. But the issue is not that he made the decision on his own, the issue is that someone of such integrity as Tom Heffelfinger was ever targeted by this Justice Department for firing.

I have always believed, as a prosecutor, you do your job without fear of favor. It may not be easy, but whatever your decisions—and you know they are not going to make everyone happy, but whatever your decisions, you want to know at the end of the day that you did the right thing and that you had no regrets.

We have learned these past few months that our Nation's chief law enforcement officer, our leading guardian of the rule of law in this country, has allowed politics to creep too close to the core of our legal system. This administration has determined that Washington politicians—not prosecutors out in the field, and even perhaps in some cases not the facts themselves—would dictate how prosecutions should proceed. The consequences are simply unacceptable. Good prosecutors like Tom Heffelfinger who, by all accounts, were just doing their jobs—upholding their oaths, following the principles of their professions—we find out were targeted for firing. The new information we also received this week is while this administration repeatedly said we were only focusing on these eight prosecutors, it turned out to be 26 people who they were considering.

This is why I am asking the Justice Department today to tell us why Tom Heffelfinger, someone of such integrity, would even be on this list. I am asking our Judiciary Committee to look into the fact that this man—this good man—was even on this list.

We have seen cases all over the country now where prosecutors were pressured, where they were fired, where they were unfairly slandered by this administration. All of this, it would seem, was motivated by rank politics.

This week was Law Enforcement Week. It made me a little melancholy for my previous job. I had many police officers come in and talk to me, so many I had known and worked with, and we talked about cases. I also treasured the work that I did with prosecutors throughout our State, from the smallest counties to the U.S. Attorney's Office. This is what our justice system is about in America. It is about putting justice first. It is about doing our jobs without fear of favor.

That is why I believe this Attorney General must resign. I have been saying it for months. You simply cannot have a cloud over the Justice Department, where they can't do their jobs because they are constantly plagued by investigations and by everything that has been going on because of the brute political decisions made by this administration.

This is just wrong. I call for the resignation of this Attorney General, and I ask that the country understand what a great man Tom Heffelfinger is, that he should never have been on this list. And I will stand tall to tell the people of my State how this is a man of integrity and that I respect him very much.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, here we are once again—deja vu—debating supplemental funding for the President's disastrous misadventure in Iraq. Now in its fifth year of occupation, the U.S. death toll in Iraq is over 3,380. What a shame, shame, shame. The death toll of innocent Iraqis is largely unknown, but it probably numbers in the tens of thousands.

The United States of America has spent over $378 billion in Iraq. Do you know how much a billion dollars is? That is $1 for every minute since Jesus Christ was born. So the United States has spent over $378 billion in Iraq, and we are all familiar with the horrendous tales of waste and abuse by U.S. contractors in Iraq. The taxpayer—that is you out there—has been ravaged by the profiteering in Iraq. But even worse, despite the billions, our brave troops have been shortchanged with inadequate equipment to protect their lives and shoddy medical care, if they make it back home, to treat wounds of the body and of the mind.

Now the President has threatened to veto the House bill, which is before the Senate, because it sets a date to withdraw, provides funding until late July and ''could unreasonably burden the President's exercise of his constitutional authorities, including his authority as Commander in Chief.''

President Bush has also objected to funding for rebuilding the Gulf Coast States after Hurricane Katrina, funding to improve health care for our troops and our veterans, funding for the shortfall in the State Children's Health Insurance Program, funding for Low-Income Heating Assistance Program, and more funding for Homeland Security.

Mr. President, this President—our President—has a single-minded obsession with Iraq, and he appears to see no value in anything except continuing his chaotic ''mission impossible.'' While tilting at windmills may have been a harmless procedure for Don Quixote, Mr. Bush's war is turning the sands of Iraq blood red.

Mr. Bush raises constitutional concerns in his latest veto threat. I don't know whether to laugh or to cry. I don't no whether to laugh or to cry. I suppose one could be encouraged that constitutional concerns exist in the Bush kingdom. After setting aside the Constitution whenever convenient to justify preemptive attacks, illegal searches, secret wiretapping, clandestine military tribunals, treaty violations, kidnapping, torture, and a rejection of habeas corpus, one has to wonder about the nature of these purported ''constitutional concerns.'' If the Constitution is finally to be read, let us read it in its entirety, including the articles which give the people's representatives—that is us—the power over the purse—yes, the power over the purse; don't ever forget it. That is the real power. It gives the people's representatives the power over the purse and the power to declare war.

In its statement of administrative policy, the administration claims that the House bill before us '' . . . is likely to unleash chaos in Iraq. . . .'' Mr. President, what do we have now if not chaos in Iraq? Securing Iraq has unaccountably morphed into securing Baghdad, and even that goal eludes us. I doubt if building a wall around the green zone is going to be of much consequence in securing Baghdad, not to mention the very strange message such a wall conveys concerning our purported liberation of Iraq.

The President—our President—continues to miss the point. Iraq is at war with itself. America cannot create a stable democracy in Iraq at the point of a gun. While our troops succeeded in toppling Saddam Hussein, it is the President's profound misunderstanding of the dynamics in Iraq that have led to the failure of his Iraq policies. Why in the world should we now believe the claims that he makes in his veto threat?

There must be an end to this occupation of Iraq. Yes, I say occupation for it is no longer a war in which U.S. troops should be involved. Our troops won the war they were sent to fight, and they should not now be asked to serve as targets in a religious conflict between Sunni and Shiites that has raged for thousands of years. It is reported that even a majority in the Iraqi Parliament now supports legislation which demands a scheduled withdrawal and an immediate freeze on the number of foreign soldiers in Iraq.

In April, Congress set a new course for the war in Iraq. Sadly, the President—our stubborn, uncompromising President—chose to veto that bill. As we prepare to go to conference again, the President continues—our President—to close his eyes and cover his ears to the reality in Iraq, and the urgent need for a new direction. Whatever decision is made in conference will not be the last chapter in this sad story. God willing, this Senator will not close his eyes, nor will he cover his ears, nor will I stand by in silence. Hear me.

We need to conclude this terrible, awful mistake that we have made in Iraq. I said in the beginning that we ought not go into Iraq. But we are there. Anti-Americanism is more robust now than in any period in our history because of Iraq. Do you hear that? The international community is skeptical—why should they not be? They are skeptical of U.S. intentions because of Iraq. Our Constitution has been trampled—hear that. Our Constitution has been trampled because of Iraq. Thousands of U.S. troops and Iraqi citizens have lost their lives because of Iraq. Thousands more are maimed physically or mentally because of Iraq. Billions of U.S. dollars have been wasted because of Iraq.

President Bush has lost all credibility. President Bush, our President, has lost all—all—credibility because of Iraq.

Terrorism is on the rise worldwide because of Iraq. May God grant this Congress—that is, us—may God grant this Congress the courage to come together and answer the cries of a majority of the people who sent us here. Find a way to end this horrible catastrophe, this unspeakable—unspeakable—ongoing calamity called Iraq. May God help us in the United States.

Mr. FEINGOLD. Mr. President, I cannot support the procedure that the majority and minority leaders have concocted to speed a supplemental spending bill to conference without debate or amendments—and without even writing the actual bill. I share the desire of my colleagues to pass this important bill as soon as possible. But that is no excuse for us avoiding our responsibilities as legislators. Passing a symbolic resolution is not an acceptable alternative to writing, considering and working to improve legislation that provides tens of billions of dollars for a broad range of programs and that addresses the most pressing issue facing the country—the President's disastrous policies in Iraq.

When it comes to legislation as important as this, we need full debate and votes. We can do this quickly—I am prepared to have this debate and consider amendments right away, and to stay as long as it takes to get it done. But we should do it openly and on the record. The votes we had yesterday on Iraq amendments to an unrelated bill are no excuse for bypassing the regular legislative process today.

I admit, it is easier and quicker if we just send a placeholder bill to conference, so that the real work can be done there. But we do a disservice to our constituents, and to this institution, by passing the buck like that. The American people are calling on us to end the war in Iraq. They deserve to see this debate, even if it slows us down by a few hours. They deserve to know where their Senators stand, and which amendments they support. A decision about whether to continue our involvement in this misguided war should be made in open debate, not behind closed doors—particularly since neither house will have the opportunity to amend whatever final legislation emerges from conference.

The first supplemental that Congress recently passed was a step forward toward ending this war. I am concerned that the bill that emerges from the upcoming conference, thanks to this expedited procedure, will be a step back. Passing a weak supplemental bill that expresses disapproval of the President's policies but doesn't do anything to fix them may make some of us feel better. But this debate should not be about providing political comfort for folks here in Washington. It is about responding to the wishes of the American people and the needs of our national security. And it should take place on the Senate floor, before the American people, right here, right now.

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

The PRESIDING OFFICER (Mr. OBAMA). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, yesterday, the Senate held two important votes: one on the Feingold amendment, which called for transitioning the mission; and on the Warner amendment, which would require the President to certify the Iraqi Government is meeting benchmarks in order to receive United States aid.

I supported the Feingold amendment, which provides a real change of direction and course out of the war. I opposed the Warner amendment because, after more than 4 years of war, 3,400 American deaths, almost 30,000 wounded, and more than $500 billion—almost arriving at $1 trillion dollars in taxpayer dollars spent—we need action, not more reports, especially those without consequences.

Yet, while I supported one vote and opposed the other, I am encouraged by both. They show real and growing momentum on both sides of the aisle to move away from this tragic, endless war. As the Los Angeles Times reported this morning:

The votes illustrated Congress' dramatic response to public dismay with the war.

As CNN's Dana Bash said:

It was a milestone in the Iraq war debate. For the first time, the vast majority of the President's fellow Republicans voted to directly challenge his Iraq policy.

It is no wonder a broad bipartisan consensus for change is emerging. We are well into the fourth surge of U.S. forces since the start of the war, yet April was one of the deadliest months in the entire war, and attacks on our troops show no sign of decreasing. The Iraqi Government has failed to adopt an oil law, a law on de-Baathification, or any further constitutional amendments they are required to implement.

Iraqi Prime Minister Maliki is accused of sabotaging efforts of peace and stability by firing some of the top law enforcement officials for doing too good a job of combating violent Shiite militias.

Conditions are so chaotic, according to a report this morning by the Chatham House Research Institute—which is a respected institute in England—they say the Iraqi Government is:

. . . on the verge of becoming a failed state with internecine fighting and a continual struggle for power threatening the nation's very existence.

The U.S. mission grows further and further disconnected from our strategic national interests. Instead of focusing on force protection, hunting down al-Qaida and other terrorists, and training the Iraqi military—missions that will make us more secure, help the Iraqi people, and reduce our troops' exposure to sectarian violence—United States forces, as we speak, are patrolling Baghdad streets, extremely vulnerable to snipers, kidnappers, and these explosive devices which have become so well-known over there.

Our brave fighting forces have done everything we have asked of them, and even more. Every day we debate the war, our troops remain in harm's way. The overwhelming veto-proof bipartisan majority of the Senate is now on record saying the status quo is unacceptable.

With that reality as a backdrop, this morning we will vote for cloture on Senator MURRAY's sense-of-the-Senate resolution that will move us to conference on the emergency supplemental bill and the important negotiations that will take place in the near future on the Iraq situation.

Last evening, I spoke to the father of one of the hostages in Iraq. He lives in Reno, NV. We talked, and it was difficult. He loves his son, he prays for his son's return, as we all do. We talked about how we have hope that he is alive.

I urge all my colleagues to support the resolution we are going to vote on. We can all agree we need to move swiftly to the supplemental bill that fully funds our troops. We all agree we can't ''stay the course.'' That is not an option, as President Bush has done for more than 4 years.

As we move this debate to conference, the American people deserve to know that the Democrats' commitment to bring this war to a responsible end has never been stronger. If enough of our Republican colleagues decide to join with us, even the President will have to listen.

Mr. President, it is my understanding the parliamentary issue before this body is a vote that will occur at 10:30; is that right?

The PRESIDING OFFICER. At 10:35.

Mr. REID. At 10:35. And at 10:35, because the leaders used some of their time?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I think it would be in the best interest of the Senate if we go ahead and start the vote. I have not had an opportunity to check with the minority, so I don't want to move to do that before I do so. We will know that in a minute. But it would probably be better if we got the vote started, if there is no one here to speak in the next 5 minutes.

I think we will go ahead and start the vote, and if somebody is concerned about the extra 5 minutes, then we will extend the time an extra 5 minutes. I ask that we proceed with the vote.

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

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant 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 Reid-McConnell amendment No. 1123 relating to Iraq to H.R. 2206, the Emergency Supplemental Appropriations Act.

Harry Reid, Debbie Stabenow, Daniel K. Inouye, Jon Tester, Bill Nelson of Florida, Jeff Bingaman, Barbara Boxer, Patty Murray, Frank R. Lautenberg, Benjamin L. Cardin, Tom Carper, Charles Schumer, Maria Cantwell, Carl Levin, Daniel K. Akaka, Ted Kennedy, Amy Klobuchar.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1123, offered by the Senator from Nevada and the Senator from Kentucky, expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mrs. DOLE), the Senator from Arizona (Mr. MCCAIN), and the Senator from New Hampshire (Mr. SUNUNU).

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

The yeas and nays resulted—yeas 94, nays 1, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—94

Akaka	Dodd	Martinez
Alexander	Domenici	McCaskill
Allard	Dorgan	McConnell
Baucus	Durbin	Menendez
Bayh	Ensign	Mikulski
Bennett	Enzi	Murkowski
Biden	Feinstein	Murray
Bingaman	Graham	Nelson (FL)
Bond	Grassley	Nelson (NE)
Boxer	Gregg	Obama
Brown	Hagel	Pryor
Brownback	Harkin	Reed
Bunning	Hatch	Reid
Burr	Hutchison	Roberts
Byrd	Inhofe	Rockefeller
Cantwell	Inouye	Salazar
Cardin	Isakson	Sanders
Carper	Kennedy	Schumer
Casey	Kerry	Sessions
Chambliss	Klobuchar	Shelby
Clinton	Kohl	Smith
Cochran	Kyl	Snowe
Coleman	Landrieu	Specter
Collins	Lautenberg	Stabenow
Conrad	Leahy	Stevens
Corker	Levin	Tester
Cornyn	Lieberman	Thomas
Craig	Lincoln	Thune
Crapo	Lott	
DeMint	Lugar	

Vitter	Warner	Whitehouse
Voinovich	Webb	Wyden

NAYS—1

Feingold

NOT VOTING—5

Coburn	Johnson	Sununu
Dole	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, all other amendments and motions are withdrawn, and the substitute amendment is agreed to.

The amendment (No. 1123) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2206), as amended, was passed, as follows:

H.R. 2206

Resolved, That the bill from the House of Representatives (H.R. 2206) entitled ''An Act making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring), that it is the sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair is authorized to appoint conferees.

The Senator from Pennsylvania is recognized.

IMMIGRATION

Mr. SPECTER. Mr. President, I have sought recognition to comment about the pending efforts to structure a comprehensive immigration reform bill. There are many questions which are being asked today in the corridors by members of the media as to what is happening on the efforts to structure a bill to come before the Senate next week, where a cloture vote is scheduled for Monday afternoon to proceed. The efforts to structure legislation have been in process now for 3 months. There have been approximately 30 meetings held for durations customarily of 2 hours or longer, customarily attended by 8, 10, or 12 Senators. It is unusual to have a dozen Senators sit still in a room for 2 hours, but that has happened repeatedly as we have struggled through the very complex issues while trying for comprehensive immigration reform.

We have bypassed the Judiciary Committee in this effort. Perhaps it was a mistake. In the 109th Congress, we laboriously worked through and produced a bill which came to the Senate floor and which was ultimately passed. There is a great deal to be said for regular order, where we have a text, amendments are proposed, there is debate, there are votes, and we move ahead through the committee system. The decision was made early on not to utilize regular order in the traditional committee system, and it may well have been an error, as we have been struggling to come to terms with a consensus.

First, there were extensive meetings with Republicans alone. Democrats met separately. Then there have been the bipartisan meetings, as we have struggled to come to terms. The meetings have virtually gone round the clock. The staff has literally worked round the clock, the past weekend, both Saturday and Sunday, and the previous weekend. The administration has been dedicated; the President has been personally involved in the discussions. A group of us met with the President yesterday. Immigration was discussed. The administration has devoted the time of the Secretary of Homeland Security and the Secretary of Commerce, who have been parties to these lengthy meetings, always present for the duration of the session. We think we are coming very close, but as we move through the analysis and discussion, it has been apparent that no matter what legislation is produced, it will be unsatisfactory to both ends of the political spectrum.

The bill has already been criticized for being too lenient on undocumented immigrants and providing amnesty at one end of the political spectrum. It has been criticized at the other end of the political spectrum for not being sufficiently humanitarian and compassionate to the immigrants. Even though we have yet to produce a bill, it has been subjected to criticism. We have found that around the country some 90 cities have been engaged in legislative efforts with either passed or rejected laws trying to deal with immigrants' landlords. In my State, the city of Hazleton is trying to deal with the issue. Recently, we had a conspiracy by six men charged with a terrorist plot to attack the soldiers at Fort Dix. Three of those who have been charged are undocumented immigrants from Yugoslavia, illegal immigrants. There has been a virtual breakdown of law and order, as we have in this country an estimated 12 million undocumented immigrants.

We have the criticism expressed at one end of the political spectrum that there is amnesty here. That is factually wrong. Those who will be placed at the end of the citizenship line will be those who do not have criminal records. Where we can identify those with criminal records, they should be deported. You can't deport 12 million undocumented immigrants who are here illegally, but you can deport those who have criminal records. Those who will be placed at the end of the line for citizenship will be those who have paid their taxes, those who have established a good work record, those who were contributing in a constructive way to the American way of life.

When objections are raised as to amnesty, the question is returned: What more can be done with these 12 million undocumented immigrants? What more hurdles can be placed to be sure we do the maximum to avoid the charge of amnesty? We are still open for suggestions. But the consequence of not moving to a solution on this issue is that we have anarchy. We have uncontrolled borders.

The legislation we are working on goes a long way. It increases the number of Border Patrol officers from 12,000 to 18,000. It will have 200 miles of vehicle barriers and 370 miles of fencing, 70 ground-based radar and camera towers, unmanned aerial vehicles, and detention space to hold some 27,500 daily on an annual basis. We have interior security provisions. We have tough employer sanctions because we are structuring a system where we can make a positive identification as to who is legal and who is illegal. This is an appropriate basis for imposing tough sanctions on employers if they hire illegal immigrants, because they are in a position to make a determination as to who is legal or who is illegal.

At the other end of the political spectrum, there are objections that the

program is not sufficiently humanitarian, not sufficiently compassionate, and does not sufficiently provide for family unification. If we are to handle the backlog of people who have been waiting to come into this country with the existing requirements to gain citizenship, and if we are to deal with the millions of undocumented immigrants, we will have to have additional green cards. But there will have to be limitations so we do not have what is euphemistically referred to as chain immigration.

We are working on a points system which we are trying to balance. It is very hard to satisfy all competing interests, to balance the demand for Ph.D.s and highly skilled people with the desire to provide opportunities for people who are not highly skilled. Certain points are being given to recognize the family, to have as many family members and as much on family reunification as we can, within a balanced system.

The old adage that the devil is in the details is obviously present here. This morning one group of Senators met at a little after 9; another group of Senators met at 10:15. We are continuing the meetings as we try to come to grips and resolve these issues.

The whole immigration issue is another third rail in politics. Social Security has been described as the third rail of our political system. There is no doubt that immigration is another third rail. It may supplant Social Security as the third rail of the political system because, no matter what we do here, both ends of the political spectrum will criticize us—criticize us for amnesty on one hand, criticize us on the other end of the political spectrum for not being sufficiently compassionate. Politically, it is a loser for those who are engaged in it. But we have a public duty to come to grips with this issue and to have comprehensive immigration reform. We can do that and insist on having border patrols and employer sanctions before we work through the guest worker program. It is truly, as we are structuring it, a temporary worker program, where people come to the United States for a period of time and go back to their native countries. It is a system where we are giving as much support and as much preference for families as we can on a balanced system, and as much to the high-skilled workers to balance off against the low-skilled workers.

The most important thing, as I see it, is to move ahead and persevere, to try to structure a bill which is now 380 pages long—it is in text, thanks to the dedicated work of the staff—and to present it on the floor of the Senate and have the Senate work its will. Aside from the political perils, the object is to restore the rule of law and to bring these 11 to 12 million undocumented immigrants out of the shadows. The advantage to society generally is to eliminate this massive underclass, this massive number of individuals who are in the shadows, and to structure a system where they will, at the outset, have visas to stay here for as long as they like, so long as they comply with our laws and get into the citizenship line at the rear. We are looking to reestablish the rule of law and to avoid the anarchy which now characterizes our immigration system.

I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will begin debate on the conference report to accompany S. Con. Res. 21.

Under the previous order, the time until 3 p.m. shall be equally divided between the Senator from North Dakota, Mr. CONRAD, and the Senator from New Hampshire, Mr. GREGG, or their designees.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that all quorum calls be equally divided.

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

Mr. CONRAD. Mr. President, we bring to the floor the conference report on the budget. It is a conference report that I believe is worthy of our support. Let me say why.

Under this budget plan, we will balance the budget in 5 years. In the fifth year, 2012, we will have, according to the projections, a $41 billion surplus. This is after 6 years of deficit, and in an additional 4 years, we will finally be returning to balance.

The budget resolution we bring to the floor will reduce spending as a share of gross domestic product each and every year, from 20.5 percent in 2008 down to 18.9 percent in 2012. It is that spending discipline that helps us reach balance in the fifth year. It also has the positive effect of bringing down the debt as a share of our gross domestic product in every year after 2010. This is gross debt. If we looked at publicly held debt, it will actually be bringing it down every year from 2009 on. So I believe this is a responsible budget that returns us to a fiscally responsible approach to our Nation's spending.

Some have said there is a big difference in spending between this budget and the President's budget. We have put it on a chart to visually compare over the 5 years the difference in spending in this proposal and what the President proposed.

As you can see, there is virtually no difference—virtually no difference—in spending between this proposal and the President's spending proposal. Yes, it is slightly more spending, but this slight addition is going for veterans health care, to expand children's health care, and to provide further investment in education. Those are the fundamental places where we have modest additions to spending.

As you can see, on a fair comparison basis, when you put the two spending lines together on the same axis, comparing apples to apples, you see the difference in spending is quite modest.

On the revenue side, we have included a 1-year fix to the alternative minimum tax, the old millionaire's tax. It is rapidly becoming a middle-class tax trap. If we had not acted, over 23 million people would be caught up by the alternative minimum tax in this next year. We have avoided that, providing dramatic tax relief to those people.

We also extend the middle-class tax cuts in this proposal. That includes continuation of marriage penalty relief, the child tax credit, and the 10-percent bracket. These provisions will benefit tens of millions of the American taxpayers.

We also include estate tax reform. It is well known under the current estate tax law, we will go to a $3.5 million exemption per person in 2009. Then there is no estate tax in 2010. Then we go back to an estate tax in 2011 that provides only $1 million of exemption per person or $2 million for a couple. Instead of having that anomalous situation, we will continue providing a $3.5 million exemption per person or $7 million for a couple indexed for inflation. I think that makes common sense.

Now, we have heard from some there is a big tax increase in this budget. There is no tax increase in this budget. Let me reemphasize that. There is no assumption of a tax increase in this budget. I do not know what I could say to be more clear.

Here, shown on this chart, is what the President said his budget would produce in revenue over the 5 years. This is the President's own estimate of what his budget would produce. He said his 5-year budget would produce $14.826 trillion of revenue over the 5 years. That is according to the scoring by his own Office of Management and Budget.

Our budget produces $14.828 trillion of revenue over the 5-year period. There is virtually no difference between what the President claimed his budget would produce in revenue and what our budget produces in revenue.

Now, our friends on the other side will be swift to say: Wait a minute, Senator, you are using Office of Management and Budget estimates and CBO estimates, two different estimates. That is true. The point I am making is the President said it was entirely reasonable to expect to raise $14.826 trillion of revenue over this 5 years. That is his own estimate of what his budget would produce. CBO says our budget would produce $14.828 trillion—a $2 billion difference on a $15

trillion base. That is statistically the same. If you put them both on a CBO baseline—in other words, have estimates done for both the President's revenue and our revenue by the CBO—we have 2 percent more revenue than the President—2 percent. We believe 2 percent can be achieved with no tax increase of any kind.

Let me reemphasize that. We believe, if you look at the CBO scoring that says we have 2 percent more revenue than the President, that can be achieved without any tax increase of any kind. I will explain why in a moment. If you look at what is shown on this chart, this is a 5-year budget. But all of us know we are going to write another budget next year, so what matters is next year.

Here shown on the chart is the revenue line in our budget and the President's revenue line. You will notice they are identical. There is no difference—none—not a penny, not a dime. In 2009, there is virtually no difference in the two.

So let's be serious. When somebody jumps up here and says this is the biggest tax increase in history, the only way that is possibly true is if the President has proposed the biggest tax increase in history. Because there is, for next year—and we will write another budget next year—for next year, there is no difference in the revenue in our proposals.

How can it be we could get 2 percent more revenue under the CBO scoring than the President proposes without a tax increase? How is that possible? Well, first of all, we have the tax gap, which back in 2001 was estimated to be $345 billion a year. I believe that tax gap now is in the range of $400 billion a year. That is the difference between what is owed and what is paid. I believe that is now $400 billion a year or thereabouts. Over 5 years that would be more than $2 trillion—money that is owed that is not being paid. But that is not the only source of revenue without a tax increase.

The second area of opportunity to get revenue with no tax increase is the explosion and the abuse of offshore tax havens. I have shown this building down in the Cayman Islands many times on the floor. This 5-story building is the home to 12,748 companies. It is remarkable that all of those companies—12,748—are doing business in this little 5-story building, but that is what they claim. Are they really doing business down there? The only business being done out of this building is monkey business because what they are doing is engaging in an enormous tax scam. They claim they are doing business down there because they don't have any taxes down there. So how does it work? It is a giant shell game.

They have entities in the United States that they say are making no profits, because they move the money offshore into these Cayman Islands subsidiaries where there are no taxes, and all of a sudden they show enormous profits. Who is being fooled by this? Shame on us if we are being fooled. But currently, we are. I would suggest we close down this scam.

The Permanent Subcommittee on Investigations has said we are losing $100 billion a year through these offshore tax havens. Let me quote from their report from earlier this year:

> Experts have estimated the total loss to the Treasury from offshore tax havens alone approaches $100 billion a year, including $40 to $70 billion from individuals and another $30 billion from corporations engaging in offshore tax evasion. Abusive tax shelters add tens of billions of dollars more.

Mr. President, $100 billion a year in tax havens, and tens of billions more——

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. CONRAD. I am happy to yield to the Senator.

Mr. DORGAN. Mr. President, I was listening to the description of these offshore tax havens. Senator CONRAD and I have worked on these issues for some while. It is interesting, with respect to the revenue stream into this country, that if we close down some of these tax shelters, the result would be increased revenues for the Federal Government and a requirement that those who benefit from the opportunities of being an American company, that they would start paying taxes.

Now, we have had example after example—the Senator used a chart showing a building called the Ugland House, a quiet little 4-story building on Church Street in the Cayman Islands which 12,748 corporations call home. Of course none of them are home there. If you go there—there is an enterprising reporter named David Evans who worked on that particular issue. He went there, and there is nobody there. There are just some windows in a building, and it is quiet in the lobby. Nothing is going on. This is a legal fiction created by lawyers for the purposes of allowing companies to avoid paying their U.S. taxes. It is not just that building, though. That building is an example of the unbelievable abuse of the creation of massive offshore tax shelters. There are hundreds and hundreds of tax shelters.

I asked the Senator to yield to make a point. When I chaired the hearings on the Enron scandal, when I had Ken Lay come by and raise his hand and take an oath and then refuse to testify, and then Jeffrey Skilling, whom you couldn't hardly get to stop talking—he is now in prison. But the fact is, the Enron Corporation, in addition to all of the other things—and part of that we understand now is a criminal enterprise; the evidence exists for that—in addition, they have hundreds of offshore entities. Why? For the purpose of avoiding taxes. That is the purpose of offshore entities and tax havens.

No one runs to these countries like the Cayman Islands for the purposes of creating a big manufacturing plant and saying: That is where we want to move our business. It seems to me what they do is they hire a lawyer to create a legal fiction saying: We now want to be a resident of a tax-haven country because we don't like the obligation of paying taxes to the Federal Government.

I would just ask the Senator, isn't it the case that the Senator's proposition, and mine, the one I have introduced with legislation, is very simple? It says: If you are going to be an American company, why don't you simply decide to pay taxes to this country? If you move your operation somewhere else, we understand that. We don't support that—there ought not be a tax incentive for it—but if you are creating a legal fiction through lawyers telling us you are moving, we are going to treat you for tax purposes as if you were right here, an American company that is required to pay its appropriate taxes.

I know the Senator is probably also going to talk about the sale and leaseback of sewer systems and trolley cars and all the nonsense that is going on. I would just commend Senator CONRAD for doing this, for finally saying in this budget that we are going to shut all this down. Those of you who want to get the revenue in order to move us toward fiscal sanity here, if you really want to help us get the revenue, then join us in shutting these tax scams down, shutting down these tax havens.

I am sorry I took more time for this lengthy question, which turns out not to be much of a question after all, but I did want to point out that I believe this is a very important part of this budget agreement, and I commend Senator CONRAD and those who have put this together because this significantly benefits our country.

Mr. President, I appreciate the Senator yielding.

Mr. CONRAD. Mr. President, first of all, in answering the question of the Senator, I would say what you find is quite stunning. We went on the Internet, I would say to my colleague—first of all, I thank him because the picture of this building down in the Cayman Islands came from him. I have used it repeatedly because it tells such a powerful story: 12,748 companies that call this little building home. We know what is going on. It is a giant scam.

I would say to the Senator, we went on the Internet and we entered in ''offshore tax planning.'' Do you know how many hits you get if you enter in that phrase? You get 1.2 million hits. Here is my favorite. If you go online and you look at what is on the Internet——

Mr. GREGG. Mr. President, would the Senator yield for a question at this point in relationship to the Senator's question?

Mr. CONRAD. I am happy to yield.

Mr. GREGG. Mr. President, the New York Times today was reviewing the financial statements of the candidates for President, and I noticed that the former Senator from North Carolina who is running for President, John Edwards, received half a million dollars

in payments last year for his work with Fortress, a hedge fund. I also noticed that the New York Times represents that the Fortress hedge fund is incorporated in the Cayman Islands, probably in that building to which you are referring.

I am just wondering, because the Senator asked who is being fooled here, is it the position of the Senator from North Dakota that Senator Edwards has been fooled here or that he is fooling the American people?

Mr. CONRAD. Look, I do not know what the status of that particular hedge fund is. What I do know is these offshore tax havens are being abused by lots of different entities, not only corporations but wealthy individuals. I don't have any evidence which would suggest that particular hedge fund did anything improper, and certainly you can be engaged in business in the Cayman Islands and not be engaged in anything improper.

The point we are making is that in this particular building, there are 12,700 companies calling it home. But more than that, when you go on the Internet—and by the way, we have yet to see the financial reports of some of the Republican candidates for President, some of whom report they have net worth over $100 million. It will be interesting to see their financial arrangements, and I hope the Senator will be just as focused on any abuse that might be in their portfolios. That will be very interesting.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. Mr. President, that was a clever question from our colleague from New Hampshire. I would observe that the discussion I just had about the Enron Corporation—I think the largest financial supporter of the current occupant of the White House for his first run for the Presidency—it was a corporation that had hundreds of offshore tax-haven subsidiaries. It is also the case that it is not new for us to try to shut these down. As we have tried to shut these down, it is not new, either, to find that the current White House by and large opposes the legislation on the floor of the Senate to shut down these tax scams.

I hope that perhaps we can get some support to do what Senator CONRAD and I and others believe ought to be done, to shut down these kinds of tax scams.

Mr. GREGG. Mr. President, if the Senator would yield for a further question.

Mr. CONRAD. Mr. President, reclaiming my time, I will be happy, when I have completed my presentation—the Senator has half the time, and I know he will use it well. I hope he will give me the opportunity to complete my presentation, and then I am happy to answer all of his questions.

Mr. President, when you look on the Internet—this is my favorite one:

Live tax free and worldwide on a luxury yacht. Moving offshore and living tax free just got easier.

That is the kind of scam which is going on that is costing the Treasury of the United States, according to our own Permanent Subcommittee on Investigations, over $100 billion a year.

It doesn't stop there. This is a picture of a sewer system in Europe. What does a sewer system in Europe have to do with the budget of the United States? Well, as it turns out, it has a lot to do with it because this sewer system in Europe was actually purchased by wealthy U.S. investors, depreciated on their books for U.S. tax purposes, and then leased back to the European city in which it is actually located. It has no business purpose. There is only one purpose, and that purpose is to operate as a scam. This is the kind of thing which should be shut down. Nobody can justify this. Nobody can defend this. That is what is going on.

So I believe the combination of closing the tax gap, just a tiny portion of it, combined with shutting down these offshore tax havens, combined with shutting down these abusive tax shelters, could easily provide the 2 percent of revenue we have that is over and above the President, according to a Congressional Budget Office score, with no tax increase to anyone.

The budget conference report we bring to the floor also funds a number of critically important priorities for the American people, including expanding health care coverage for children. When you look at the comparison, the President has provided $2 billion for this purpose over the 5 years. We provide $50 billion so that there is the prospect of covering every child in America who is not otherwise covered with health insurance. That is good policy, it is a good investment, and it is morally right. We ought to ensure that every child in America has health care coverage. It is good policy because if you solve a health care problem for a child, you get a return on that investment for their lifetime.

Another area that has been a priority in this budget is education. Under this budget, we provide some $6 billion in this next year over and above what the President provided because we think education is the future. If we are not world class in education, we are not going to be a world-class power. So we have provided that additional investment in education.

The third area of initiative is in veterans health care. If there is any scandal that I think has troubled the American people more than what we saw at Walter Reed where heroes returning from Iraq and Afghanistan have been subjected to subpar medical treatment, I don't know what it is. I don't know of anything that has so angered so many people, at least in my constituency. So we have adopted a budget here that closely follows the independent budget which is put forward by the veterans organizations themselves which provides for $43.1 billion in funding in the next fiscal year, compared to the President's $39.6 billion.

To recap, the budget resolution we bring to the floor, the conference report, puts the Nation back on a sound fiscal path. It balances by 2012 with a $41 billion surplus in 2012. It reduces spending as a share of gross domestic product each and every year of the 5 years of the budget. It reduces debt as a share of gross domestic product from 2010 on. It adopts spending caps and restores a strong pay-go rule. What is pay-go? Pay-go simply says that if you want to have more mandatory spending or more tax cuts, you can have them, but you have to pay for them, and if you don't pay for them, you have to get a super-majority vote.

This budget also meets the Nation's priorities. It fully funds the President's defense and war cost requests. It rejects the President's cuts in certain key priority areas. It provides increases for children's health, for education, and for our veterans health care, an area in which the American people overwhelmingly want us to invest.

In addition, this budget resolution keeps taxes low. It extends specifically the middle-class tax relief provisions, including marriage penalty relief, the child credit, and the 10-percent bracket. It provides alternative minimum tax relief so that more and more middle-class people don't get swept up in that tax. It provides for fundamental estate tax reform. It includes the deficit-neutral reserve funds for additional tax relief and for the extension of other expiring provisions. It includes no assumption of a tax increase.

This budget also prepares for the long term. It provides for program integrity initiatives to crack down on waste, fraud, and abuse in both Medicare and Social Security. It includes health information technology and comparative effectiveness reserve funds to address rising health care costs. According to the Rand Corporation, widespread health information technology alone could save $81 billion a year. It also adopts a new budget point of order against long-term deficit increases.

I will conclude by saying this budget has specific proposals addressing our long-term fiscal challenge. It provides program integrity initiatives to crack down on waste, fraud, and abuse. It provides new mandatory spending, and tax cuts must be paid for in the pay-go provision. It provides that long-term deficit increase face a point of order, a super-majority hurdle on the floor of the Senate. It provides for the health information technology reserve fund. I have already indicated that the Rand Corporation indicates that health information technology could save $81 billion a year. Finally, it includes the comparative effectiveness reserve fund, so that we look at the technologies and approaches being used across this country on how we could save money by using the best practices in health care.

We think this is a responsible budget, one that meets the needs of the American people. We believe it merits our colleagues' support.

Before I yield the floor, I want to thank my colleague, Senator GREGG. I acknowledge that we have differences about this budget. That is healthy. That is the strength of our democracy, that we have a debate and differences. But I wish to say that Senator GREGG has always conducted himself as a professional and has been extremely helpful as we have gone through the process. He and his staff have cooperated with us closely, while they have disagreed very strongly with respect to some of the conclusions we reached. I wish to acknowledge the way in which he and his staff have conducted themselves as we have gone through this difficult process. I thank him for the many courtesies he has extended to us as we have gone through the budget resolution this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, let me begin by returning that appreciation to the Senator. Obviously, there are strong disagreements on philosophy and policy, the differences between the parties. The Senator from North Dakota represents the party of tax-and-spend, and we represent the party of fiscal responsibility. Those differences are clear. Independent of those differences, the relationship is friendly, courteous, and generally cooperative. I believe that if the entire institution functioned the way the Budget Committee functions, we would get a lot more done around here.

That being said, I must point out some differences. I am inclined to almost use the—to paraphrase a quip made by, I think, Mark Twain, but it might have been Bill Buckley, who said:

> I do not wish to insult the Senator's intelligence by suggesting that he actually believes most of what he just said.

The fact is that this budget, as proposed, is not a good one. It has in it the largest tax increase in history. It is a tax increase that is especially unfortunate because it is going to take place in the context of a tax law that we finally got right around here, as shown by the revenues flowing into the Federal Government, and the fact that present tax law is generating more revenues than, historically, the Federal Government has received and is doing it in a more progressive way than has historically been done. High-income people are paying more than they have historically paid, and low-income people are getting more back in the way of tax benefits than they have historically gotten.

This bill will basically repeal most of the major tax proposals put in place in the early part of this administration which generated this economic recovery which has gone on for 22 months and has caused us to have 7.4 million jobs created. In fact, the report just came out that the jobs number fell another 5,000, so that we are literally under 300,000 in jobs claims, which is a number that shows we are even essentially at full employment. As a nation, we are under 4.4 percent unemployment. The jobs being created are good jobs, and they are generating revenues to this Government, which has caused us to have a huge burst in revenues, which has caused the deficit to come down. That is all going to be put at risk by the tax increases in this bill.

The tax increases in this bill are going to dramatically affect the capital gains rate, the dividends rate, the child tax credit, the education tax credit, the marriage tax penalty relief, and the middle-class income tax rates. All of those things are in serious jeopardy and, in fact, will probably end up being repealed under this budget if it goes forward under the present structure. We will get into that in a second.

They have created this extremely complex trigger mechanism, which can be and will be undermined by their own budget, should it go forward, and will make it impossible for the tax cuts to survive in this process.

Mr. President, $725 billion of tax increases are in this budget over 5 years. That will be the largest tax increase in the history of the country, no question about that. In addition, the discretionary spending in the budget is huge—$205 billion of new discretionary spending over the President's request, which was very generous, with a significant increase in spending. It is ironic that, as this left the Senate, there was less spending than this—still a significant increase of $140 billion, I think, in spending above the President's request in the discretionary spending. As it left the House, it was less than this. I don't even think it was $200 billion. It comes back at $205 billion. That is sort of like a microwave popcorn cooker, where you put it in the stove and put the House Democrats and the Senate Democrats in together, and it blows up into a great big huge spending package and a great big huge deficit—and tax package, too.

The debt goes up under this bill: $2.5 trillion of debt will be added to the famous ''wall of debt.'' For those of you who haven't seen the wall of debt, you will see it sometime, somewhere. It is coming. So there is $2.5 trillion of new debt added.

Remember, on top of that, they are raiding the Social Security fund to the tune of a trillion dollars. Originally, when the budget left the Senate, at least the Social Security fund—under their projections, which are rosy scenarios, to say the least—wasn't going to be raided. There was going to be an on-balance budget. But now, as it comes back again from this tax-and-spend microwave called the Senate Democrat/House Democrat budget conference, which we were not included in, there is no on-budget surplus. Everything comes out of the Social Security fund. All this debt is added to our children's backs, and it is going to have to be paid for by our children.

In addition, there is absolutely no attempt to address the entitlement crisis we are facing. The fact that our children and our children's children are going to have to pay a cost they simply will not be able to afford, in the area of maintaining the benefit structure, because of the retirement of the baby boom generation and the fact that costs will actually exceed 20 to 25 percent of gross national product, just for the programs of Social Security, Medicare, and Medicaid—and there is no attempt to rein that coming fiscal meltdown in or to address it—that is totally irresponsible.

In fact, not only is there no attempt to address the coming fiscal meltdown as a result of the entitlement spending, there is actually a huge exercise in gamesmanship in this budget, which will allow the HELP Committee, under the leadership of Senator KENNEDY, to dramatically expand entitlement spending. Instead of reining in entitlement spending, under this budget there is a proposal to use reconciliation, which is supposed to reduce the deficit on the spending side of the ledger, to expand spending and the size of the Federal Government, grow the Government.

Why do they do that? Because they only need 51 votes under reconciliation. They could not get that proposal through here. It would be subject to a filibuster under the regular order. So they used reconciliation, which should limit the size of government, to expand government dramatically. That is a very cynical act, in my opinion, because that was never the purpose of the budget. In fact, there are some very good quotes from the chairman of the committee reflecting that exact position—the position I just related.

That brings me back to that statement of Mark Twain—or it could have been Bill Buckley—who said, ''I will not insult the Senator's intelligence by suggesting that he actually believes everything he just said,'' because he didn't believe it, because what he said was the opposite, that reconciliation should not be used the way it is being used in this bill.

The Senator from North Dakota made a couple other statements. I think they were on point when made, but the budget does not reflect these statements. He said we need to be tough on spending. Yet, in this budget, there are zero cuts in spending. In fact, this $205 billion expansion in discretionary spending, entitlement spending, will expand under the reconciliation instruction also, and under the reserve funds, the Government will grow dramatically as a percentage of gross national product. We will bear that burden.

The Senator said:

> I am prepared to get savings out of long-term entitlement programs.

But there are no savings. There was a representation that they were going to do $15 billion in savings, but that representation was a little incomplete because the rest of that should have said: But we are going to spend $50 billion. So there are actually no savings. I think it ended up being $30 billion, but it is a net loss in the entitlement accounts, coupled with this reconciliation exercise, which could be as high as a $30 billion to $40 billion increase.

He also said:

Here is where we are headed: Debt is up, up, and away.

Yes, it is, under this budget. That was a correct statement. It is up, up, and away by $2.5 trillion of new debt, which our generation passes on to the next generation, which is totally inappropriate and unfair.

He said:

I believe, first of all, we need more revenue.

He at least stuck to that statement. There is $736 billion of new taxes in this bill. What is the practical effect of a $736 billion tax increase? Remember, as I outlined before, we have now had 22 consecutive quarters of economic growth—actually, 23 now. That is pretty darn good. We have added 7.8 million new jobs. That is people being put to work. How did that happen? It happened, in large part, because we had an economy that was growing as a result of a tax policy that said to people in America: Go out, invest, take risks, be entrepreneurs, create jobs, and we are going to give you a reasonable return on the money you have invested. This is just called common sense in human nature. If you tax people at a rate that they appreciate and is fair, they are going to be willing to take a risk with their money, go out and invest it and create jobs. If you tax them at a rate they don't think is fair, they invest in tax shelters and inefficiently use their money, and as a result, the Government gets less and the economy doesn't grow as much. In fact, the growth in Federal revenues over the last few years has exceeded projections and has been dramatically higher.

The growth in Federal revenues has been in the last 3 years the highest rate of growth in the history of our country and has represented huge amounts of revenue coming into the Federal Government—huge amounts of revenue.

This revenue, of course, has allowed us to reduce the deficit from what was projected to be $450 billion a couple of years ago, to now probably falling below $200 billion or probably less than 1 percent of the gross national product, or somewhere in that range. It is, in large part, a function of two events: One, the fact these revenues have jumped so high and, two, this administration has been very aggressive in controlling nondefense discretionary spending.

But under this proposal that has been brought forward today by our colleagues on the other side of the aisle, the tax policies which have generated this economic expansion are targeted for extinction. The capital gains rate will jump back to almost 30 percent, 35 percent potentially; dividend rates will jump to 25, 32, 35 percent.

The bottom rate for most taxpayers who are in the low-income end of the economic scale will be increased, and there will be created a huge disincentive for people to be productive in our society. We will go back to the days when it didn't make a whole lot of sense to go out there and take that risk because the Government was going to take so much of your money.

We hear a lot on the other side of the aisle: These tax cuts disproportionately benefit the wealthy in America. I think it is important to remember this: That under the new tax law, or the tax law under which we are now functioning, which is generating all these huge revenues, high-income people pay a larger percentage of the general burden of income taxes than they did under the Clinton years. The top 20 percent of people paying income taxes is paying 85 percent. Eighty-five percent of the income tax burden is borne by the top 20 percent. Under the Clinton years, that same income bracket bore 81 percent of the tax burden, and the lower end of our economy, people who don't make quite so much money or don't make a great deal of money, the bottom 40 percent does not pay any income taxes actually on balance. They actually get money back under the earned-income tax credit, and today they are getting twice as much back as they did under the Clinton years.

It is interesting to note, in fact, that in that group, the low-income household receives far more in Government benefits than they ever pay in taxes. That is an interesting fact which should be pointed out, as well as the fact that on the tax side of the ledger, they get more money back; whereas, the higher income individual, of course, pays a lot more into the Federal Government than they ever get back from the Federal Government, and that is what this chart shows.

If your income is up to $23,000, you are going to get about $31,000. If your income is over $65,000, you are going to pay about $50,000. It is a very interesting fact that when you take not only the tax burden to Americans but the benefits which Americans receive, low-income Americans are, under this Government, under the Bush administration, getting a huge benefit from the Government in the area of tax benefits and also benefits which are structured on the basis of income, and high-income Americans are paying a significant amount more for the cost of the Government.

So we have a tax structure which is extremely progressive and which is much more progressive than under the Clinton years. In addition, this budget, which has such antipathy toward productive Americans, which essentially says to productive Americans, we don't like you, we want to tax you some more, in trying to get at those folks who the other side of the aisle thinks are such scofflaws because they make money and have income and actually pay 85 percent of the burden of income taxes in this country, in trying to get at those folks by raising the dividend tax and raising the capital gains tax, which is the primary target of the other side of the aisle, they are actually significantly impacting low-income seniors, or seniors generally, and this should be common sense because most seniors receive income, other than Social Security, that is dividend based because they are not working any longer.

So when the other side of the aisle decides they want to get people who have dividend income, which is exactly what this budget proposes—they are going to get those folks because they are the enemy—whom they are getting, for the most part, are senior citizens. Fifty-one percent of American seniors have dividend income. So when they decide to double or triple the dividend tax or 2½ times increase it, which is what this bill will do, the people who are going to be impacted are 50 percent of the seniors.

In the area of capital gains, it is also interesting that the same is true: When they decide to get people who make money by selling assets, all those wealthy small businessmen, you know, the guy who all his life worked to build a restaurant, a small company or maybe a gas station, spent his whole life working to get that business up to a level where it had some asset value, and then when he or she retires, they are not going to run it any longer, they are going to sell it, take those revenues and they are going to use it to live on in their retirement years or maybe to help their children out, that evil person who has done that in our society, as the other side of the aisle views that person, they are going to get them by doubling the capital gains rate.

Whom do they get? They get people who are 65 to 74 years old. Thirty percent of those people have capital gains income. People, as they start to age into the retirement years, start to generate capital gains income, and it is logical, when you get to that age, you are going to want to sell those assets which you probably built with the hard sweat of yourself and your family—a farm or a restaurant or a small company—so that you can take those assets and live on them in retirement and live a good retirement life or simply help out your children as they move forward in their life.

So when they get those people, whom are they getting? They are getting retirement people with this proposal. They are raising their taxes.

We are going to hear some of this ''Wizard of Oz'' language about, well, we really don't raise those taxes, we really don't. There is $180 billion of adjustment that we are going to be able to put toward capital gains or something else.

It is a fraudulent statement that it is almost not worth responding to. But let me move to the factual response, which is this: There is no capacity in this budget to institute any significant attempt to continue or to make permanent dividends and capital gains rates. None. In fact, that $180 billion, were it even to appear, which it will not under this budget—a point I will get to in a second—would benefit miscellaneous deductions which are good and right and appropriate but actually don't help the economy all that much because mostly they are socially driven. They involve the marriage tax penalty. They involve children's tax credits, tuition tax credits. They are not like economic drivers, such as dividend rates and capital gains rates which translate immediately into better investment of funds. What they have said is: We will give you that $180 billion if certain events occur in the third and fourth year of this budget.

This is a real Rube Goldberg exercise. It is one of those things where you have 16 different moving parts, and you know none of them are going to work, but you claim they are going to work so you can claim you are actually going to do something you know is never going to occur. That is exactly what this is all about.

For this $180 billion to kick in, the Democratic tax trigger requires the following: A budget resolution—we have the Rube Goldberg chart hot off the press. That is one of our better charts. It took a little bit of thought on this one. In order to get this tax cut or any part of it, the following has to happen: There has to be a budget resolution promising middle-class tax cuts. That is here. We have that. We are going to give you the promise; we are just not going to give them to you. The tax-writing committee marks up the legislation, but it stalls. Why does it stall? Because the way this thing works is there have to be offsets that can be found to satisfy the tax cuts, but if the Congress continues to spend money, that undermines the capacity to reach the factual obligation which would create the tax cuts.

So you can basically spend your way out of doing the tax cuts, which is exactly what the budget proposes. It says it promises the tax cuts and then it proposes $205 billion of new spending in the discretionary accounts and proposes a huge expansion of spending in the entitlement accounts. So it essentially guarantees that the trigger, which allegedly is in place, can't occur to generate the tax cuts because the spending eats away at the outyear surpluses and, of course, that leads to the business community getting a little skittish. It leads to the investors getting a little skittish. It leads to the economy starting to contract, which leads to a slower rate of growth, which leads to less tax revenues, which leads to—surprise—they are not going to give you the tax cuts. It is a self-fulfilling prophecy. It is a trigger that is guaranteed that when it is pulled, nothing happens. It is similar to a Rube Goldberg event.

There was some language which I loved—I have to see if I can find it—that describes this in the budget resolution. It is fascinating. It is so good it can't be not mentioned here. It defines how we get to this tax cut. I will find it or my crack staff will. They so want to destroy the ability to do this tax cut that even in the language of the budget itself they put in obfuscating language that is filled with obfuscation, that you know on the basis of it no one takes seriously the idea of doing the tax cuts. That is reasonable because let's face it, that is not the philosophy of the party of the other side of the aisle. The party of the other side of the aisle has shown itself historically to be a party to believe that it is not your money. It isn't your money. It is their money. You haven't figured out yet that you earned it, and you think you should be able to spend it. You haven't figured out yet that they think you earned it for them and that the Government should be able to spend it. That has been the philosophy of this party for a long time. It doesn't change over the years very much.

Now that they are back in a position of some responsibility—considerable responsibility; they are the party of both the Senate and the House—they have the capacity to execute that strategy which is: We will take your money and we will spend it on what we think is important because we are smarter than you, we know better what you need and, therefore, it shouldn't be your money in the first place because you earned it, the Government has a right to it, and the Government should make a decision as to how best to handle it.

So it should not come as a surprise to anyone that this budget is replete with new spending and dramatic expansions in taxes.

I did find—or my crack staff found it, as they always do—the language which I had seen in the conference report, which is so interesting it has to be read for the record. This is how this trigger works. It is written similar to a reserve trust fund, which is, on its face, a shell event. Almost all these trust funds are shell events. By the way, these trust funds are structured so that we start out with 5 or 6, now we have 23 of them.

I am sorry, reserve, not a trust fund. A reserve fund, not a trust fund. I used the wrong term. A very inappropriate term. A reverse reserve fund.

This is the way it works. In the House, the chairman of the House Budget Committee will increase the revenue aggregate—in other words, will take away tax cut revenue—if he determines the future tax relief legislation—and this is the language I love—does not contain a provision consistent with the provisions set forth in the joint statement of the managers.

What does the joint statement of the managers say? The statement of the managers says that the future tax relief legislation must contain a provision that makes the tax relief contingent on OMB's projection of a surplus. The second trigger would turn off the tax cuts unless a minimum surplus materialized, and the tax cuts can be $179.8 billion or 80 percent of the projected surplus, whichever is less.

Rube Goldberg couldn't have written this language any better. I mean, this language is designed to fail. It is designed to make sure the Government gets that money; that you don't get to keep it, and the Government makes the decision as to where it is spent. It is unfortunate.

We also have in this budget, regrettably, a total failure to address the entitlement accounts. Entitlement accounts are by far the most serious issue we have as a government and as a people, beyond the threat of being attacked by Islamic extremists with weapons of mass destruction. Why do I say that? That sounds like a statement that is a little over the top. Well, it is not. The simple fact is that as the baby boom generation retires, and it is going to retire—we exist; there are 80 million of us—we are going to double the size of the number of retirees in this country.

As I have said before on this floor, and I know the Senator from North Dakota agrees with me, this system is not structured to handle the retirement of a generation that is that large. The whole concept of our system of retirement benefits was that there would be a pyramid. There would always be many more people who paid into it than took out of it. That was the genius of Franklin Roosevelt when he created the Social Security System. In fact, when it started, there were 12 people paying in for every person taking out in 1950. Today, there are three and a half people paying in for every one taking out. By the time the baby boom generation is in full retirement, we will have two people paying in for every one person taking out.

The practical effect of that will be a meltdown of our system, and this chart reflects that. I have shown this before because I think this is probably the most serious issue which we face, beyond the issue of the threat of Islamic fundamentalism and the terrorist threat they represent.

Three accounts—Social Security, Medicare, and Medicaid—by the middle of the period 2020, when the full force of the baby boom retirement is in place, those three programs will absorb 20 percent of gross national product. Twenty percent of gross national product is what the Federal Government spends today. Another way to state this is that at that time the Federal Government will have no money left over for national defense, education, laying out roads or environmental protection. All the money will have to go to pay for those three programs.

But it doesn't stop there. The number continues to go up at a rate which is

incredible, and which is totally unsustainable, until it hits about 27, 28 percent of gross national product for those three programs by about 2035. Now, this is a situation which will mean—and it is going to occur—which will mean, because it is going to occur, that our children and our children's children—these pages down here, who do such a great job and who are so personable and put up with our foolishness around here sometimes—they are going to have to pay a burden in taxes in order to support our generation. That will make it virtually impossible for them to have as high a quality of life as we have had in our generation. They would not be able to buy that home or put their children through college or have the enjoyment of a lifestyle that contains discretionary funds because those funds will have to be spent, through taxes, to support these programs. These three programs.

Regrettably, this budget does nothing—zero—to address this looming crisis. It is an act that I think fails our obligations as a generation. We are the governance party now. In the sense that most of us in this room who serve here today are baby boom members—there are some who aren't—it is inappropriate for us as a generation not to try to solve a problem which we are going to create for our children and our grandchildren. Yet this budget does nothing to do that. In fact, it aggravates it by suddenly creating this new concept that you can use reconciliation to expand and grow the size of Government dramatically, which is exactly what it does, which is unfortunate, and which is a terrible precedent for us as a government to pursue.

There was a proposal that came from the administration which I thought was reasonable and which would have reduced the outyear Medicare liability—the unfunded liability—by almost 25 percent. It would not have affected recipients except for those at the high end because all it did was that it impacted recipients, as was suggested, such as Warren Buffett or retired Senators, for example, who could and should pay a fair share of the burden of their cost of Medicare Part D.

Under Medicare Part D today, which is the drug program, if you are retired, it doesn't matter how wealthy you are, you still get the benefit fully subsidized by working Americans. So that a person who is working as a waitress or on an industrial line somewhere, or in a gas station, that person's taxes are subsidizing Warren Buffett's drug benefit, assuming he takes advantage of Part D, which being a conservative individual, I think he probably does, although I don't know whether he does. A retired Senator's drug benefit is subsidized by a working American today.

Well, that is wrong. I mean, obviously, if you have that type of income—and what the President suggested was that people who have over $80,000 of individual income or $160,000 of joint income, which is a lot of money—you should have to pay the full cost of your drug benefit, or at least a high percentage of the cost of your drug benefit. That was rejected. It was rejected by the other side of the aisle.

What a small step. That would have translated into a very significant savings in the long run, which was totally reasonable, but which was simply not pursued or brought to the table by the other side of the aisle. I mean, if they are going to do reconciliation instructions, which expands programs in this country dramatically, which is what this bill does, they ought to at least, on reconciliation, say to the Finance Committee, make former Senators pay the full cost of the drug benefit and people with incomes of over $160,000, or a large percentage of the cost of the drug benefit. But they didn't. They passed completely on that opportunity, even though it was a totally reasonable opportunity and something that should be done.

It should be done soon because the problem is—and it reminds me of that Fram oil filter ad of 10 years ago or so, which said: You can pay me now or you can pay me later. Well, the ''later'' is going to bankrupt our children and our children's children. Paying today, fixing this problem today, translates into long-term huge savings, and it is certainly something that should be done. But it was passed on in this budget.

So what is the practical effect of this budget? It is pretty simple. It is a big-spending, big-taxing, classic budget that comes from the left. It increases taxes by $730 billion, it increases discretionary spending by $205 billion, it raises the Social Security fund to the tune of a $1 trillion, it increases the debt of the Federal Government by $2.5 trillion, it dramatically expands the obligation which we are passing on to our children and which our children will have to pay, it eliminates some tax cuts which have caused this economy to grow and be vibrant and which have created jobs and generated huge revenues to the Federal Government, and it fails to even a little bit—by asking former Senators and wealthy Americans to pay the cost of their drug benefit—to address the looming crisis which we face as a nation, which is the Medicare, Social Security burden which we are going to pass on to our children.

It is not a budget which I would recommend, though I do appreciate the Senator from North Dakota and his energy in pursuing it.

There is one other small point, in the area of fiscal discipline, where we hear all this talk of pay-go. They shouldn't call this pay-go. They should call this ''Swiss cheese go'' because it is targeted to pick up the things they do not like, such as tax cuts. But the things they like, they basically exempt from it, such as agricultural entitlement spending. So it is a choose-the-things-you-like pay-go, or choose-the-things-you-don't-like pay-go. That enforcement mechanism is a nice term—it is a term of motherhood—but it is not going to have much discipline on the spending side of the ledger.

In addition, there are no caps in the outyears. For some reason, even at these very high spending numbers, which are egregious in their excess, they have put no caps in for 2009 or 2010. They have them in there for 2008 but not beyond that. They have expanded advanced appropriations, which is a way to basically get around caps to begin with, over what they have traditionally been.

I understand the President has sent up a letter, or his OMB Director has, and it says they are going to try to discipline the fiscal process through using the veto on appropriations bills. But we know the President can also be put in an untenable position because they can roll all these appropriations into the Defense bill and make it virtually impossible for the President to aggressively and effectively use the veto. It shouldn't be up to the President to discipline this place. We should do it.

There also should be effective points of order retained and carried out. In fact, the pay-go point of order is so neutralized they decided they wouldn't do it year by year. They decided to do a 5-year calculation of pay-go. This is all inside politics around here, or inside substance, but the practical effect of that is you can take credit for something you think is going to take effect in the outyears, when you know that 5-year scoring is sometimes a little sketchy. So you do spending this year with the claim that you are going to save in 5 years, and you can claim you have avoided pay-go. It is a way to game pay-go on the spending side of the ledger.

They basically have eviscerated a whole series of what are important spending restraints around here, or at least they have skewed them in a way that makes spending more capable of occurring and, of course, tax cuts will be aggressively disciplined so they can't occur. Because, after all, it is not your money. It is their money. You have to always remember that.

This budget is based on the basic theme that it is not your money, it is the Government's money, and we deign, we deign as a Congress, to allow you to keep some percentage of what you earn. But most of what you earn we want, and we are going to spend it. This budget does it very well.

Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, I detect the Senator was blushing a bit when he suggested at the beginning of his statement that his party is the party of fiscal responsibility. Wow. That is breathtaking. Their party is the party of fiscal responsibility?

Let us look at what has happened on their watch when they controlled everything. They controlled the House, they controlled the Senate, they controlled the White House. Here is what happened to the debt on their watch.

They have built a wall of debt that is going to take us a generation to recover from. When this President came to office, at the end of his first year—we won't hold him responsible for the first year, although he inherited balanced budgets—the gross debt of the United States stood at $5.8 trillion. At the end of this year, it is going to be $9 trillion. So they have run up the debt $3 trillion in 5 years. If the President's plan is followed, in the next 5 years they are going to run it up to $12 trillion.

Their claim that they have been fiscally responsible is unfortunately contradicted by the facts. They talk about the performance of the economy. Let's look at the performance of the economy.

We have looked at what happened in this recovery compared to the nine previous recoveries, major recoveries since World War II. Here is what you find. Under this recovery we are running, on revenues, $127 billion short of the typical recovery since World War II.

On job creation, in the first 75 months, the previous administration, the Clinton administration, created 18.7 million jobs. In this administration for the same period, 5.2 million. The Clinton administration produced three times as many jobs.

On job creation compared to the nine previous recoveries since World War II, they are 7 million private sector jobs short of what has happened in the typical recovery.

On business investment, again, compared to the nine recoveries since World War II, they are 69 percent below the typical recovery since World War II.

When he talks about this burst of revenue under their fiscal management, you will notice that all his charts start in the year 2004. They forgot about 2001, when they were in charge; 2002, when they were in charge; 2003, when they were in charge. In fact, if you look back on the revenue of the United States, here is what you see. Tell the American people the whole story, not just the bits and pieces they talk about. Back in 2000, the revenue base of the United States was just over 2 trillion dollars. It has taken us until last year, it has taken us 6 years to get back to the real revenue base this country had in 2000.

Let's look at their record. The simple fact is, they increased spending—and they controlled every dime that was spent here. They increased spending by more than 40 percent. They stagnated the revenue base. The result was an explosion of debt. That is their record, and it is indelibly etched in the history of the country. Unfortunately, we are going to pay a long time.

Mr. DORGAN. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. Mr. President, regarding the first chart the Senator used, which showed the steps of additional debt, I was intrigued, as I was walking through the Chamber, to hear our colleague from New Hampshire say, ''This is your money.'' I understand the origin of that comment. The implication is we don't have to fund schools and roads and law enforcement and defense, and so on.

We all have some responsibility to the country, so part of the money has to go to the Federal Government or State governments to pay for that. But when he says, ''This is your money,'' should he not also, when you hold up that chart, say to the American people: This is your debt? Isn't it the case that in the years in which they ratcheted up that debt by spending money and not asking for the revenue for it, they are saying to the American people: We will load you up with some debt, and by the way, this is your debt. You pay it later. We will probably be done, but you pay it later. Shouldn't that be the second verse to that song?

Mr. CONRAD. What they should say is they have become the party of borrow and spend—because they spent the money. They increased spending more than 40 percent, but they didn't pay for their spending. Instead, they put it on the charge card, and they have run up the debt in a way that is unprecedented in American history.

They will have doubled the debt of the country and doubled foreign holdings of our debt. I have another chart that shows it took 224 years and 42 Presidents to run up $1 trillion of U.S. debt held abroad. This President has more than doubled that amount in 6 years.

That is the record. They can't run away from it because they own it.

When they say there is this huge tax increase—please. This is what the President said he was going to raise in taxes, $14.826 trillion. Here is what we raise, $14.828 trillion—virtually no difference.

That is what the President said his budget would raise. CBO has a little different take on it, the Congressional Budget Office. They show a difference, over the 5 years, of 2 percent; that we have 2 percent more money than they are proposing. The important thing about this budget—we all know we are going to write another budget next year—is what is the difference for revenue this year between our budget and the President's budget. Do you know what it is? Zero—nothing. No difference.

Where is this big world-class tax increase they are talking about? You certainly can't find it in the budget.

When he talks about spending, here is what has happened to the spending under our budget. They are the ones who ran up the spending, increased it 40 percent. We are talking about spending as a share of gross domestic product, down each and every year under this budget; from 20.5 percent of GDP in 2008 down to 18.9 percent of GDP in 2012.

We are turning the corner on debt. They have had it explode on their watch. We are turning the corner and starting to take debt down as a share of GDP.

I heard a lot of talk about this big increase in spending. Where are the increases that are in our budget? First of all, we increase the funding for veterans health care by $6.7 billion over last year. I am proud of it because we are going to keep the promise that was made to our Nation's veterans that they were going to receive quality health care. We have seen the scandal of the veterans being mistreated at Walter Reed under this administration, on their watch, when they were in charge. We are going to fix the problems in veterans health care by putting money where the speeches are.

On education and training, we increase by $3.6 billion because we understand that investment in our kids' education ought to be a top priority.

On justice and law enforcement, we add $3 billion because we are not going to cut the COPS program 94 percent and take police off the street when those additional 100,000 cops all across America have helped us reduce rates of crime. The President inexplicably says cut the COPS program 94 percent. We have rejected that proposal. We say keep the police on the street. Let's keep our streets safe.

On health care, we can begin to ensure the children of America, provide them with health insurance.

When we look at the reasons for the increases in spending under the budget resolution, 34 percent is because of defense and war cost; 25 percent is because of Social Security and Medicare. That is no change that we have made. It is simply the increased cost of those programs.

We also have a 7-percent increase in veterans' benefits and services, to take care of veterans health care.

Net interest up 10 percent. That is nothing we did. That is the debt that this President has run up. We have to pay the bill.

When they talk about this big increase in spending, do you know what it is? It is 2.6 percent. We have added 2.6 percent over the baseline to address veterans health care, to address the Nation's needs in education and health care of our kids. That is exactly what the American people expect and want us to do.

He says the tax cut will never come about. We have the middle-class tax cuts and estate tax reform in this proposal. He says none of it will ever happen because of the trigger. The way the trigger works, the Office of Management and Budget, controlled by the President, tells us what they expect the surplus to be in 2012. We can only use 80 percent of it for tax cuts. That is the way the trigger works.

Under the current scoring by OMB, there is sufficient room, as this chart shows, to fund all the tax cuts that are in this budget, all the middle-class tax cuts and the estate tax reform. Under current Office of Management and

Budget scoring, if you take 80 percent of their projected surplus in 2012, their projected surplus, or 80 percent of it, in 2012 is $232 billion. The cost of the tax cuts is $180 billion. We can fund the tax cuts that are provided here, that go to hard-working, middle-class families, exactly where they ought to go.

He says we are raiding Social Security. He forgot how we got into this position. We got into this position because this President chose to provide tax cuts to the wealthiest among us instead of protecting Social Security. Under the President's plan, he is going to take, from 2008 to 2017, $2.5 trillion of Social Security funds to use it to pay other bills.

Let me say this. If anybody tried this in the private sector, what the President is doing, they would be on their way to a Federal institution, but it would not be the Congress of the United States, it would not be the White House, they would be on their way to the ''big house.'' That is a violation of Federal law.

But, unfortunately, they have dug the hole so deep it is going to take us time to dig out of it. That is exactly what we have done under this budget because, unlike them, we have balanced the budget by 2012. Unlike the President, who even now has not balanced the budget by 2012—under his proposal, we would still be $30 billion in the red by 2012. We balance the budget by 2012 and have a $41 billion surplus. That is a real American value, paying your bills.

When they say their tax relief has somehow magically benefitted the middle class at the expense of the most wealthy among us—whoa, there is a whopper. Here is what happened. The millionaires of our society—and I have respect for those who have succeeded. I applaud them. I am delighted at their success. I hope everybody is financially successful.

But when they somehow say the middle class has been the ones who have gained by their tax policy and not those at the highest end of the income ladder, come on. I don't know whom they think they are fooling with that one. Here are the facts. This is according to the Urban-Brookings Tax Policy Center. Those earning more than $1 million in 2006—this is not a projection, this is what happened in 2006—those earning over $1 million a year got, on average, a tax cut of $118,000. Those earning between $100,000 to $200,000 got $3,700 dollars. Those earning less than $100,000 got less than $700. Please. There is no question who are the primary beneficiaries of these tax cuts. It has overwhelmingly gone to the wealthiest among us.

I am not being critical of the wealthy. I absolutely applaud their success. One of the great things about America is if you work hard and you are inventive and entrepreneurial, you can succeed. That is a great thing about America. We want to preserve it. One of the ways we preserve it is to pay our bills and quit running up the debt and quit running these massive deficits. That is why we worked hard to balance this budget by 2012. The President, even now, has not presented a plan that balances by 2012.

I have already talked about the things that are done within the long term. We have these reserve funds that were in our budget. But let's reflect—our friends on the other side, they criticize reserve funds. Here are all the reserve funds they had in their budget, reserve fund after reserve fund, and they criticize the ones that are in our budget? Please. That is the pot calling the kettle black.

Finally, with respect to the long term, I have said repeatedly, this is one place where Senator GREGG and I entirely agree. We have to tackle the long-term entitlement challenges—absolutely. The only way that is going to happen is bipartisan agreement. Neither party can tackle the long-term challenges on their own.

This is a 5-year budget resolution. Our long-term entitlement plan problems are 10- and 15-year problems.

The sooner we deal with it the better. But the budget resolution is not going to be the place because only one party is carrying the burden there. It has got to be a joint agreement between the two parties. That is why, along with Senator GREGG, he and I have proposed a plan to give, to empower, 16 Members—8 Democrats, 8 Republicans—the responsibility to come up with a long-term plan that would be dealt with separate from a budget resolution.

With that, Mr. President, I notice the Senator from Washington is here. I do not know whether the Senator——

Mr. ALLARD. Mr. President, I would like to have an opportunity to make some comments, if I might. Traditionally, we have always alternated this back and forth.

Mr. CONRAD. How much time would the Senator require?

Mr. ALLARD. Probably about 15 minutes.

Mrs. MURRAY. If I can have about 5 minutes before the Senator goes, I would appreciate it. If not, I will come back.

Mr. CONRAD. We can then go to two people on that side.

Mr. ALLARD. Fine.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I just wanted to come to the floor for a few minutes today and talk about the budget that is before us now. It reflects a lot of work. It reflects the priorities of families across this country. Importantly, it returns fiscal responsibility to Washington, DC. It invests in critical needs of all Americans.

I am very proud to be able to say I support it. It is tough and it is strong, which is exactly what we need to be doing today in the United States.

First and foremost, I do want to thank our chairman, Senator CONRAD, on his work on this most difficult task. I have served with him through this process time and time again. I am always amazed and impressed by his thoughtfulness, his attention to detail, and, of course, his amazing charts. He always works well, along with his partner from the House, Congressman SPRATT, to help us establish priorities of which all Americans can be proud.

Writing a budget of this size and scope is not easy, but Senator CONRAD has again proven this year he is up to the task. I am proud to call him a colleague and a friend.

Mr. President, Senator CONRAD and all of us as Democrats want a budget that reflects the priorities of American families. We do that in this budget by investing here at home—in our schools, in our infrastructure, and in our communities. We still provide every dollar the President asks for defense spending over the next 5 years.

At the same time, Americans want us to return to fiscal responsibility in Washington, DC. Every family knows the importance of balancing their own checkbooks and paying their own bills. They expect us, the Federal Government, to be responsible with their money as well.

Unfortunately, as Senator CONRAD pointed out, for too many years under Republican control we have seen a failure to manage those taxpayer dollars. Year after year, they have produced some of the largest debts this country has ever seen. This budget, our budget, says ''no more.''

Our plan does include strong pay-as-you-go rules, and that means we are being responsible for today and not burdening our grandchildren with future debt. In fact, this budget produces a $41 billion surplus by 2012. I really want to say we owe Senator CONRAD a debt for keeping us fiscally responsible yet investing in the right priorities, and still producing a surplus by 2012.

We recognize in this budget that American families want relief from taxes as well. This budget supports middle-class tax relief. It extends marriage penalty relief, child tax credit, and supports reform of the estate tax just to make sure that we protect small business and family farms, and, importantly, provides relief from the alternative minimum tax for 1 year, a tax that increasingly is a burden on middle-class families.

I am especially proud of what we have done in this budget that pays attention, finally, to our veterans when they come home. From stories we have heard of veterans who have been struggling to get mental health care for post-traumatic stress disorder, to some who had to wait months if not years to get the benefit checks they so need, or the lack of focus on traumatic brain injury, the signature issue of this war that is affecting thousands and thousands of our soldiers who have returned home.

What we have seen clearly is the President has not adequately funded veterans care. This budget reverses

that terrible trend and provides $43.1 billion for addressing those problems. That is a critical component of this budget that every Member of this Senate ought to vote for.

Importantly, our budget rejects the President's proposal to impose new fees and higher copayments on veterans. The President's budget that came to us said that he wanted to impose fees and copays on the veterans themselves to pay for veterans health care. We say no. We say these men and women have paid the price by serving us. We are not going to charge them again.

Very importantly, we keep the promise to our Nation's heroes and restore that by saying we will not impose fees on our veterans to balance this Nation's budget.

This budget also invests in critical port security needs. I was very proud to work last year on a bipartisan basis to pass the Safe Ports Act. But that bill did not adequately fund the critical infrastructure we need to keep our ports safe. This bill begins that process.

We have increased funding for the Safe Ports Act, which means more radiation detection centers at our Nation's ports, more partners in safe trade, and importantly, the personnel, custom officials to make sure this bill actually works.

On education, our budget reverses the painful cuts that we have seen year after year to education and provides the largest increase in funding for elementary and secondary education programs in 5 years.

Like all of my colleagues, I have been home. I have listened to my teachers, my administrators, my parents, and students at home who tell us the lack of funding in the promise to No Child Left Behind has hindered them from being able to do the right thing, to make sure our children get a good education.

Our budget, this budget that is before us, increases Department of Education funding by $9.5 billion above the President's request and keeps the promise we made when No Child Left Behind was enacted.

As a parent, a former teacher, I know the importance of investing in our children's education. I am very proud this budget does just that.

This budget also provides very important funding for SCHIP; that is the program that Senator CONRAD talked about which is the children's health insurance program. Everyone talks about the incredible burden of health care in this country and who it is impacting most, our Nation's children. This budget expands health care coverage to nearly 6 million children.

Certainly, in this country today that ought to be our top priority. That is what Democrats are saying in the budget before us. We provided a very important step forward for American children with the investment in this budget.

I think it is important to note that in 3 of the last 5 years, the Republican majority failed to pass a budget. They had a much larger majority than we do here in the Senate today, and we saw what happened when a budget did not happen: historic debts that were passed on to our children and grandchildren.

Well, last November, in the election, Americans demanded a change. I believe this budget reflects that call. It returns fiscal responsibility to Washington, DC and, importantly, ensures our Nation's priorities are addressed. I am very proud to support this bill. I encourage all of our colleagues to do so.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator MURRAY for the extraordinary contributions she has made to this budget resolution. There is no more valuable member of the Senate Budget Committee than Senator MURRAY. She was a conferee. She has participated throughout the committee's deliberations on this budget.

Again, there is no one who played a more constructive role than Senator MURRAY. She has been a fierce advocate for education, for expansion of children's health care coverage, and for the transportation needs of the United States. So I thank Senator MURRAY for her very thoughtful participation in the deliberations of the Budget Committee.

I also want to take this moment to thank my colleague, Senator ALLARD, again for his courtesy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, first of all, I thank the chairman for his leadership on the Budget Committee and willingness to work with Republicans, to a certain degree, and I do appreciate his leadership.

We have a difference of opinion. I think these are reflected in the budget. I also recognize the ranking Republican, JUDD GREGG. I think he has it just right. I would like to associate myself with many of the comments he made on the Senate floor because I agree with him.

If you have been listening to this debate and what the Democrats on the other side of the aisle have been saying, you may be getting as confused as I am. You know, I listened to this debate, and it seems as though they want the argument all ways—at least four ways.

They want to argue that they are not increasing taxes but yet are increasing taxes. They want to argue that they are holding down spending, but yet they want to take credit for all of this spending they put in the budget. So I think that is confusing.

I think we are missing an opportunity to do more for future generations than what is reflected in this budget. In fact, I think this is a budget that is a disaster in the making for future generations. It took the majority Democrats only 4 months and 15 days to figure out how to raise taxes. Now, they say they are not raising taxes. But taxes are going to go up because of inaction on their part, because they make the rules and the procedures around here in the Senate so complicated that there is not going to be an opportunity for those of us who want to see taxes held down to make that effort without these very high hurdles.

They want to ignore the fact that the U.S. economy has done well; it has grown and prospered over the past several years with the creation of 7.9 million new jobs and tax revenues that have outpaced projections by $300 billion.

The economy has experienced smooth sailing, frankly. Now Democrats are about to pass a huge, bloated budget that will act as a heavy anchor weighing down our economy.

The Democrats do not want to recognize the fact that after we reduced taxes the economy grew. We have had this argument over the years in the Budget Committee, and with the now majority leader on the Budget Committee who does not want to recognize that when you are reducing taxes you actually have an opportunity to increase revenues, particularly when we start with a high tax rate.

If we look at what has happened with taxes before, the President came through with his economic growth packages, he had two growth packages, our economy was struggling, and we just finished, in 2001, what we call—the high-tech bubble had burst, the economy was regressing, and we had the 9/11 catastrophe. We had the war on terrorism. We moved into a time when we had a record hurricane year.

But despite all of those negative impacts, the economy did well. I can recall during the last part of the 1970s when we had high energy prices and we had a struggling economy. Remember, we got into double-digit inflation, double-digit unemployment. We referred to all of this as the misery index because our economy wasn't doing too well.

Most of that was attributed to the fact that energy prices were so high. But look at today and look where energy prices are and look at how the economy continues to grow, which I think speaks to the strength of the economic package that the President has put in place with the help of a Republican Congress.

What we did was reduce taxes in those areas where we thought we could really focus, particularly targeting the small business sector of our economy. That is where innovation occurs. That is where you can expect the greatest economic growth when you have right tax policy.

One of the things we did that really targeted the small businesses was we increased the amount of expenditures that they could write off so that small businesses make investments in their

business, maybe it was computers, maybe it was—if they were in construction maybe it was a Bobcat. But it impacted all segments of small business.

The economy responded, and it is still responding. But this particular plan we have before us—and that is what this budget is, it is a plan. It is a plan that is put together by the House and the Senate. It is not anything that is signed by the President. It is an agreement.

So, now, in 4 months and 15 days, they have had this plan that lays out a pact to increase taxes.

It increases discretionary spending at least $205 billion over the President's request over 5 years. The debt increases $2.5 trillion over 5 years, and we don't do anything on mandatory spending. We had several hearings in the Budget Committee about the problem with entitlements, which is mandatory spending—Social Security, Medicare, and Medicaid—and how we needed to control future obligations in those programs because they are getting ready to bankrupt the country. We had testimony in front of the Budget Committee that said the way those programs are currently designed is unsustainable. It is completely ignored in this 5-year plan that has been put out on how they are going to grow the economy. I think it is headed in the wrong direction. It is going to be a disaster for future generations.

The Democratic budget contemplates a huge tax increase. The argument was made from the other side, as always, if you want to increase taxes, you blame the rich because they are making too much money. But everybody ignores the fact that the top 20 percent of taxpayers are paying 85 percent of the taxes. The bottom 40 percent is actually getting a refund, a handout from the Government. It is easy to point to the wealthy and say: They are not paying enough. But in reality, they are already paying a lot. If we allow the Republican tax plan to expire without taking any future action, the result is going to be a negative impact on our economy. I believe that.

This budget spends $23 billion over what the President suggested as far as discretionary spending for 2008, totaling about $82 billion over 2007. The budget spends $205 billion over the President's discretionary spending over 5 years. Entitlement spending grows unchecked by $416 billion over 5 years. It creates reserve funds. We did create a few reserve funds, but we didn't create 23 reserve funds, which is an opportunity to build a shield of smoke and mirrors, which allows spending to go on unchecked. I am concerned about the opportunity we are giving various committees to spend.

If we do this right, we can do a lot of things that will restrain spending, will hold down taxes, and actually provide for future generations of Americans. I am disappointed we haven't done more in those areas. In fact, we haven't done anything but move in the wrong direction.

I had an amendment I offered in the committee and on the floor that said: Let's look at the ineffective programs. This President, to his credit, has put together what they call the PART Program. PART goes into the various agencies and evaluates their programs. Then they rate them. Was it effective? Was it moderately effective? Is it ineffective, or have they made no effort at all? You can easily look into these programs where they didn't make an effort at all to try and establish a process where there is accountability in the way they spend tax dollars, or they can go into a program that was rated ineffective. I said: You know, if we go ahead and reduce spending by 25 percent on some of those ineffective programs, in the first year of this budget we could save about $4 billion, which is minimal, when you think about it, out of a total budget of $2.9 trillion. Over 5 years, that would amount to about a $17 billion reduction in debt, a relatively easy thing we could have done. We ignored that opportunity, as we ignored the opportunity to do something about entitlement spending. We talked about it and talked about it. This could have been a budget that actually called for some action. We have ignored all the recommendations of the hearings and gone ahead with business as usual—increasing taxes, increasing spending.

The Democratic budget literally ignored the entitlement crisis. They have done some manipulation so they can talk four ways about how they are not increasing taxes but in reality they are, about how they are holding down spending but in reality they are increasing spending much more than what Republicans are supporting. It would have been interesting to have seen how they would have created a budget during those 3 years the chairman of the Budget Committee criticized Republicans, when we had 9/11, we had the Internet bubble break, and we had record hurricanes. We had a lot of pressure on our budget. As Republicans, we did a good job. Those were tough times. This budget and these economic times are much better. This was an opportunity for us to do something to hold down spending. We could have done something to hold down the taxes so we could sustain our phenomenal economic growth.

Let me talk about one other issue. If you notice, when the Democrats talked about spending, they talked about it as a percent of gross domestic product. That is an easy argument to make. This economy has done so well that the gross domestic product is growing at a phenomenal rate. So you can increase spending at a phenomenal rate, and your figures can still look good. When you talk about spending as a percentage of gross domestic product, you are not talking about what is happening in the budget. You need to talk about it in terms of real figures from year to year and within the 5-year window of this budget. When you do, we have a tax increase of $736 billion. You have increased discretionary spending by $205 billion, debt by $2.5 trillion, and done nothing as far as entitlement spending is concerned.

I will not vote for this budget. I encourage my colleagues to join me. We can do better. This budget forgets about future generations, and we should do better on their behalf. That is the reason I came to the Congress, because I believed it was important that we eliminate deficit spending.

By the way, he talks about eliminating deficit spending by 2012. If we worked on it, I think we could have gotten rid of deficit spending in 2 years, with the current rate of growth and current incoming revenue, if we had only made the effort. But this budget ignores that effort. We continue to spend and tax as usual.

I am disappointed in this particular budget. We could have done much better. I think it is a disaster for future young Americans. Hopefully, this budget will not pass, and we can have another budget that deals more seriously with the future of this country and the future of America.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from South Dakota.

Mr. THUNE. Madam President, the conference report on the fiscal year 2008 budget resolution isn't only about a bunch of numbers; it is about our priorities for America. It is about our vision for America. A budget in a lot of ways is like a checkbook. A checkbook tells us about an individual's priorities. This is our national checkbook. It tells us where we are and where we want to go as a nation.

The proponents of this budget are proud of their budget, claiming it is fiscally responsible, it reduces the deficit, it makes hard choices, and leads to a balanced budget. Opponents of the budget resolution say it is nothing of the sort. It adds spending, raises taxes, does nothing about long-term entitlement programs and the crisis America faces there. They say it is a tax-and-spend budget doomed to fail because it grows the Government, slows the economy, and will fail to balance the budget. The question for the American people is, who is right. This is no trivial matter. It is not just about our Government's finances and the Nation's prosperity; it is about our jobs and paychecks. It is about our family's budget. It is about our hopes and dreams. So who is right? Is this a tax-and-spend budget or a fiscally responsible budget? In America, everyone is entitled to their own opinion, but not everyone is entitled to their own facts.

Fortunately, we have plenty of facts by which to judge this budget. We have the facts of the budget, the facts of history, and the hard facts of the IRS form 1040 to determine exactly what this budget is and exactly what this budget does for American taxpayers and families.

I believe a reasonable review of those facts will, sadly, conclude this is, in fact, a tax-and-spend budget, that it is based upon hundreds of billions of new spending, and almost a trillion dollars of new taxes, that it will grow the Government and slow the economy, and that it will fail to balance the budget because no tax-and-spend budget ever has, that it is diametrically opposed to the only solution we factually know to successfully balance the budget, and that is to cut spending and reduce taxes.

How do I reach that conclusion? It begins with two facts of any budget: What does the Government spend? What does the Government tax? From this budget we can tell three things about spending. First, we know every dime the Government is spending today. This budget says what the Government will spend tomorrow plus more to account for inflation and population and whatever other factors come into play. This budget does not require a single program termination, not a single program reduction, not a single program freeze. So we know spending doesn't go down. It goes up in a business-as-usual approach.

Next we also know new spending is added, over $200 billion in new spending over the next 5 years with no offset. Finally, we know there are some 24 reserve funds added where billions of new spending can be added. Some of them allow for tax relief, but mostly they add new spending programs or expand existing ones.

The authors of the budget will tell us that any of these new initiatives have to be offset with either spending cuts or new taxes. Given the fact that not one penny of spending is cut in this budget and that billions of new spending is added, I don't think we can expect to see any future spending cuts. That only leaves one thing to pay for it, and that is taxes.

Thus we see every penny of existing Government kept, we see billions of new spending, and we see promises of even more new spending beyond that. However, to be fair, the Democrats do point to one spending cut they may do. They point to provisions, so-called reconciliation instructions, to cut education spending by $750 million over a 5-year period. They want to use the reconciliation process so the provision cannot be filibustered. So to get this straight, out of a budget of $2.542 trillion this year, out of CBO estimated spending of $12 trillion, $37 billion over the next 5 years, the Democrats are going to try and squeeze $750 million out of savings. That is six one hundred thousandths of 1 percent.

This may turn out to become a spending cut, but consider two facts: First, the $750 million cut that might occur is dwarfed by $205 billion in new spending that is scheduled to occur. Second, that $750 million cut is a spending cut not to shrink Government but to actually grow Government.

The education reconciliation instruction is part of an effort to transfer subsidies that private lenders give to student loans and put the Government back in control of student loans. It is a cut not to shrink Government but a cut to shrink the private sector and expand the Government.

So in this budget, what do we have on the spending side? Well, as I said before, we have no spending cuts, no terminations, no freezes. We have $204 billion, $205 billion in new spending. We have numerous new spending initiatives promised, and the single, potential cut is infinitesimally small, is a fraction of new spending and is designed to use a special process to shrink private lenders and expand Government lending.

On the basis of no spending cuts, billions of new spending, promises of even more spending, and a miniscule cut that is actually a Government expansion—from all that—I think any reasonable person could conclude this budget spends more and more.

But what about taxes, the second part of our equation? Does this budget raise taxes? Does it help or harm taxpayers? Democrats insist there are no tax hikes in this budget. No one's taxes are going to go up, they assure us. But is that true?

If you are kind of boring and you care about budget numbers, you might come up with a different answer. If you are a taxpayer and know what it means to fill out your IRS Form 1040, you definitely will not agree with that assessment.

For those who care about the budget, here are the facts. Every budget passed since 2001 has excluded from its future revenue levels the tax cuts that were passed in 2001. In fact, each budget has excluded the revenue reductions from the 2001 tax relief, the 2003 tax relief, and the 2005 tax relief.

These budgets did not count as Federal tax revenue any of those revenues transferred back to taxpayers by those three tax cuts. Instead, every budget said the tax cuts are in your family's budget and not in the Government's budget; that is, until now.

This budget says those tax cuts are no longer part of your family's budget, but they are now part of the Federal Government's budget. Money cannot have two masters, and this budget says the money going to your tax cut has a new master, and it is not you, it is the Government.

In fact, over the next 5 years, some $736 billion in tax relief that Americans enjoyed yesterday and today to pay their bills, to feed their families, to invest in their dreams, will not be in their families' budgets tomorrow but in the Federal Treasury's coffers.

By transferring $736 billion of tax relief you enjoy today out of your families' budgets into the Government budget, the Federal Government revenue baseline makes a huge leap, and from that a deficit projected at $229 billion in 2012 suddenly becomes a surplus.

Do tax hikes account for that swing in the deficit? We know spending has not been cut. In fact, we know spending is going up. So the only reason the budget could swing from a deficit to a surplus in 2012 is because something has happened on the revenue side. Judging how big the deficit swings to surplus, something big must have happened on the revenue side in this budget, and the facts bear that out.

At $736 billion, that tax hike in this budget is not only the biggest tax hike in history, but it is more than double the largest tax hike in history. In fact, this tax hike is two times the record tax hike of $293 billion that was enacted back in 1993 by President Clinton and a Democratic Congress.

In fact, it is interesting to note, because we are talking about $736 billion in the conference report, if you look at the House-passed budget resolution when it left the House and went into conference, the tax increase was $917 billion. At that level, that would exceed and be greater than all the revenues collected to run all the Federal Government budgets for 156 years—from 1789 to 1957, from Washington to Eisenhower. It is a huge tax hike. So from a budgetary perspective, we know that spending goes up, and we know taxes go up. It is not the Government that will be spending less. The only folks spending less under this budget will be the American taxpayers.

That leads to the next tax hike test: the view of the taxpayer. This one is easier, but it is also more painful, as we look at the IRS Form 1040 that most of us filled out a month ago. We can ask the hard question—those of us who filled out the Form 1040 in the last few weeks or months—if losing various tax changes constitutes a tax hike in the mind of the average taxpayer.

So let's take a look at the Form 1040 and the tax changes this budget is specifically based upon and would include.

Now, obviously, as I said earlier, the House-passed version was a $917 billion level. The report that has come out of conference is at a $736 billion increase in taxes. But if you look at it on a Form 1040, you can see—when we started this process, when the budget was passed earlier this year—it eliminated the marriage penalty relief that was enacted a few years back.

It took the dividend income and capital gains income a lot of people have realized when they have sold stocks, or perhaps seniors in particular who have dividend income, and it takes the increase, or the rate on dividend income, from 15 percent—boom—up to 39.6 percent.

Capital gains as well—as shown right down here on the form—if you look at capital gains, which currently is taxed at a 15-percent rate, that is going up. Your tax rate, right there, is also going up to 20 percent. So you have dividend income and capital gains income tax rates going up in both those areas in this budget.

Now, if you turn to the next page of the tax form, you can see other areas in the budget where taxpayers are also going to see increases.

The Senate Democrats in the conference have restored a few of the Senate-passed items in the Tax Code, which I will get back to in a moment. But where we started out in this whole thing was we saw the standard deduction, itemized deduction, mortgage interest deduction, charitable contribution deduction—all those sorts of things that normally taxpayers are able to take—those went down. If you look at the credit for childcare, which is $1,000 today, and in the original budget, that would have gone down to $500, so you would have seen a decrease in that area of the Tax Code.

If you look down to the earned-income tax credit, which a lot of our men and women in uniform, our soldiers, are able to take advantage of, that, too, would have been slashed and gone down.

You can go up and down this Tax Code, and you can pretty much see every area in the Tax Code that was addressed in 2001, 2003, 2005—the tax relief that has been provided to the American taxpayer—those tax cuts are all going to expire and tax rates and everything else is going to go back up.

Now, the last chart I wish to show you is the tax rate schedule, which I think is also important. I am going to come back to this in a minute because, in fairness to my colleagues on the other side, they attempted, in the Senate resolution, to restore, put back, some of this tax relief.

But if you look at the original proposal, as it came forward from the House, the 10-percent lowest tax rate in the rate schedule, which benefits the lowest income taxpayers in this country, would have been slashed all the way through, completely cut, gone—no 10-percent rate.

Now, as I said, in fairness to the Democrats in the Senate, they put that back in, in an amendment, or at least they have alleged to have put it back in at some point, so some of these tax relief items that were knocked out in the House budget resolution get restored.

But the one thing that is clear—they may have done something that, as I said, only time will tell if we are actually going to realize that benefit and have the 10-percent rate restored—the one thing that is clear is that in the tax rate schedule, every other tax rate is going to go up.

So today, if you are paying at the 25-percent rate, your taxes are going to go up to the 28-percent rate. If you are paying at the 28-percent rate, your taxes are going to go up to the 31-percent rate. If today you are paying at the 33-percent rate, your taxes are going to go up to 36 percent—from 33 percent up to 36 percent. If you are paying at the high rate—the 35-percent tax rate—today, when this is all said and done, your tax rate is going to go up to 39.6 percent.

So as you can see throughout the entire rate schedule—this is even assuming the 10-percent rate gets restored for low-income taxpayers—for every other taxpayer in this country, every other rate in the rate schedule will go up.

What does that mean? That means higher taxes for a lot of Americans across this country. On this basis, I think it is fair to say that typical taxpayers are going to say, yes, these changes constitute a tax hike on them.

Senate Democrats insist there is no tax hike in this budget. So who is right, the taxpayers or the Senate Democrats in their budget? Well, my colleague from North Dakota sees the Democratic budget probably less like a taxpayer, maybe more like a Budget Committee chairman. But this budget, as it was originally proposed, as I said, got rid of the 1,000 tax credit, the 10-percent rate. It got rid of the death tax relief we were going to experience. Their claim now is they put an amendment in the Senate budget, which was adopted in conference, that will restore $180 billion of tax relief that this budget assumed would expire.

Now, if, in fact, there is no tax increase in this budget, why was it necessary to go through the exercise of having an amendment to extend the existing tax relief, such as the 10-percent tax bracket or the child tax credit, or some of the death tax relief that was enacted a few years ago and that will expire in a few years? I think the Senate Democrats saw billions of tax hikes in this budget, such as the taxpayers did, and decided to extend some but not all the tax relief this budget would allow to expire.

Now, by the action of the Baucus amendment that was adopted here, there was an admission, I believe, by the Democrats that billions and billions of dollars of what average taxpayers would call tax hikes actually are in the Democratic budget. If that were not true, we would not have needed an amendment, the Baucus amendment, to attempt to restore some of the tax relief that is set to expire in a few years constituting, as I said earlier, the largest tax increase in American history.

So it looks to me like what happened was an attempt to try and camouflage or disguise what clearly is a very large tax increase on the American people. No matter how they try—we will put this other chart up here—this budget cannot camouflage or disguise the extent to which taxes are going to go up on the American people.

The purpose of this whole exercise in having an amendment that allegedly would, as I said, restore some of the tax relief, was to provide a figleaf, not for the taxpayers in this country but for the tax raisers right here in the Congress.

Again, I wish to illustrate this was the $916 billion in new taxes that came out of the House budget resolution. The bill that left here, the Senate, and which is in the conference report we have before us today, as I said earlier, attempts to restore some of that tax relief.

So what did our colleagues on the other side do? They took a figleaf and said: We want to provide some cover for people here in the Congress who want to see taxes go up. Yet with the American people, what the American people see is a figleaf because this is a figleaf for the tax raisers and provides no cover whatsoever for the taxpayers; that is, the American people.

So even if you say we are going to restore the 10-percent tax rate, some of the death tax benefit that would accrue—and if not extended would expire—even if we do some of these other things they say they have done in their budget, you cannot address all the additional tax increases that are going to happen in this budget.

Let's say you cover some of the child tax credit, let's say you do some of the death tax repeal, let's say you even provide some of the marriage penalty relief that was enacted in 2001 and 2003 and allow that to be restored, you still just make a small dent in the overall tax increase of $900 billion.

So what do we have? We have $180 billion basically put back, restored, to try to provide a cover or some figleaf for over $900 billion in tax increases. So what we have ended up with is a $736 billion increase as opposed to a $900 billion increase.

So the bottom line in all this is, the amendment that passed the Senate—the $180 billion in the conference report—provides some level of coverage. It provides a little cover. There is a little figleaf of coverage there. But in the end, for the American taxpayer, it is about one-fifth of the expected tax hike, and it looks pretty doubtful we will even realize that.

So let me, if I might, say—looking at the other chart on the Form 1040—even if you assume the Democratic amendment puts that $180 billion of figleaf coverage back in there and does something about the child tax credit—which was $1,000 and went down to $500, but they say it goes back to up to $1,000—you are still going to pay more taxes because you are going to lose some of your mortgage interest deduction in the area of itemized deductions. Let's say they did something on the alternative minimum tax which they say they help correct in their $180 billion fig leaf amendment, but you still are going to pay higher taxes on line 43 because your tax rates are going up.

So the point of this whole thing is that in the Tax Code, if you look at a typical 1040 and you are a taxpayer, it is very clear what is happening here. If you are a tax-raiser in Washington, DC, obviously you come to a very different conclusion. But if you are someone who is out there and you are looking at the Tax Code and you are looking at your 1040—and let's just pop up this other chart for these purposes one last time—and you are going through this exercise and you say: OK, gee whiz, they gave us the marriage penalty relief back, well, you are still going to see, if you have dividend income, that

going from the 15-percent rate up to the 39.6-percent rate. You are also going to see capital gains rates—if you have any kind of a mutual fund or anything like that which shows a capital gain, your tax rate is going to go from 15 percent up to 20 percent. You can't deny what is the reality of this whole exercise.

The other thing I will point out is that if you look at what works in terms of balancing a budget, it is pretty clear this formula isn't the one that works.

Back in 1997, I was a Member of the House of Representatives, and at that time, as we went through the process of balancing the budget, we had a Republican Congress, a Democratic President, and they agreed to a balanced budget plan that actually got the job done. In fact, the Republican budget plan President Clinton signed into law had two primary features: It had spending cuts of $263 billion, and it had $95 billion in tax cuts. So what did it do? It cut spending and it cut taxes. What was the result of that? Well, we saw the economy grow, we saw Government revenues grow, and pretty soon we were running surpluses.

This budget is very different from that one. This budget has $205 billion of new spending and, as I said earlier, $736 billion in new taxes.

So in 1997 when we had record spending cuts—$263 billion over a 5-year period, and tax cuts of $95 billion over a 5-year period—we saw a good result. We saw an economy that started to grow, we saw the Government start generating surpluses, and that is the exact opposite model of what we are talking about here today. We are talking about a budget today that increases spending by $200 billion a year, that increases taxes by $736 billion a year, and I think that ends up being a formula for higher spending, higher taxes, and a slower growing economy.

This budget is the mirror opposite of what was done in 1997 and yielded the good results that came as a result of a Republican Congress working with President Clinton at that time to get a balanced budget which actually cut taxes, which cut spending. Spending went down, taxes went down, the economy grew, we saw more Government revenue, and that is exactly what we would like to see out of this budget. But, as I said earlier, this budget is the mirror opposite of that budget. This budget increases taxes, it increases spending, and my fear is we are going to see the Government grow—which it will—and we are going to see the economy slow. I hope that doesn't happen, but I don't think, when you increase spending in Washington, DC, and grow the Government and increase and raise taxes, you are going to see the kind of effect on the economy we saw in 1997 when we cut Government spending and cut taxes.

I appreciate the opportunity to come speak to this budget resolution. I will join with many of my colleagues in opposing this because I believe it is the wrong formula for America's future. Higher spending, higher taxes, and more government is not what this economy needs, and it is not what the taxpayers of America need—the people who fill out those 1040s every single year. We ought to keep them in mind because they are the ones who are paying the bills.

With that, I yield the floor.

Mr. CONRAD. Mr. President, the Senator has a vivid imagination. I don't know what these charts refer to, but they certainly don't refer to the conference report that is before the body now. He has mixed up so many different proposals that have been before various bodies, but he has not referenced the matter that is before this body.

What is before the body is the conference report on the budget. The conference report on the budget does not increase spending; the conference report on the budget takes spending down as a share of gross domestic product, which all the economists say is the right way to measure because it takes out the effect of inflation. We are taking spending down from 20.5 percent, which is where they took it when they had control; they ran up the spending when they ran everything here. They controlled the House. They controlled the Senate. They controlled the White House. On their watch, they ran up the spending. We are taking it down, from 20.5 percent of GDP down to 18.9 percent of GDP. That is one of the key reasons we are able to actually balance the budget—something they have never done and something they still have no proposal to do. That is the fact. This is not increasing spending; this is taking spending down as a share of the gross domestic product.

Now, the Senator puts up charts that are people's tax returns and talks about this rate going up and that rate going up. There are no rate increases here. There just aren't. I know the Republicans have given this speech so many times, it is habit. So it doesn't really matter what the budget is; they just trot out the same speech they gave 5 years ago. The problem is it doesn't fit the facts.

The President said in his budget, by his own estimate, that he would raise $14,826 billion over the 5-year life of the budget. Our budget raises $14,828 billion—virtually no difference. Now, this is using his own agency's estimates, the Office of Management and Budget. We use the Congressional Budget Office on ours because they are the official scorekeeper for the Congress. If you put them on the same basis, the Congressional Budget Office basis, we do have 2 percent more revenue than the President's, but our revenue doesn't show up until beyond 2010. We are going to write another budget before then. This budget controls next year. There is no difference in revenue next year. There is no difference in revenue.

I don't know what speech you are going to give next year when there has been no tax increase. I know you will be terribly disappointed, because you believe that there has to be a tax increase. We are going to be here next year, and then we are going to have to trot out all of these speeches that have been given here. I am afraid some of those who have given these speeches are going to be terribly embarrassed.

Mr. SANDERS. Mr. President, would the Senator yield for about 3 minutes?

Mr. CONRAD. I would be happy to yield.

Mr. SANDERS. I would like to ask the Senator a question. Let me begin by thanking him as the chairman of the Budget Committee for his excellent work on the budget resolution. This conference report, despite what some may have heard, is a major achievement for our Nation's veterans, for children without health insurance, for the middle class, and for millions of Americans struggling to make ends meet. None of these achievements would have been possible without the strong work of Senator CONRAD, and I commend him as a member of the Budget Committee for all of his efforts.

As my colleagues know, one of the major issues I have been working on has been to expand federally qualified health centers in this country, and on that subject I would just like to ask the chairman the following question: Does the conference report accompanying the budget resolution assume that $2.6 billion in Federal funding would be provided for federally qualified health centers in fiscal year 2008—$536 million more than the 2007 level adjusted for inflation and $575 million more than the President's request?

Mr. CONRAD. Mr. President, I would say in response to the Senator that it does. This conference report includes the amendment that was offered by the Senator to increase funding for community health centers. As the Senator knows, this is one area of spending the President has supported. More than that, this is an area I think almost all of us believe has had remarkable success.

I have visited community health centers in my own State, and I have seen the remarkable work they are doing. In Fargo, ND, we have a community health center that is serving thousands of people and doing it in an extraordinarily cost-effective way. It is getting very good health care results for its clients.

So I was pleased to support the amendment of the Senator from Vermont. I think this is one of the most cost-effective things we can do to expand health care coverage for the people of our country and the people of our individual States, and I salute the Senator for offering that amendment. We vigorously defended that approach in the conference committee, and the conference agreed to support that level of funding.

Mr. SANDERS. Mr. President, I just want to thank the chairman very much, and I concur with everything he

has said. For 40 years, federally qualified health centers have provided high quality primary health care for millions of Americans, regardless of their income, and as the chairman just indicated, they do that in a very cost-effective way. If the Appropriations Committee provides this funding, at least 4 million more Americans would gain access to the high-quality, affordable primary care available in our Nation's health centers in a very short period of time, with millions more getting access as the new centers get up and running. I thank the chairman again, and I look forward to working with him and my colleagues to make this a reality.

Mr. CONRAD. Mr. President, I thank very much the Senator from Vermont, who is an extremely constructive member of the Senate Budget Committee and a fierce advocate for those things he believes in. He is somebody who has done his homework, and we appreciate that very much on the Senate Budget Committee. I thank the Senator from Vermont.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. GREGG. Is the colloquy that just occurred part of the increased spending that doesn't occur in this budget?

Mr. CONRAD. Mr. President, let me just say that the spending in this budget, as I have said over and over—and I will be happy to put up the chart again—spending as a share of gross domestic product goes down under this budget each and every year. It goes down from 20.5 percent of GDP to 18.9 percent of GDP.

The Senator will recall it was on their watch that, not only did the spending go up dramatically, but the revenue stagnated. The result was to explode the debt of the country. That is the record of the other party. Unfortunately, it falls on our watch to begin to clean it up, and this budget does so.

Mr. President, is the Senator from Texas prepared?

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, with the permission of the bill managers, I would like to yield myself 10 minutes.

Mr. GREGG. Mr. President, was the Senator from North Dakota yielding time to the Senator from Texas?

Mr. CONRAD. No.

Mr. GREGG. I just got that impression, so I was willing to remain silent as the Senator from North Dakota yielded the Senator from Texas time.

Mr. CORNYN. Since I didn't hear any objection, I was assuming we were proceeding.

Mr. GREGG. I yield 10 minutes to the Senator from Texas.

Mr. CORNYN. I appreciate that. Listening to the comments of the distinguished chairman of the Budget Committee, just trying to summarize it, reminds me of a saying in my part of the country—and I will bet it is the same in his part of the country—the most feared words in the English language are ''I am from the Federal Government, and I am here to help.'' That is basically how he summarizes this budget: We are just here to help the American people.

The problem is that this budget puts us on a tax-and-spend budget, which is really the worst of both worlds. It dramatically grows the size of Government over the next 5 years. This is not just 1 year, this is a 5-year budget, and it contemplates a record increase in taxes and explodes the debt. It contemplates the largest tax hike on the middle-class families and farmers and entrepreneurs in our Nation's history—about $736 billion over the next 5 years.

Unfortunately, this tax increase will take place without a vote of the Congress because what it will do is take advantage of expiring temporary tax relief we passed back in 2003 which has produced an economic explosion in this country and the creation of about 7.8 million new jobs just over the last 4 years. We all know this tax relief has helped the economy grow and create jobs.

On this point, I am especially disappointed that this conference report does not include an amendment I authored which passed the Senate on a bipartisan vote by 63 to 35. That amendment, which is not included in this conference report, created a 60-vote budget point of order against any legislation that raised income tax rates on taxpayers, including middle-class families, college students, and entrepreneurs. In addition, the Senate unanimously voted to instruct its conferees to include the point of order in the conference report. But, once again, I guess we are asked to suspend our disbelief because here in Washington, inside the beltway, things happen differently.

We pass amendments by a vote of 63 Senators, we unanimously vote to instruct conferees to include that point of order in the conference report, and that prohibits an increase in tax rates unless at least 60 Senators agree; and, miraculously, it doesn't appear in the conference report.

While I am aware of the procedural ramifications, I think it would have been a powerful message for the Senate to make taxpayers across the country, to make this point to them that, as the chairman of the Budget Committee has said, there will not be an increase in taxes, to reassure them that there won't be. But, frankly, I think the numbers belie some of the statements being made, to the extent that we are not contemplating tax increases over the next 5 years, when in fact this budget contemplates a historic increase in taxes, just to be able to keep up.

The fact is this amendment highlights an essential point—that 63 Members of the Senate, a bipartisan majority, believe tax rates should not be raised. Unfortunately, the way I read this budget, it does contemplate dramatic increases in taxes, and I don't see anything else at the end of the day happening.

Finally, a few comments on the spending side of the ledger. While the chairman said there will not be higher rates next year under this budget, there will be, with no question, higher Government spending—approximately $23 billion above what the President requested, which I may add is not paid for, which goes directly to the debt. In other words, it is an IOU we hand down to our children and grandchildren. In fact, this budget contains billions of dollars in new spending on Washington programs—$205 billion over the President's request over the next 5 years.

When it comes to entitlement reform, this budget does absolutely nothing to address the $69 trillion long-term entitlement crisis we are facing. I wonder when things are going to change around here, when our rhetoric is matched by action. We on this side of the aisle have said we are determined to work with our colleagues on the other side of the aisle to deal with this growing mountain of entitlement spending and debt. Yet we are told, no, not this year, maybe some time in the future.

My question is: If not now, then when? We need the answer to that question. The American people need an answer to that question because the debt continues to pile up through uncontrolled spending on entitlement programs that are on auto pilot, and the bill is being sent to our children and grandchildren. That is wrong and we need to fix it. If not now, I wish to know when.

In fact, if we do nothing over the next 30 years, we won't have a dime to pay for anything else, except four things: Social Security, Medicare, Medicaid, and a part of the interest on the debt. We will not have the resources necessary for other important priorities such as national security, fighting the global war on terror, securing our borders, veterans health care, or education.

For these reasons, I cannot support this budget, which would dramatically increase spending and return us to an era of big Government, known as tax and spend. It passes the IOU down to our children and grandchildren and, at the same time, increases the debt by $2.5 trillion.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I yield 15 minutes to the Senator from Michigan, who, by the way, is an extremely valuable member of the Budget Committee and has played a very constructive role in this process. I thank the Senator for her assistance at every step in the budget process.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I appreciate the kind words of the chairman. It has been a pleasure working with him and knowing that, given what he has had to deal with, in terms of the lack of budget resolutions and the deficit that has been created, he has done an extraordinary job of putting the fiscal ship of state back in order. It has been a pleasure to work with somebody who is grounded in what is important to the American people.

I find it so interesting; first, there is all of the rhetoric that is thrown around about Government, about tax and spend. What we have seen in the last few years has been a borrow-and-spend mentality—basically not paying for what we are spending. We had a $5.6 trillion surplus when I came into the Budget Committee in 2001, with President Bush coming into office. He was handed a $5.6 trillion surplus—a pretty nice gift for somebody coming into office. We debated what ought to be done with that. Unfortunately, a more balanced approach to focus on middle-class tax cuts, to grow the economy, investments in science, health care, education, and jobs, and putting some money aside for Social Security, for the long term, was rejected. That was our plan, but it was rejected by the majority at the time. Instead, a plan was put into place that has borrowed and spent us into the largest deficits in the history of the country.

When you look at the total debt right now, we are looking at a debt that is estimated to be $9 trillion by the end of this year. What concerns me as well about that is, who is buying that debt? Half of our foreign debt is owned by two countries, China and Japan. They turn around and don't follow the rules on trade. They manipulate their currency, which means their products come in with big discounts and compete unfairly against American workers and businesses. When we ask the administration to get tough, they don't do it. Why? Because it is pretty tough to try to enforce it.

This huge deficit that has been created is not only something we need to be concerned about from a fiscal standpoint, but jobs and what is happening in the global economy and our ability to fully enforce our trade laws—that is also impacted. That is why I am so pleased at what we are seeing with this budget resolution.

We have not had a budget resolution for a few years. When our colleagues were in charge, there wasn't one put together for a number of years. But now we have made a commitment to put together a budget resolution that is based on a couple of very important principles: first, a return to fiscal discipline. We are going to stop digging that hole that has put us into a deficit, and now we are going to work our way back out to fiscal responsibility. In fact, our budget comes into balance within 5 years. I am proud of that.

Secondly, we are putting middle-class families first. Throughout this budget, whether it be tax cuts or investments in education, or whether it be health care for our children, or making sure we fund law enforcement, or whether we are fully funding the military or homeland security, we are focusing on Americans and middle-class families—the folks who are working hard every day, who have been saying, hey, what about us? We have seen jobs go offshore and more and more dollars going to fewer and fewer people, in terms of spending. We have turned that around.

This is a new direction. I am very proud of the work that has been done with the House and the Senate. I am proud of our leader, Senator REID, and our leader on the budget, Senator CONRAD, who has done such an extraordinary job.

What are the elements we have put together relating to the budget? There are many pieces. We basically reversed what the President has done in terms of cuts in investments in Medicare and Medicaid and the COPS Program and a variety of others. Start with this. Basically, there are six areas we have focused on:

First, a return to fiscal responsibility. We put into place something called pay-as-you-go. At my house, it was called common sense, paying the bills and not spending more than you had coming in. That process has been put back into play so we can, in fact, balance the budget and return to fiscal responsibility.

We also have made investing in education and innovation a top priority. We know we are in a global economy and we are in a time and place where it is harder and harder for families to be able to afford college. Yet college is needed more than ever for advanced skills, for people who are going back to work, or for those who need to train for another type of job; and education from preschool and Head Start all the way up to college is a critical part of investing in the future of our country. America's young people are competing with students from around the world. We are competing in a global economy. Higher skills and focusing on education and opportunity are essential. So is innovation, because we know we have been the engine of great ideas. We have to keep that up, whether it is the National Institutes of Health or whether it is the advanced technology program relating to manufacturing technology—all kinds of ways in which America has been the leader. To maintain that, we have to make an investment, as any individual business makes an investment in the future, in innovation and ideas to be able to create more jobs. Our budget says we are going to return to fiscal responsibility and put education and innovation at the top for our families and for our future.

Then we are making a major commitment to cover health care for children. In fact, this budget puts a major commitment forward for the next 5 years of this budget resolution to cover every child with health insurance. We are talking about children of parents who are working. They may be working one or two jobs or three jobs, and we know the average single parent—the average mom today, to make ends meet, has to figure out how to work three different minimum wage jobs, and they probably don't have health care. We don't think it is right that in the greatest country in the world, the wealthiest country in the world, moms and dads are going to bed at night saying, please, God, don't let the kids get sick. Please help our son not break his arm and have to go to the hospital because he has been playing sports or don't let our daughter get sick or hurt playing in sports and break a leg.

We want to make sure every child in America has health insurance. We make that commitment in this budget to fully fund SCHIP, the children's health care program. That is a down-payment on making sure we provide health care for everybody.

In this budget, we start with children, making sure every child in America has access to health care. Then I hope we take the next step within the next couple of years to do what needs to happen, which is to fundamentally say health care is a right and not a privilege in the greatest country in the world, and fully provide access to health care for every American. So we have education and health care as an investment.

Then we do something incredibly important, which I think every American agrees with and, frankly, is shocked hasn't been done in previous budgets in the last 6 years under the previous majority and this President, and that is we are going to keep our promises to our veterans. We have 50 different veterans organizations, service organizations, supporting what we are doing because we are taking their numbers about what is needed. They put together a budget called the independent budget, and they estimate how many new veterans are coming home from the war and how many current veterans are going to need help. For the first time, we are meeting that number on health care and in other areas, which is critical. We are saying we are going to keep our promises to our veterans, and the American people want us to keep our promises.

By the way, all of these things are not ''Washington'' or ''Government.'' It is all of us together. It is what we do in a civilized society, the greatest democracy in the world. We come together and decide how to allocate the precious resources. That is what we are doing. How do we invest these in a way that keeps our promises to veterans and creates opportunity for the future, for the American dream and for people in this country? We have a very important provision; we have middle-class tax cuts. We make sure the middle-class tax cuts that have been passed and are in place under the child credit and the marriage penalty and the tax cuts that

affect middle-class families are extended.

We make sure that we put our focus where it ought to be—on middle-income families—because those are the folks being squeezed, those are the folks who are seeing their college costs go up, their health care costs go up, if they have it at all; their wages go down, if they have a job; their gas prices go up, and Lord knows they are going up and up and up. So it is our working families, our middle-class families, those who are barely scrimping by who are seeing all these costs descend on them.

When we look at that, we say we ought to make sure they are the ones who get the break. That is what our budget does.

Finally, we make sure we reverse the President's continual assault on the COPS Program and on other key investments in health care and technology, areas where every year the President has tried to eliminate, cut back. We have now in Michigan, since 2001, 1,600 fewer police officers on the streets. People can't believe that since 9/11 we actually have fewer police officers—and that number has been going up—on our streets in our communities than we had before 9/11.

We reject the President's further cuts in law enforcement. We restore those dollars. We put back dollars, we increase dollars for homeland security.

That is the picture. This is a picture of responsibility. We want to be fiscally responsible and, at the same time, we want to focus on putting middle-class families first. That is what our budget is all about.

Also, it is true there are some areas of the budget where we are raising revenue, and that comes in the category of closing outrageous tax loopholes for businesses and individuals who owe taxes, which is estimated anywhere up to $345 billion, folks who decided to take the money offshore, take the jobs offshore.

Our chairman has shown so many times the picture of the building in the Cayman Islands with over 12,000 businesses saying that is their business location. Obviously, it is not. We don't think they ought to get away with that.

Middle-class families, the majority of the people in this country, have a right to know if they are following the law, if they are paying their taxes, that we are making sure everybody is following the law and paying their taxes.

So, it is true, we do take some dollars from those folks who cheat, who leave the country, who too many times take jobs with them, and we say: You know what. You need to follow the law like everybody else. We take those dollars, and we put them back into making sure that education is available, health care for every child, police officers, firefighters in our communities, paying for our armed services, keeping our promises to our veterans. I call that setting the record straight, turning things around, and creating the right kind of priorities for our country. The budget is always about values and priorities. That is what it is, it is about values and priorities.

I am very proud of the values and priorities reflected in this budget.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator has used 15 minutes.

Ms. STABENOW. Madam President, I urge my colleagues to join with us in this new direction set by this budget for the families of America.

Mr. OBAMA. Madam President, I rise today to speak about the conference agreement on the budget resolution that was just passed by the House of Representatives this afternoon.

This budget makes an important departure from the irresponsible budgets of the recent past and begins to restore balance. Instead of gutting programs that help our most vulnerable citizens and communities, this budget enables these programs—like the State Children's Health Insurance Program, the Low-Income Home Energy Assistance Program, Medicare, COPS and others—to keep serving those who rely on the commitments our Nation has made to help all its citizens. Instead of gimmicks and passing the buck to others, this budget brings greater transparency and responsibility back to Washington.

I am supporting this agreement as an important step in getting America's budget back on track. A large part of getting back on track is reinstating the pay-go rule in the Senate. Under pay-go, Congress will not be able simply to pass along the debt to future generations for the choices we make today. We will have to be accountable for paying our own bills and collecting our own revenue. Pay-go by itself will not bring our budget back to balance, but it will help those of us committed to fiscal responsibility to keep budget deficits from getting worse.

When I talk to families in Illinois and across the country, I hear the same sets of concerns and aspirations. The people I meet want affordable health care for themselves and their children. They want a quality education for their children. They are concerned about our national security and our domestic security. They want to retire with dignity. They are concerned about the costs of this war in the thousands of sacrificed lives and the hundreds of billions of dollars borrowed from abroad. They are concerned about their own credit card debts and our rising national debt.

The failure of our nation to guarantee access to affordable health care for children is shameful. This budget rejects the President's proposed cuts to the State Children's Health Insurance Program and makes children's healthcare a priority for Congress.

The security of our Nation is a critical priority, and honoring our veterans is our moral obligation. This budget fully funds our Defense and Homeland Security funding needs and makes it possible to provide the quality health care and services that our veterans deserve.

This budget calls for strong new measures to close the tax gap, shut down tax scams, and address offshore tax havens. I am particularly pleased to see the strong support for improved mandatory reporting by brokerage firms of the adjusted cost basis of their clients' stock, bond, and mutual fund investments.

During the Senate debate on the Budget Resolution, two of my amendments were adopted to increase summer-term education funding and to promote carbon sequestration technology. I am pleased that the conference agreement has laid the foundation to accommodate legislation that I have introduced in these important fields.

This budget fully funds the President's request for defense spending while prioritizing improvements in veterans health care, children's health coverage, and education. It eliminates the deficit by 2012 and reduces spending as a share of GDP. And it does this without raising taxes or requiring deep cuts to critical government services.

This budget demonstrates that we can rise above ideology and gimmicks and begin tackling the serious challenges we face as a nation. I commend the outstanding leadership of Chairman CONRAD and the good work of the House and Senate conferees.

I hope my colleagues will join me in voting for this conference agreement.

Mr. BUNNING. Madam President, I would like to talk today about the House-Senate budget resolution, S. Con. Res. 21, and the many reasons I oppose it. Overall, the budget resolution contemplates a staggering amount of spending: $15.5 trillion of total budget authority from fiscal year 2008 through fiscal year 2012. In fiscal year 2008 alone, the resolution provides for nearly $3 trillion in spending, yet a significant part of that spending is unfunded, or it comes from the Social Security surplus.

On its face, the budget resolution increases the gross debt by $2.5 trillion over 5 years, but this figure understates the true impact of this misguided decision on our economy. In order to fund $2.5 trillion in additional national debt, the Treasury Department will have to sell Government bonds. Its demand for credit will drive up interest rates, making homes more expensive and curtailing economic activity that creates jobs. There is no restraint. The resolution calls for $205 billion more in discretionary spending than called for in the President's fiscal year 2008 budget.

Not content to ''tax'' Americans with the higher interest rates that will result from deficit spending, the authors of this resolution are endorsing real tax increases as well. The budget resolution's failure to provide for extension of the 2001 and 2003 tax cuts will result

in an enormous $736 billion tax hike on families, seniors, and businesses.

True, the resolution provides for the extension of certain popular tax cuts that Congress enacted, such as the child tax credit, but it also places a substantial new obstacle in the way of enacting even these cuts. This is the so-called trigger mechanism that Chairman GREGG and others have discussed in detail.

Finally, even with the higher interest rates, tax increases, and procedural barriers to tax cuts this resolution contains, it still relies on raiding the Social Security surplus to achieve the appearance of budget balance at the end of the day. I tried to stop this by including language in the Senate passed version of this resolution, but unfortunately, the conferees took this provision out of the final bill.

Get ready, America. Your taxes are about to go up.

Mr. LEVIN. Madam President, assuming this budget resolution conference report passes today, it will be only the second time in 5 years that Congress has finalized a budget. The annual budget resolution sets forth the necessary blueprint for the Government's spending and revenues, and I am pleased that we have an agreement to vote on this year. I am also pleased that it is a plan that can help put us back on a fiscally responsible path.

For too long now we have been digging deeper and deeper into a ditch of debt. President Bush's budget submitted to Congress in February would continue that trend by increasing the gross federal debt by nearly $3 trillion to $11.5 trillion by 2012. That's $38,000 per person. The budget resolution we are considering today can help reverse that trend.

The resolution reestablishes a strong pay-go rule, which would require any new spending or tax cuts to be paid for elsewhere in the budget or receive a supermajority of at least 60 votes in the Senate. While I know that balancing our many priorities will not become easier under this pay-go regime, I welcome its return. I am also pleased that this budget establishes a new 60-vote point of order against long-term deficit increases.

This budget also sets a blueprint for going after our country's massive $350 billion tax gap, which is the difference between the amount of taxes owed by taxpayers and the amount collected. One of the primary tax gap areas I hope Congress will focus on this year is the offshore tax haven and tax shelter abuses that are undermining the integrity of our tax system. I commend Chairman CONRAD and the Budget Committee members for their willingness to take on and push Congress to address these complicated areas. There are many ways Congress can go about tackling these problems, and I hope that one of them will be to enact the Stop Tax Haven Abuses Act of 2007 that I introduced earlier this year with Senators COLEMAN and OBAMA. Our bill would crack down on a number of the offshore abuses that shift the tax burden onto ordinary taxpayers, and would be a big step toward achieving fairness in our tax system.

This budget resolution also works toward fairness in our tax system by assuming an extension of middle class tax cuts, including extensions of marriage penalty relief, the child tax credit and the 10 percent bracket. It also assumes a year of alternative minimum tax relief and estate tax reform for small businesses and family farms. While the bulk of the President's unaffordable tax cuts since 2001 have benefited only the wealthiest among us, the tax cuts assumed in this budget are aimed at helping working families. I believe they are an important part of any economic plan and should be continued.

On the spending side of the ledger, I am pleased that this budget resolution supports our men and women in uniform both in the national defense program and the additional costs of operations in Iraq and Afghanistan.

I am also pleased that this resolution includes the resources needed to ensure that our veterans get the health care they deserve. In total, the resolution provides more than $43 billion for the Veterans Affairs healthcare system—$3.6 billion more than President Bush's budget.

I am also pleased that this budget provides a $50 billion increase over 5 years for the Children's Health Insurance Program, SCHIP, to expand children's health care and make sure states can maintain current caseloads. Making sure children have adequate health care should be one of our nation's top priorities. Unfortunately, President Bush's SCHIP budget proposal would have lead to the loss of critical coverage in many states. The Secretary of the Department of Heath and Human Services has even admitted that the intent of the President's proposal is to decrease the number of children enrolled in SCHIP. It is imperative that we reject that inadequate proposal, and this budget resolution does that.

This budget also represents a significant improvement over the President's budget for education. For 2008 alone, it provides an increase in discretionary funding for the education and training function of $9.5 billion above the President's request. That means more funds for Pell grants, IDEA, and No Child Left Behind Act than the President requested. It would be shameful to fail in our responsibility to our children by adopting a spending blueprint that does not provide our schools the resources they need.

It is a welcome change to be voting for a budget resolution that can change the failed fiscal policies and irresponsible tax cuts pushed by this administration. This resolution can help pave the way for important investments in America's future to put our country back on track and to begin the long process of climbing out of the ditch of debt.

Mr. ENZI. Madam President, as the Senate debates the fiscal year 2008 budget resolution conference agreement, I want to first acknowledge the hard work of Chairman CONRAD and Senator GREGG throughout this fiscal year 2008 budget cycle. While I do not always agree with the chairman of the Budget Committee, I do appreciate the hard work it takes to get a budget through Congress.

I also want to acknowledge the importance of writing and passing a budget resolution. This document is a vital part of the operation of Congress. It sets a fiscal blueprint that Congress will follow for the year and establishes procedural hurdles when these guidelines are not adhered to. Because this is such an important document, I am even more disappointed with the fact that this was not a bipartisan process.

Not being included in the crafting of this budget is far less important than the fact that this budget does little to help our economy. From the day we marked up this budget in committee, this document has been a tax-and-spend, big-government budget. It also fails to make meaningful reductions in mandatory spending—even though our Nation's mandatory health programs are growing each year by more than 6 percent, an unsustainable level.

It is not right to overspend now—and pass the bill on to our children and grandchildren to pay later. It is regrettable that during this budget debate, the Senate was unable to work across party lines and do more to shore up our economic future.

As my colleagues may know, this conference report contains a reconciliation instruction for the HELP Committee, where I serve as the senior Republican senator. This reconciliation instruction directs the HELP Committee to produce $750 million in deficit reduction over 6 years. The Senate-passed resolution did not contain any reconciliation instructions. However, the House-passed budget did contain such an instruction that called for $75 million in savings. Reconciliation became a ''conferencable'' item because the differences between the two Chambers needed to be resolved.

Recall that during Senate consideration of the budget resolution this year, we never debated reconciliation. Chairman CONRAD chose not to include it in his budget. That was his choice. He held hearings earlier this year relating to our Nation's long-term fiscal challenges, and I commend him for that. Health and Human Services Secretary Leavitt testified before the Budget Committee in March that the demand on Federal general revenues for Medicare, Medicaid and Social Security exceeds $50 trillion—that is trillion with a ''t''—over the next 75 years based on current law and program operations. But the Senate-passed budget, which I voted against, failed to address these challenges.

Now today we are debating a conference agreement that directs the HELP Committee to reduce the deficit by just $750 million over 6 years. Mr. President, I said million, with an ''m.'' I would like to explain to my colleagues what is really going on in this budget.

In his fiscal year 2008 budget request, the President proposed nearly $18 billion in savings related to higher education. Most of these savings are achieved by cutting subsidies the banks are currently receiving. Democratic leadership is also looking at reducing many of these same subsidies in the $20 billion range and possibly even larger.

This conference agreement allows for these mandatory higher education proposals to be advanced through the reconciliation process. That means limited debate, strict germaneness requirements on amendments, and a simple majority vote to pass the bill. But with just a $750 million savings requirement, the process will be used to fast-track massive new entitlement spending. A more honest reconciliation and deficit reduction debate would be to limit the new spending in a reconciliation bill to 30 or even 40 percent of the total savings. But right now this budget is teed up to allow $20 billion or more in new spending, with the deficit reduction component amounting to merely a rounding error in a gigantic spending proposal.

I wrote a reconciliation bill in 2005 when I had the privilege of chairing the HELP Committee. The title that I authored reduced the deficit by $15.5 billion over 5 years. In addition to the deficit reduction, the bill created new mandatory grant aid proposals, academic competitiveness and SMART grants. It also increased loan limits so students could better finance their education. That reconciliation bill spent roughly $9 billion on brand-new student benefits, all fully paid for. About 40 percent of my total savings was spent on new programs, and the remaining funds paid down the deficit.

But this budget we are debating today says if the majority party can find $20 billion or even $30 or more billion in savings, they can fast-track and spend 95 percent of those savings. This is an offensive use of the reconciliation process. This year, if just one-half of the Senate authorizing committees could equal the level of deficit reduction that the HELP Committee achieved in 2005, the deficit would be reduced by an additional $100 billion.

During the Budget Committee and floor consideration of the resolution, I also spent a great deal of time on health-related issues. I am greatly disappointed that this conference agreement contains a deficit neutral reserve fund that encourages repealing the ''non-interference'' clause from the Medicare law. This is an issue that came before the Senate a few weeks ago and failed. It failed because it is bad policy. The ''non-interference'' language in the Medicare law prevents the Federal Government from fixing prices on Medicare drugs or placing nationwide limits on the drugs that will be available to seniors and the disabled. I support this language 100 percent, but this conference agreement supports striking this language that protects patients. Decisions on what drugs should be available should be made by seniors and their doctors, not by politicians.

I am happy to see, however, that this conference agreement retains the reserve fund for health information technology legislation that I worked to get into the Senate budget resolution. The HELP Committee is currently working on a bill to increase the widespread adoption of health IT. What does that mean? That means we are working on a bill that will eventually do away with clipboards in doctors' offices. Every time I go to the doctor, someone hands me a clipboard to fill out everything I can remember about myself. This is no easy task, and as I get older, this task gets even harder. Wouldn't it be great if, instead, doctors had electronic medical records that could keep track of this information for me, if my doctor's computer in Wyoming could talk to my doctor's computer in Washington? Well, the bill I am about to introduce is the first step in making that happen. And if that does happen and most of the doctors and hospitals in this country start using health IT, the RAND Corporation estimates we could save between $80 and $162 billion a year. That is amazing savings, and I am happy to see that this language was included in this conference agreement.

I am also pleased to see that the conference agreement includes a deficit-neutral reserve fund for improvements in health insurance coverage. This spring, I have been talking to my colleagues on both sides of the aisle about writing legislation that reduces the number of uninsured, improves health care quality and access, and reduces the growth in the cost of private health insurance by facilitating market-based pooling across State lines. My hope is that a commonsense proposal similar to this would meet the criteria established in this reserve fund.

As we move forward and complete this resolution and start working on the fiscal year 2008 appropriations bills, I wanted to mention a few programs that are important to Wyoming.

As our Nation's most abundant energy source, coal must play a central role in electrical generation for years to come. In order for that to happen, we need to continue finding ways to make coal generation cleaner. Programs like the Clean Coal Power Initiative will play a major role in making that happen, and so I support increased funding of this program.

We also need to see proper funding of the Federal loan guarantee program. Federal loan guarantees can play an important role in developing new energy projects. It is my hope that we can provide enough funding to get some of these projects off the drawing board, and most specifically, I hope that we provide funding to the Department of Energy to move forward with loan guarantees for coal-to-liquids projects. Coal-to-liquids technology has the potential to help reduce our Nation's dependence on foreign energy barons and should be explored.

In addition, funding for rural air service and maintenance is essential for States such as Wyoming. Without Federal support through essential air service and airport improvement programs, many rural communities would have no commercial air service and extremely limited general aviation. I hope this issue will be part of the debate on the reauthorization of the Federal Aviation Administration this year. I encourage my colleagues to recognize the importance of this funding, not only as a matter of dependability but also as a public safety issue.

I want to mention two additional issues of great importance to Wyoming and other rural States: housing and homelessness. The McKinney Vento Homelessness Assistance Act is the primary law through which Congress funds homelessness programs in the United States. Unfortunately, rural States have historically received very little of this money. Yet rural States must confront homelessness too, and the geographic size of our States further complicates our efforts. In response to this, Congress authorized the Rural Homelessness Grant Program in 1992 under the McKinney-Vento Act. This program provides funding for transitional housing and education services in rural States, as well as rental or downpayment assistance. The intent of this program is to level the playing field between rural and urban States. Unfortunately, this program has never been appropriated funds since its creation, so the purpose of this program has never been fulfilled and rural States continue to suffer. This can be a valuable program for rural States like Wyoming.

I would like to briefly call attention to the Small Business Administration. I serve on the Small Business Committee and enjoy using my small business experience to help make a difference in the lives of many people in Wyoming and throughout the country. We are working in Wyoming to stabilize and steadily grow our small businesses through the utilization of the Small Business Innovation Research, SBIR, Program. The risk and expense of conducting serious research and development efforts are often beyond the means of many small businesses, especially rural small businesses. By reserving a specific percentage of Federal R&D funds for small business, SBIR enables small businesses to compete on the same level as larger businesses and stimulate high-tech innovation in their rural States.

The FAST and Rural Outreach programs are congressionally authorized

programs that provide technical assistance that helps Wyoming's small businesses utilize the SBIR Program.

Finally, the Agriculture Committee has a big task in reauthorizing the farm bill this year. Writing a tight budget that will help us reach our long-term fiscal goals is a priority for me. Though you cannot tell by the name, the farm bill affects the lives of many unsuspecting Americans. Policies and projects for distance learning, conservation, food assistance, renewable fuels, and our forests are provided for in the farm bill, in addition to the well-known commodity programs.

So in closing, I want to inform my colleagues that this is not a courageous budget. It fails to make the tough choices and it passes the debts we carry today on to our children and grandchildren. I urge my colleagues to oppose this budget and vote no on the conference agreement.

Mr. AKAKA. Madam President, I express my strong support for the conference report on the fiscal year 2008 budget resolution. I also take this opportunity to congratulate Chairman CONRAD and the other conferees for their hard work on this resolution. This resolution reflects our commitment to fully fund veterans' health care and benefits.

This budget resolution would provide $43.1 billion in fiscal year 2008 for the VA discretionary account—$3.6 billion more than the President requested. I am very pleased that the conference report follows the recommendations of the Democratic and Independent members of the Committee on Veterans' Affairs to provide $2.9 billion over the President's request for veterans' medical care alone. This includes an additional $303 million for treatment of traumatic brain injuries, and $693 million for VA mental health programs—two areas of vital importance to servicemembers returning from Operations Iraqi and Enduring Freedom.

I also thank the Budget Committees for rejecting the President's proposals to impose an annual enrollment fee for VA health care and to increase the prescription drug copayment. These proposals would have unduly burdened thousands of veterans who cannot afford higher costs for the health care they have earned and deserve.

I again commend Chairman CONRAD and the other conferees for their work on the budget resolution, and for sending the right message to our Nation's veterans. We have made a commitment to their care, and this resolution honors that commitment. I urge my colleagues to support swift passage of the resolution before us today.

Mrs. FEINSTEIN. Madam President, I rise today to offer my support for the fiscal year 2008 budget resolution.

Last year, under the leadership of the President and his party, Congress failed to pass a budget resolution. The result was a failed budget process from start to finish, and Congress adjourned without passing 10 of 12 appropriations bills for fiscal year 2007.

Under Democratic leadership, the Senate passed a continuing resolution that funded fiscal year 2007 Government programs and sent an emergency supplemental appropriations bill to the President to give our troops over $95 billion in vital support.

I was disappointed that the President chose to veto the Appropriations bill, which called for benchmarks for the Iraqi government and funded our troops at a level higher than his initial request. But the Democratic majority signaled its willingness to fund the troops and fill the gaps left by the Republican Congress.

Now the Senate has taken the next step toward fiscal responsibility. We have a sensible fiscal year 2008 budget resolution. The $2.9 billion budget in fiscal year 2008 projects revenues expected to total $14.828 trillion over 5 years, only 2.1 percent above the President's expected revenues of $14.826 trillion.

This resolution corrects many of the misplaced priorities of the Bush administration and the Republican Congress.

These misplaced priorities include over $1 trillion in tax cuts, tax cuts that will cost $3 trillion more if extended over the next 10 years.

When President Clinton left office, the national debt was projected to be eliminated by 2010. These misplaced priorities created a $248 billion deficit this year, and an $8.9 trillion debt.

This budget resolution restores funding for over 141 programs slated for cuts or elimination by the President in his budget proposal. These were painful cuts that we have seen year after year under the Republican majority.

The proposed cuts were to programs vital to Californians and the American people. Programs like the Community Development Block Grant, Community Oriented Policing Services, and the State Criminal Alien Assistance Program. These do not sound to me like frivolous programs.

Unlike the President's budget proposal, this budget will create a surplus in 2012 and is near balance a year before that. This budget refocuses our priorities, extending the middle class tax-cuts and alternative minimum tax relief, and increasing veterans' and children's health care funding.

In fact, this budget provides over $43 billion for veterans' programs, $3.6 billion more than the President requested for 2008 and the largest increase ever provided for veterans. This is in accordance with a request of four leading veterans groups and a recommendation from the American Legion.

It also provides up to $50 billion to expand SCHIP coverage for children eligible for the program. Both of these increases help the people most vulnerable and most in need.

This budget restores a fiscally responsible pay-go rule that requires offsets for new spending or expensive tax cuts.

This budget adds $9.5 billion to help fund education, including higher education, to help increase the competitiveness of our students in an increasingly globalized world. We know there is a problem with education in the United States, and this budget looks to address it.

This budget allows for the committees to secure increased funding for programs like the State Children's Health Insurance Program, Medicare, Medicaid, middle-class tax relief, education, alternative energies, and other important priorities.

It also allows for a deficit-neutral reserve fund for the San Joaquin River Restoration Settlement Act, a provision I and my colleague Senator BOXER requested. This broadly supported bill will help bring about tremendous progress in the restoration of a waterway vital to the state of California, and the reserve fund will help ensure that we fund the restoration in the correct manner.

This budget is not perfect, and I am deeply concerned about the long-term fiscal implications of irresponsible tax cuts and a seemingly endless war. We are faced with a tremendous wall of debt, created by misplaced priorities and poor planning.

We must now turn to reversing the damage. This problem will not fix itself. We need to act now to reduce our budget deficit and pay down the debt.

The elimination of the deficit will not happen in one year, but will take years of careful planning and prioritization to ensure the best return for our Federal dollars. But I am encouraged that this budget will both fund the most beneficial programs and start us on the path of fiscal recovery.

Congress faced many tough choices in crafting this budget, and we have a long and difficult road ahead.

The budget resolution cannot provide permanent alternative minimum tax relief or even fully fund the most critical programs.

But it is a start. It refocuses our priorities. And it begins to reverse the years of damage.

I encourage my Democratic and Republican colleagues to consider the responsibility that the American public has given us. A responsibility to act in the best interest of this Nation. To pass a sensible and reasonable budget, and to use that budget as we craft and pass the appropriations bills in a reasonable amount of time. This budget fits that charge, and I hope my colleagues will join me in supporting the fiscal year 2008 budget resolution.

Mr. HATCH. Madam President, I wish to express my deep disappointment in the budget resolution conference report. It is a deceptive and defective declaration of flawed priorities that ignores this country's biggest challenges. If we follow this budget through to its natural conclusion, it will lead us from our current path of economic growth and prosperity onto a treacherous road to tax increases, economic recession, and needless pain for millions.

While there are many things to lament about this budget, I will concentrate my remarks on just three aspects of it—three features that I believe will hurt the families of my home State of Utah.

First, this budget opens the door to large increases in spending in both discretionary and in mandatory programs. On the discretionary side—these are the funds that must be appropriated each year—the budget resolution calls for an increase of $205 billion over what the President has requested over the next 5 years. And keep in mind, the President's budget represents an increase over spending in the current year. In fact, President Bush requested a 2-percent increase in discretionary spending for fiscal year 2008, but resolution before us represents an increase of 8 percent. This type of large spending increase hurts Utahns for years to come.

Mr. President, the national debt of the United States of America now exceeds $8,500 billion. Each U.S. citizen's share of this debt exceeds $29,000. Every cent that the U.S. Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security. Large increases in discretionary spending only add to this growing multigenerational problem and I am disappointed to see such a large increase in this budget.

Second, the budget resolution before us is woefully inadequate in the area of dealing with the tax problems facing America. Of most immediate concern, the alternative minimum tax, AMT, hangs over middle-income earners like a giant sword. Unless we, at the very least, continue to temporarily increase the AMT thresholds, we will see about a five-fold increase in the number of taxpayers subjected this unfair and complex tax. However, the budget resolution, as it does with almost every problem, punts this issue into the future instead of making the tough decision to fix this problem.

It is common speculation that the only way Congress can deal with this problem is to waive the pay-as-you-go rules that also feature so prominently in this budget. The speculation that Congress will easily waive pay-as-you-go rules is a joke, and we all know it. But millions of American taxpayers will not be laughing when this budget kicks in and leaves them paying the enormous price associated with the AMT tax, I am afraid.

This budget resolution also falls far short when it comes to dealing with the tax cuts that are due to expire over the next few years, including the so-called ''extenders'' that come to an end this December. The proponents of this resolution glibly state that the budget provides for the tax cuts to be extended. But it does so only if they are paid for with revenue from another source.

I cannot understand why some in this body do not see that the surges in revenue we have enjoyed over the past few years have come as a direct result of the tax cuts we passed in the early part of this decade. These have also kept the economy and job growth humming along. Does it not make sense to my colleagues that if we reverse these policies, this economic growth and job growth and revenue growth will all come to a screeching halt?

This budget actually contains the Cliff Notes version of Democratic economic policy—tax, spend, deny reality, and repeat. When the economy tanks, blame the Republicans and tax some more.

The third and ultimately fatal flaw of the budget resolution before us is also its most serious flaw. It totally ignores the entitlement crisis we have waiting for us just around the corner. Practically all Members of this body know and regularly acknowledge the profound challenges presented to this Nation as a result of the retiring baby boom generation, along with the corresponding growth in Social Security, Medicare, and Medicaid. We regularly reference it here on the Senate Chamber, as well in outside speeches and in letters to our constituents. We all know it is a colossal problem that is not going to go away by itself. Yet, instead of even the slightest recognition of this problem or even the tiniest movement toward a solution, both of which would be a start, this budget completely ignores it.

This is a travesty. I hear regularly from my Utahns that they want us to deal with these problems, and right away. Utahns are a thrifty and careful people who like to face problems head-on and solve them, rather than pawning them off on the next generation. I believe that it is simply inexcusable that Congress would shun this opportunity to deal with entitlement challenges at this time and I know my fellow Utahns agree.

Do my colleagues think that it is going to be easier in the future to begin to resolve our Social Security or health care system problems? We all know the answer to that. We all know that we should have started solving these problems already and that it would have been far less painful to deal with them a few years ago than it would be now. We also know that this pain will be greatly compounded as we wait to deal with these issues in the future.

When President Bush tried to get Congress to work on Social Security 2 years ago, my friends and colleagues on the other side of the aisle, pretty much to a person, decided that they would rather turn it into a partisan political issue than join hands in trying to find a solution. I recognize that not everyone liked the concepts the President put forth. I didn't like all of them myself. But, instead of meeting him even a tenth of the way, the other side saw a huge potential advantage by shunning his overtures. Some say it paid off for them, but at what price the next generation of Americans will have to pay because of this decision.

Yes, we can keep passing budgets like this every year and keep burying our heads in the sand about the need to confront our impending entitlement problems. But we are rapidly approaching the time when we can no longer solve these challenges without a huge amount of pain and suffering and perhaps without losing our preeminent place on the world economic scale.

Mr. President, there are many more things I could say about the shortcomings of this resolution, but I will withhold and simply urge my colleagues to defeat this resolution. We deserve better, and our children and grandchildren certainly deserve better.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, how much time remains on both sides?

The PRESIDING OFFICER. There is 33 minutes remaining on the side of the Senator from North Dakota, and on the minority side there is 23 minutes remaining.

Mr. CONRAD. Madam President, I wish to take 2 minutes to respond to Senator CORNYN, and then is it the intention on the other side to go to Senator VITTER?

Mr. GREGG. At the completion of the Senator's time, I suggest Senator VITTER be recognized for 5 minutes.

Mr. CONRAD. Why don't we lock that in right now? Senator VITTER has been waiting here patiently. I will consume such time as I might use, and then we will go to Senator VITTER for 5 minutes.

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

Mr. CONRAD. Madam President, Senator CORNYN of Texas raised a concern about an amendment he offered that was adopted both in committee and on the floor with respect to creating a 60-vote hurdle for any increase in rates. He raised a concern about that being dropped in conference. I advised the Senator it was going to have to be dropped in conference because the Parliamentarian advised us that if it came back from conference, the whole privileged nature of a budget resolution would be eliminated. That is the reason it was dropped. It is a simple procedural matter that we could not include it.

Why couldn't we? The Budget Committee does not have the authority to tell the committees of jurisdiction how to raise money or how to spend it. I know that seems odd, but the reality is the Budget Committee is able to tell the Finance Committee how much money it can raise and the Appropriations Committee how much money it can spend. We do not have the authority to tell the Finance Committee how to raise it. We do not have the authority to tell the Appropriations Committee how to spend it. If we exceed our authority, then the whole privileged nature of the budget resolution—

that is, that a budget resolution comes to the floor under special rules; there are 50 hours dedicated to the budget resolution and other special rules that apply—all of those would be out the window if we had allowed the amendment of the Senator from Texas to be included in the conference report.

That is just a simple fact. We could not do that. Nobody would want to eliminate the whole budget process. That is what would have happened because the Budget Committee would have exceeded its authority.

On the question of spending, the Senator from Texas raised that issue. This is spending as a percentage of GDP under this administration. When they came in, spending was 18.4 percent of GDP. They have raised it to 20.3 percent of GDP. That is their record.

Under this budget, we are taking spending down—20.5 percent GDP in 2008, and we are taking it down each and every year until we get to 18.9 percent of GDP in 2012.

Again, the Senator said we got a big tax increase here. There is no tax increase here. There just isn't. The President, in his budget, said he was going to raise $14.826 trillion over the next 5 years. Our budget, according to the Congressional Budget Office, which is nonpartisan and professional, says our budget raises $14.828 trillion. There is virtually no difference. That is what they said their budget would raise.

I see the Senator from New Mexico is in the Chamber. We have an order that the Senator from Louisiana would have the next 5 minutes. Then we are supposed to go back to our side to Senator WYDEN. It is Senator VITTER's time.

The PRESIDING OFFICER. The Senator from Louisiana.

NOMINATION OF ROBERT L. VAN ANTWERP, JR.

Mr. VITTER. Madam President, I rise very briefly to turn away from the budget for just a few minutes and focus on a matter of extreme importance for Louisiana and, indeed, the country, and announce a very important and positive resolution to this matter to give us the right leadership we need in place at the U.S. Army Corps of Engineers in time for this upcoming hurricane season which is due to begin this June 1.

Today LTG Carl Strock is ending his tenure as the Chief of Engineers and Commander of the U.S. Army Corps of Engineers. He served the Army honorably for 36 years, and for the last 2 years of his career, I would say he has gone under intense work and pressure as he led the Corps through the extraordinary events of Hurricanes Katrina and Rita and those recovery efforts.

I join everyone here, Republicans and Democrats, in thanking General Strock for his service and wishing him all the best in the next phase of his life.

This comes, as I mentioned, right as our next hurricane season is due to begin on June 1. As we go into that threat and into that battle, as it were, it is very important we have a new commander in place to lead us. The President nominated LTG Robert Van Antwerp to replace General Strock.

I came to this floor literally just a half an hour ago very concerned that his nomination was being held up by a Democratic hold, and that threatened that we would not have our new commander in place for this new hurricane season.

One does not go into battle without a leader, and that battle, as I said, is just a few weeks away.

It is important to acknowledge that nobody wanted to rush into this nomination. We all wanted to make sure this nominee, General Van Antwerp, is the right person for the job. Indeed, we have. I spent weeks looking very carefully at the nomination, as did my colleague from Louisiana, Senator LANDRIEU. We held hearings on this nomination in the committee of jurisdiction for the Corps, on which I serve, the Senate Committee on Environment and Public Works. Everyone over that period of time got comfortable and very supportive of this nomination. That is why it is very appropriate that we move forward and make sure this nominee, this leader, is in place before the start of the next hurricane season.

As I mentioned, I literally came to the floor a half an hour ago, and this was very much uncertain because there was a Democratic hold on the nomination. I am very relieved and very happy to say that in that short period of time, that has been cleared up. That hold on this particular nomination has been lifted, and the nomination of the new head of the Corps, GEN Robert Van Antwerp, will be cleared through the Senate later today.

This is very positive. I thank Majority Leader REID for agreeing to this literally in the last hour in light of the crucial nature of this position and the impending start of this next hurricane season, June 1.

I, again, thank everyone for working toward this important goal. It is important that we have the right leader at the helm in time for the battle, in time for the start of the new hurricane season, June 1. Clearly, our work in overseeing the Corps, and our work in funding key work of the Corps in the gulf coast region continues. I will certainly redouble my efforts in that regard. But at least we have our general in place, our leader in place for the hurricane season, which is very appropriate and very necessary.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Madam President, I don't see Senator DOMENICI on the floor. How much time does the Senator require?

Here is Senator DOMENICI. We had previously thought that he might go next, if that is acceptable to the Senator from Oregon.

Mr. WYDEN. If I can ask the distinguished Senator from New Mexico, how long does the senior Senator from New Mexico anticipate talking?

Mr. DOMENICI. I don't want to go ahead of Senator WYDEN. I will take 15 to 20 minutes. Senator WYDEN ought to go, if it is his turn, and I will come after him.

Mr. CONRAD. How much time does the Senator require?

Mr. WYDEN. I was going to take 10 minutes. I would enjoy listening to the Senator from New Mexico. Whatever his pleasure.

Mr. DOMENICI. Let's take that.

Mr. CONRAD. I thank the Senator from Oregon. Not only is he an extremely important member of the Budget Committee, he is one of the conferees. He is somebody who has been incredibly important for these deliberations. I thank him for his cooperation and leadership.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I thank the chairman for his comments and would just say I think the Conrad budget goes a long way to restoring fiscal sanity in the Federal Government, but also allows for an opportunity for the Senate, on a bipartisan basis, to get behind two fixes to the critical domestic issues of our time, and those are health care and taxes.

I think if you listen to the technical lingo over the course of the debate—and the Senator from Missouri, now the Presiding Officer of the Senate, comes from the campaign trail, and we are glad to have her because she has just been through the debate in her State—the people in Missouri or in my State of Oregon do not talk about pay-go and fire walls and reserve funds and that kind of technical Washington lingo. They do talk an awful lot about what is going to be done to fix health care and what is going to be done to fix taxes.

One of the reasons I am so supportive of this Conrad budget is, it really does lay the foundation for the Congress to get serious about tax reform and serious about health reform. One of the areas Chairman CONRAD has zeroed in on as it relates to taxes, for example, has been this problem of tax havens and tax scams. There is an opportunity as a result of this budget to come together in a bipartisan way and fix the taxes. If you are serious about closing the tax gap, the hundreds of billions of dollars that we can't collect—and Chairman CONRAD and Chairman BAUCUS have been working hard to try to approve measures to make it easier to collect that money—you have to fix the tax system and simplify it.

I have offered a proposal, the fair flat tax, that would allow for just that kind of effort. Others here in the Senate have ideas as it relates to tax reform. The point is, the Conrad budget makes it possible for the Senate to come together on the tax issue and fix this code.

Chairman CONRAD has talked about the scams. He has talked about the tax

havens and about the hundreds of billions of dollars we are losing. I have a proposal, the Fair Flat Tax Act, that would deal with it. There are other proposals in the Senate that would beef up the collection of these billions of dollars that are lost in the tax gap. The Conrad budget lays the foundation for tax reform.

I would say to my colleagues, we have had more than 14,000 changes in the Tax Code in recent years. It comes out to three changes in the Tax Code for every working day, three for every single working day. The tax system is broken in this country. We are laying the foundation in this proposal for a tax system based on simplicity: a one-page 1040 form and progressivity, where we are fair to those who are vulnerable in our society, but also reform that is sensitive to the question of holding down rates for all so that everyone would have a chance to get ahead.

In addition to taxes, which I think the Conrad budget deals with in a responsible fashion, the legislation allows for a bipartisan effort in this Congress to fix American health care, with a reserve fund that is established and would allow for bipartisan health reform efforts. Senator BENNETT of Utah and I are offering the first bipartisan effort in 13 years to fix American health care. Everybody would be covered, which is essential, because if you don't cover everybody, those who are uninsured shift their bills to those who are insured. We also fix the broken private marketplace.

Right now, we have an awful lot of insurance companies that cherry-pick, that take just healthy people and send sick people over to government programs more fragile than they are. We spend hundreds of billions of dollars through the Federal Tax Code disproportionately rewarding the most affluent in our country and also promoting inefficiency. Senator BENNETT and I are very hopeful that this year, not in 2009, not after the next Presidential election but this year, the Senate will come together on a bipartisan basis. We have the Healthy Americans Act, other Senators have other proposals, but the Conrad budget lays the foundation for fixing health care in this session of Congress.

I also believe as a result of the letter that 10 Senators sent—5 Democrats and 5 Republicans—to the President, indicating that we want to work in a bipartisan way, that if this budget passes, and if the White House will join the effort that Senator BENNETT and I are advocating in the Healthy Americans Act and the 10 Senators have outlined in their letter to the President—which very much mirrors what Senator BENNETT and I are talking about—we can get action on health care in 2007.

Finally—and I appreciate the thoughtfulness of the Senator from New Mexico in allowing me to speak before him—let me mention that Senator CONRAD has included in his budget a provision that is critical to the survival of timber-dependent communities in my State and around the country. His budget includes a reserve fund to provide for extension of the Secure Rural Schools Act, also known as the county payments program. This law provides funding for schools, roads, and other essential services in hundreds of resource-dependent communities around the country. This is a survival issue for many in rural America. Without county payments, rural communities around this country are telling us they are going to vanish from the map. These communities, in my view, should not be turned into sacrifice zones.

I am hopeful the extension of the county payments law will be addressed during the conference on the emergency supplemental spending bill. Earlier this year, 74 Senators voted to include an extension of the county payments program, and we were very pleased to have the support of Senator DOMENICI, who has been involved in this discussion and also the additional program, the Payment in Lieu of Taxes Program, which we have included in this legislation.

We have spoken to the majority leader, Senator REID, who has assured me he will do everything in his power to include county payments when the new version of the supplemental spending bill comes out of conference. If that doesn't happen, we are going to make this an effort on every single vehicle in this Congress. Our bipartisan group is going to try to get this support for county payments legislation done as soon as possible.

We believe it ought to be done along the lines of what 74 Senators have already voted for, and it ought to be done in the supplemental spending bill that is going into conference. But if it doesn't happen, we are going to try to make it happen on every single vehicle that comes before the Senate because of its extraordinary importance to our communities.

I thank Chairman CONRAD for making the inclusion of a county payments reserve fund in the budget so as to provide a backstop so that there would be another option to extend county payments quickly, if for some reason it doesn't happen in the budget.

In closing, I would urge colleagues to support this budget, especially because of the foundation it lays to tackle the two biggest domestic issues of our time, health care and taxes. There are certainly major issues that come before us, with Iraq obviously being the issue of paramount importance as it relates to the international front, but the big issues at home are fixing health care and taxes. The Conrad budget allows Democrats and Republicans to come together on both of those.

This is a budget that responsibly allows the Senate to address the critical issues, do so in a responsible way, and I urge the passage of this budget.

Madam President, I yield the floor.

Mr. DOMENICI. Madam President, I gather that I am next under the time agreement, and that I have up to 15 minutes; is that correct?

Mr. CONRAD. The Senator is correct, Madam President, but might I ask the Senator to yield for just a moment?

Mr. DOMENICI. Indeed.

Mr. CONRAD. Madam President, I want to just say this—and I fully anticipate the Senator may be critical of this budget, so I certainly respect his views. But I just want to say, after going through this budget process, that the Senator from New Mexico has been involved in the writing of 20 budgets, more than 20 budgets here, and my respect for him has grown geometrically after going through this one. I really do want to commend the Senator for what is truly an extraordinary thing, to be involved in more than 20 budgets for the United States.

Madam President, I yield the floor.

Mr. DOMENICI. Madam President, I thank the chairman very much, and let me say to the distinguished chairman that some of those budgets had some extraordinarily good things in them, some were just—well, you just had to do what you had to do.

I can remember how long and hard we worked and worried about giving drugs to our senior citizens as part of Medicare. Anybody that is interested in whether a budget act has any force should go back and look at how that happened. We did it with a reconciliation instruction. We started with $400 million—I think we ended up with about $500 million or $600 million before we finished it—and that is where we reconciled and said you can only use it for this. It was an experiment as to whether it would work because there is nothing in the law that says you can do that. When you do the right thing—things that people are otherwise frightened to do—they will let a budget act do things they would not otherwise let happen. It wouldn't be part of the expectation when you read the fine lines in the Budget Act.

The Senator has done some of that here. He has extended it, and I commend him for it. I don't like it, but that is what we are here for, to agree and disagree. I don't like the budget as the Senator has prepared it, but I give him great credit for getting it done. It is a most difficult job. Senator CONRAD also had a House that had just changed, and that was very hard for him to figure out with whom he was working and what they wanted and how they wanted to negotiate. So I really think it was probably as onerous and difficult as any, but the Senator is here, and you are a hero when you can finish a budget.

People don't stay here and applaud afterward, but it is something very extraordinary to get it done and be able to say we are through tonight. So I commend him for that.

Having said that, Madam President, I want to start with a little editorial piece that was found in the Wall Street Journal a couple of days ago. It is called ''April Revenue Shower,'' and in it, it says:

Here's the ''surge'' you aren't reading about: The continuing flood of tax revenue into the Federal Treasury. Tax receipts for April were $70 billion above the same month in 2006, and April 24 marked the single biggest day of tax collections in U.S. history, at $48,700 billion, according to the latest Treasury report.

It goes on to compare other months and to further document the validity of the April shower of revenue coming to the Government.

If I were on the other side and writing a budget, I would be very frightened to read about April showers and see how much April showers, if continued into the next 2 or 3 years, would do to correct and rectify the deficit of the United States and take care of the biggest problem we have, which is deficit spending each year. In just a few years, 2 years, if these April shower rates of revenue continue, we will be approaching a balanced budget in the United States. I, for one, would like to have seen us stay closer to the budget that brought us those April showers than to change dramatically away from those budget concepts that got us those April showers for so many months.

We all know it wasn't just 1 month, it was many months. If you look back, we have had many months of strong economic performance in this economy, and that strong performance brought with it showers of revenues to the Treasury of the United States beyond anything we expected. We never put down as an estimate during the last two or three budgets anything close to the revenues that came spewing into the Treasury because things were going right.

That leads me to the conclusion that we ought to be careful when things are going right. We ought to be careful about changing big concepts within that budget for fear that it may stop going right and April showers may turn into something far different. Instead of showers, it may turn into hailstorms. It may turn into blizzards, instead of nice, friendly showers that are yielding tax dollars and revenues to the American Treasury.

From my standpoint, this budget goes the wrong way. This budget I have seen, the estimates I have been shown, say this budget before us would increase taxes by $736 billion. These tax increases include all marginal rates except the 10-percent bracket, capital gains rates, dividend rates, and the alternative minimum tax and education tax relief.

As we understand from those who do the estimating, in my State—so it must be in all States—93,000 New Mexico investors, including senior citizens, would pay more because of an increase in capital gains rates and dividend rates in this budget. Right off, I believe we ought to be careful with that. Maybe it is the capital gains and the dividends, which were major changes in policies, that might have had more to do with sustaining the budget and bringing those April showers that didn't just occur in April but occurred in May, June, July, and August, those large revenue chunks that were coming to the Federal Government which were not expected.

I submit it is extremely easy to balance a budget and show a surplus when you utilize one of the largest tax increases in our country's history. Obviously, when you have a budget such as we had, where you had tax cuts and they were multiyear, and then you stop them, you can say you didn't increase any taxes. But the impact on the taxpayer will be felt as a tax increase because if they were expecting what they had last year, and it goes up because you did not continue with the cut, then they obviously look around to see who raised their taxes. Obviously, if you stop the tax cuts, then you get increases and the public should know where they come from. It is obvious they will come from this budget, carrying it out.

Once again, let me call to the attention of the Senate that according to this Wall Street Journal editorial, in April alone the U.S. Government collected $70 billion in tax receipts more than the same month last year for the current fiscal year taxes. Tax receipts are 11.3 percent, or $153 billion from last year. I am not sure if most people are aware of the fact that on April 24, 2007, the United States collected a record-setting $48 billion in taxes. I am sure the people do not know. There is no reason they should. But we ought to tell them on a day like this that they did. Tax receipts went up enormously, as I have indicated, and as this editorial indicates. That means if changes in policies in this budget are such that they change the winds that brought these showers the Wall Street Journal is talking about, then you will stop getting the showers of dollars that are there and you will get something that will be bad for the American people: The economy will go down instead of up and the kinds of things that yield good April showers filled with revenues will stop being the order of the day.

I think we should worry and look long and hard at these numbers before we consider making changes to the budget policy. Because of these record tax revenues, the budget deficit could be slashed in more than half from this year to the same time next year. The deficit could be reduced to $150 billion this year, which equates to approximately 1 percent of gross domestic product.

I believe our current budget policy is paying off. The next 18 to 24 months the deficit could be caused to disappear if we do not vary off the course. This is one point in time where the status quo may be the better alternative.

However, under the budget we are considering if budget surpluses do not materialize, the so-called ''trigger'' will stop the extension of any tax relief and we will see firsthand the largest tax hike in American history.

We are not doing enough to ensure economic stability to the bulk of the Nation.

This budget will result in the expiration of the tax breaks that we gave to the middle class, causing an enormous tax burden to be placed on these families.

One can clearly see that on a national level, the middle class stands to lose the most under this proposal.

In my home state of New Mexico, the impact of repealing the current tax relief would be felt widely by the middle class.

Added to these concerns is that fact that this budget does not thoroughly address the alternative minimum tax.

Providing a patch for the AMT only leaves us in the position of correcting this problem in the future.

Absent legislative action, the middle class will bear the brunt of the AMT, which will affect significantly more taxpayers.

The reverberations of this inaction will be seen all over the country and will be especially evident in a state like New Mexico.

Coupled with the nonexistent tax relief, this budget fails to address the 800 pound gorilla in the room, otherwise known as entitlement spending.

After 2010, spending related to the aging of the baby-boom generation will begin to raise the growth rate of total outlays.

The annual growth rate of Social Security spending is expected to increase from about 4.5 percent in 2008 to 6.5 percent by 2017.

In addition, because the cost of health care is likely to continue rising rapidly, spending for Medicare and Medicaid is projected to grow even faster—in the range of 7 or 8 percent annually. Total outlays for Medicare and Medicaid are projected to more than double by 2017, increasing by 124 percent, while nominal GDP is projected to grow only 63 percent.

The budget currently under consideration does not offer solutions, much less even address, entitlement spending or reform.

I do not support this budget in its current form because it increases taxes and it does not offer any meaningful solution for entitlement spending.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Madam President, I ask unanimous consent that the debate time with respect to the conference report to accompany S. Con. Res. 21 be extended until 3:30, and that time be equally divided and controlled between the Chair and the ranking member, and all other provisions of the previous order remain in effect.

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

The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, how much time now remains?

The PRESIDING OFFICER. With the additional time requested under the unanimous consent request, the Senator has 32 minutes.

Mr. CONRAD. And on the other side?

The PRESIDING OFFICER. That is 22½ minutes.

Mr. CONRAD. Madam President, I say to the manager on the other side, I might take a few minutes. Senator DORGAN is our next speaker. Would that be acceptable?

Mr. GREGG. Madam President, I recommend the Senator take 32 minutes.

Mr. CONRAD. That is an interesting endorsement of the persuasiveness of my appeal.

Let me say in response, I want to speak of my respect for the Senator from New Mexico. The thought of being the person who produced over 20 budgets through the Budget Committee is a stunning concept to me, after going through this budget.

I want to go back to the question he raised about the tax increase. I must say there has been a certain consistency on the other side with respect to tax increases. They have said over and over there is a $700 billion tax increase here. There is only that big a tax increase if the President's budget also had a big tax increase. Do the math. There is only a 2-percent difference between what our budget raises and the President's budget raises on a Congressional Budget Office score, and 2 percent of $15 trillion is $300 billion. They are talking about $736 billion, so they are saying the President had a $436 billion tax increase. I don't think the President would agree with that math. So if that math is wrong, their assertions about our budget are wrong.

It is very simple, at least in the math I learned in Bismarck, ND. I go back to what the President said about his own budget. A previous President said facts are stubborn things. Indeed they are. The President's budget, estimated by his own Office of Management and Budget, which he controls, said they would produce $14.826 trillion in revenue over the next 5 years. That is the President's estimate of what his budget would do. Our budget, according to the Congressional Budget Office, will raise $14.828 trillion of revenue over 5 years. That is virtually identical. The President said it was reasonable to raise this amount of revenue. Guess what. That is what we are doing.

Some will say, wait a minute, you are using OMB numbers for the President and CBO numbers for Congress. Yes, because the President controls OMB. That is his own estimate of what his budget would do.

Let's use CBO numbers for both. Then you get that our budget will raise 2 percent more money than the President's; 2 percent on $15 trillion, which is the amount over 5 years, which is $300 billion.

I believe you can easily get 2 percent more revenue by going after the tax gap, the difference between what is owed and what is paid; going after these tax havens, which the Permanent Committee on Investigations says is costing the Treasury $100 billion a year, and these egregious tax shelters, which I have shown repeatedly. We have the remarkable circumstance where wealthy investors in this country are buying European sewer systems, European metro systems, European city halls, depreciating them on the books in the United States to lower their tax obligation here, and then leasing them back to the cities in Europe that built them in the first place. Come on. The vast majority of us do not engage in that kind of charade.

This is a budget for 5 years, but we all know we are going to write another budget next year. Let's look at the revenue for next year in our budget and the President's budget. These two lines represent the President's budget request for next year, and ours. Do you see any difference? Do you see any daylight? No, because they are identical. There is no tax increase in this budget. I don't know what our colleagues are going to say next year when there has been no tax increase. I don't know what they are going to say.

With respect to spending, I want to go back to that question because the spending under our budget is going to go down as a share of GDP. Here it is. We are going to go from a spending of 20.5 percent in 2008, and each and every year we are going to bring it down until in the fifth year we have spending at 18.9 percent of GDP.

Let's look at the record on the other side. Let's look at what our friends did when they controlled the budget. They took spending from 18.4 percent of GDP and ran it up to 20.3 percent of GDP. That is the difference in the spending records.

We go back even further to the previous Democratic administration. Let's look at what they did. When President Clinton was in office, he inherited a spending level of 22.1 percent of GDP. Look at what happened under his administration. Each and every year, spending as a share of GDP—which is what the economists say should be the measure because that corrects for inflation—under the Clinton administration it took spending from 22.1 percent of GDP, which is what they inherited from the previous Bush administration, and they took it down to 18.4 percent of GDP.

Again, I know this is painful for my colleagues, but it is the record. This is no projection. This is what actually happened. They took that 18.4 percent of GDP they inherited in spending from the Clinton administration, and they ran it up to 20.3 percent of GDP.

So when we are talking about who is spending around here, the record shows it has been the other side that increased the spending. At the same time they increased the spending, they basically froze the revenue of the United States. Maybe we could put that chart up for a minute because it is good to look at history and look at facts and not use these tired, old nostrums.

Here is what has happened to the revenue while the other side has been in charge. In 2000, the revenue of the United States was just over $2 trillion. The Bush administration came in and real revenue went down. In 2001, they had tax cuts; in 2002, revenue went down further; in 2003, real revenue went down further; 2004, it stayed down; in 2005, it stayed down. Only in 2006 did we get back to the revenue base we had in 2000, in real terms.

We had this combination, under our colleagues, of a stagnant revenue base for 6 years combined with a 40-percent increase in spending during their period of control.

In dollar terms, 2002 spending was $2 trillion. They have run it up to $2.8 trillion on their watch, or a 40-percent increase. With a stagnant revenue base, what is the result? The result is that debt has exploded. If we can put up the chart that shows what happened to the debt of the United States on their watch, the debt exploded.

The word you will never hear leave the lips of our colleagues on the other side of the aisle is ''debt.'' They will never mention it. Here is what has happened to the debt while they have been in charge. It has gone from $5.8 trillion at the end of the President's first year—we will not hold him responsible for the first year—it has gone to $9 trillion on his watch, and if his budget is followed over the next 5 years, it goes to $12 trillion.

Even worse, foreign holdings of U.S. debt have more than doubled under this President, putting us deep in hock to the Japanese, the Chinese, the British, the oil-exporting countries. Sometimes I get confused because we are borrowing money from so many different entities right around the world under this President, putting us deeper and deeper in debt.

Mr. President, I see that my colleague, Senator DORGAN, has come. The previous agreement we had was that he would go. But Senator GRASSLEY is also here. Perhaps you could inform us of the time remaining. Perhaps we could work it out so Senator GRASSLEY can go next.

The PRESIDING OFFICER (Mr. OBAMA.) The Senator from New Hampshire has 22½ minutes remaining. The Senator from North Dakota has 21½ minutes remaining.

Mr. CONRAD. Mr. President, I think the fair thing would be, if I can say to the manager on the other side, Senator GRASSLEY has been here, and we really intended him to go next.

Mr. GREGG. How much time will Senator DORGAN take?

Mr. DORGAN. Twelve or fourteen minutes.

Mr. CONRAD. Mr. President, if we could——

Mr. GREGG. Why don't we go to Senator GRASSLEY for 15 minutes, then Senator DORGAN for 15 minutes? But before we do that, I wish to respond quickly—no more than 2 minutes—to some of the comments made by the Senator from North Dakota.

The first point is this: It truly is a budget from the land of Oz when you make representations that you are not increasing spending when, by your own terms, you are increasing discretionary spending $205 billion over the President's number.

It is equally a budget from the land of Oz when you say you are not raising taxes when, in fact, you are raising taxes not $726 billion but $916 billion because you have put in place a phony trigger mechanism to allege that $180 billion of tax increases will not go into effect when it is absolutely clear that they will.

It is equally disingenuous and from the land of Oz to claim that you are not increasing the debt of the Federal Government when the debt of the Federal Government is going to go up $2.5 trillion and almost all the surplus that you allege to have reached is going to be borrowed from the Social Security fund, debt borrowed from the Social Security fund, and all of the deficit over this period is going to be debt borrowed from the Social Security fund.

So it is an attack on the Social Security fund, it is an attack on the taxpayers of America with the largest increase in history, and it is a dramatic expansion of spending of this Government and growth in the great size of this Government.

I would note that the Senator's charts conveniently ignore the fact that we had an Internet bubble which melted and caused a significant recession which was increased dramatically by the attacks on 9/11, and that is why your GDP numbers are skewed during that period, because the gross national product did not grow in the face of a recession and what happened as a result of 9/11; and that your outyear numbers are equally skewed because you basically presume we are not at war, which hopefully we won't be, and hopefully we can all take credit for that, but the fact is you don't even account for the cost of the war should the war extend beyond 2009, and so that creates different projections on costs.

Mr. President, I yield 15 minutes to the Senator from Iowa.

Mr. CONRAD. Mr. President, if I might just for 30 seconds say that when the Senator calls this the Wizard of Oz budget, I would accept that characterization of courage, brains, and heart. That is this budget.

Mr. GREGG. Mr. President, that was not the Wizard of Oz, that was the lion—that was the scarecrow, and clearly, if Dorothy looked at this budget, she would find the Wizard of Oz still behind the curtain.

Mr. CONRAD. Courage, brains, and heart.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, over the last 26 years, the budget resolution provided the necessary resources to allow the committee that I used to chair and now am ranking member on, the Finance Committee, jurisdiction over taxes. It provided us the necessary resources, usually in a bipartisan manner, to realistically address the demands of tax, trade, health and welfare policies—all things within the jurisdiction of our committee. So reading this budget compromise, I am very disappointed to say that this year is very much different than over the last few years.

Now, I know the people spoke in November, and for the first time in 12 years the Democrats are in the majority and in control of the congressional budget process. As ranking Republican on the Finance Committee, I was not consulted at any point by our distinguished chairman of the Budget Committee on this year's budget resolution. Unfortunately, after reviewing the resolution conference agreement, the agreement that is before us now, it is clear it does not realistically address the needs of the very important work of the Finance Committee.

Despite claims to the contrary, this budget does not provide for even 1 year, not even 1 year of alternative minimum tax relief, the tax that is going to hit 23 million Americans this very year, right now, who were not paying that AMT last year. Now, that is even for 1 year, let alone 2 years or even a 1-year extension of the provisions that will expire this year. So this budget puts the burden on the Finance Committee, the tax-writing committee, to come up with the offsets to pay for the alternative minimum tax relief and for other extenders that it is necessary for us to pass.

On these immediate needs, on the AMT and other extenders, the Democratic Budget Committee's press release says:

> AMT relief. The conference agreement prevents the spread of the alternative minimum tax so that it does not impose a higher tax on middle income families. It ensures that the number of taxpayers subject to the AMT will not be allowed to increase in 2007, protecting some 20 million middle class taxpayers from being subject to that tax.

Now, if that were really happening, I would applaud it. I have looked over the resolution, I have looked over the statement of managers, and I cannot find the basis for what is in the press release. If you look at the numbers, unlike the past 6 years of Republican budgets, you will not find tax relief room to accommodate the alternative minimum tax. You will not find any tax relief room for anything, including very important extenders which are popular around here which everyone wants to extend from year to year.

The chairman, I am sure, will respond that the Finance Committee tax tab will find revenue-raising offsets. More on that in a few minutes. Without question, however, this resolution does not provide the tax-writing committees of both Houses with the resources to prevent the spread of the alternative minimum tax for this year or next year to those more than 23 million middle-income taxpayers who were never supposed to be paying the alternative minimum tax. It is simply not in the black-and-white print of this resolution, regardless of what the press releases say.

Let's turn to the offset point. As a farmer, I would like to think we country folks can teach people in the city a lesson or two. The first chart involves the method a lot of us farmers use to get water. It is a well. Here is the top of the well. I am pointing to the top of the well. You can see it is a long well, and there is some water way down at the bottom of the well, but you will see the well is almost dry.

Now, as I indicated a few months ago, the budget resolution does not contain tax relief room sufficient to cover the revenue loss of the alternative minimum tax and other time-sensitive tax extenders. What we are told by those who drew up this budget is that the tax-writing committees will find the money.

The offset well shows about $44 billion in known, identified, and scored revenue-raisers which the Senate Democratic caucus has supported in the past. I used this chart about 2 months ago. Now I have updated it to account for $2 billion in new revenue-raisers developed by the Finance Committee tax tab. That figure of $1 billion a month is in line with historical averaging. How reliable is that average, and can we count on it?

As a farmer, I know something about the predictability of well water. You hope you will get rain and it will give you a decent level of well water. As a former chairman and now ranking member of the committee, I know something about revenue-raisers. I have been here, done that, been through all of that. When I was chairman, I aggressively led efforts to identify and enact sensible revenue-raisers aimed at closing the tax gap and shutting down tax shelters. As ranking member, I continue to look for ways to shut off unintended tax benefits. So I consider myself to be credible on what is realistic when it comes to revenue-raisers.

From 2001 through 2006, Congress extended over 100 offsets with combined revenue scores of $1.7 billion over 1 year, $51 billion over 5 years, and $157 billion over 10 years. That figure is reflected in this chart. It is reflected in that $51 billion figure you have up there at the top. So if you look at the recent history, we can realistically figure the tax tab will find about $1 billion a month.

Right now, all we can find that is specified, drafted and scored by the scorers of the Joint Tax Committee is a big amount of money, but compared to what is needed, a mere $44 billion. The revenue-raising well shows about

$44 billion in available, defined, and scored offsets at the waterline there.

The defenders of this resolution now will say a virtual cornucopia of revenue-raisers is there in this well from the tax gap and shutting down offshore tax scams. I take a backseat to no one on reducing the tax gap and shutting down offshore tax shelters. I have the scars to show for those efforts over the past few years. But the defined and scored tax gap proposals are already included. That is that figure of $6 billion up there on the chart. Likewise, a proposal targeting tax-haven countries and other offshore activities is included at $2 billion.

The well has, then, about $44 billion of offset water. This budget anticipates a Congress which will be thirsty for this limited group of offsets. On the thirst or demand side, you will see the bucket will be very busy.

On the demand side, I have talked about the alternative minimum tax fix. There is $115 billion for that fix for this year and next year. That is what it is going to take to get that job done, the $115 billion there. That is the biggest sum of money which is going to be demanded.

There is $20 billion for other extenders that run out at the end of the year. Then there is $15 billion for Children's Health Insurance Program expansion, and there is another $30 billion for the rest of the so-called reserve funds. Here is a chart that lists the other 20-some-odd reserve funds. You can see there is a massive demand for revenue out there. Each of these reserve funds are an arena for popular new spending and maybe new taxes. I will not take the time to read them all, but veterans, affordable housing, Indian claims settlement, childcare—all have a basis in this budget. Every one of those would be popular expenditures. Since we know from almost a decade of fiscal history that the Democratic leadership can't propose spending cuts, we know the new reserve fund spending will be paid for with tax increases.

These figures reflect only the demands of the first year of a 5-year budget. If you add them up, they add up to $180 billion in demand on the spending and tax side. As you can see, there is about $44 billion in revenue offsets. If you assume the tax staff will follow the historical average of $1 billion per month, then figure about $15 billion more at best. So if we assume, in a manner most favorable to the proponents of the resolution, that there will be $59 billion, then this budget is short by $121 billion for the first year of the 5-year budget. The demands on the tax-and-spending side then exceed projected offsets by $121 billion for the first year of the resolution.

It is time for all of us to get real about what the proposed spending is in this budget, the needs for tax policy that is promised in this budget, and the small amount of offsets that are available.

So what is going to happen? How do we bridge that $121 billion gap? Either the tax relief and new spending is not going to happen or we will add that to the deficit. That is a frightening proposition, adding it to the deficit.

Let's take a look at the rest of the agenda to those numbers. Over the 5-year budget, going out to the year 2012, keeping existing policies in place will have a revenue effect of $916 billion. This includes AMT relief, if they are serious about not having those 23 million middle-income people paying taxes that they were never supposed to pay in the first place, and extending other broadly supported expiring positions. In the aggregate, this budget appears to provide $180 billion in new resources for extending these policies over the 5-year window. Look further and you will find a trigger. It is the very trigger I talked about last week. Senator GREGG described in great detail how the trigger will work. Suffice it to say the trigger conditions the $180 billion in tax relief targeted for 2011 on no future spending.

Is that the real world, no future spending? Does anyone believe this Democratic majority will not spend future tax increases if given a chance? If your answer is yes, then you are buying a pig in a poke. A pig in a poke is what you are going to get, if you believe that. If you think you are going to get a pig, you are going to get cheated. And I have grown a few pigs in my day, so I know the difference between a pig and a pig in a poke. This trigger mechanism is a pig in a poke. Don't buy it. You will regret it.

So we have a situation where we have $736 billion that we have to figure out what to do about. It is not done about in this budget. You have to deal with tax realities, if you are going to give this sort of tax relief. The answer is that we are going to have to find this money, and it is not here. So it is not a real budget.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from North Dakota.

Mr. CONRAD. Madam President, first of all, I wish to say the Senator from Iowa, the ranking member of the Finance Committee, has been a true gentleman during consideration of the budget resolution. Obviously, we have strong differences with respect to some of the policies here. I wish to say that this man has been a gentleman. I also wish to say, on our side, we will not forget his courtesy during consideration of the budget.

I do want to say with respect to one of the charts he had up here, he had 2 years of AMT relief. It is true in the Senate budget we had 2 years of AMT relief. In the conference report, we have 1 year. That would change the numbers in his chart from $115 billion to $52 billion. Second, in what passed in the Senate, we had $15 billion of SCHIP funding within the budget and up to another $35 billion in a reserve fund. Now all of the funding in what has come out of the conference committee is in the reserve fund. So the Senator's chart, which I know was prepared some months ago, is not consistent with what the conference report is.

I wanted to make those two points. I again would say to others who are listening, we don't believe there is any requirement for a tax increase in this budget. We only have a 2-percent difference in revenue between the President's budget and our budget and the CBO score. If you look at what the President said his budget would produce in revenue, it is virtually identical to what our budget produces.

With that, I yield 11 minutes to the Senator from North Dakota, my colleague, Mr. DORGAN.

Mr. DORGAN. I thank my colleague for his leadership. I don't know where to start with the issues of the pig in the poke and the hog rules and all these issues. But I will talk a little about issues that are probably close to something I called the hog rule.

First, let me say this: Mark Twain once said, when asked if he would engage in a debate, he said: Sure, as long as I can take the negative side. They said: We haven't told you what the subject is. He said: It doesn't matter. The negative side will take no preparation. It is easy to oppose. That takes no preparation.

We have brought a budget to the floor of the Senate and have kind of broken tradition. We haven't had a budget on the floor that got passed for a year. Under the leadership of Senator CONRAD, we are going to have a budget today. That is a pretty big step forward.

Let me say that with all the budget talk, we went to war a few years ago and we sent soldiers halfway around the world to go to war. The country didn't go to war. This Congress didn't go to war. Every single dollar we have used to fight that war has been borrowed. We say to the soldiers: Go, fight, put on America's uniform, go represent your country. But the fact is, the President says: I want emergency supplemental appropriations for it all, and we will add it all to the debt. It is an unbelievable fiscal policy. Send the soldiers to war; Americans, go shopping. That is what we were told to do by the President. By the way, let's not ask anybody to sacrifice.

We see significant fiscal policy problems. This budget begins to start to try to deal with them. They have been growing now for about 6 or 7 years. This administration inherited a surplus and very quickly turned it into a large budget deficit.

This is a budget. Someone once asked the question, if you were asked to write an obituary about someone and knew nothing about the person, had never met the person but only had their checkbook registry as a frame of reference, what kind of obituary would you write? You would probably be able to take a look at what they spent their money on and tell a little something about their value system, what did they think was important, what did

they treasure, what did they value. You can do the same thing with this country's budget.

It is true that 100 years from now we will all be dead. But history will record what we have done. They can look at the budget we passed, and they can see what we believed were the priorities for this Nation.

The President sends us a proposal and says: Here are my priorities. Let's propose spending in a way that loses ground on the issue of funding the National Institutes of Health and making the investments in needed cancer research and research into other dread diseases. Let's cut back on Head Start relative to the money that is needed to continue Head Start for young children. Let's decide that energy efficiency and renewable energy are not as important. These are priorities from the President. I could go on at some great length.

I disagree with that. I think many of these things represent investments in the country's future. My colleague and those who work with him on the Budget Committee have put together a different set of priorities. It is a better set of priorities that says: Yes, there are some areas that are just spending money. There are other areas that represent an investment in the future. That is why I think this budget is a good document. I am pleased today to support it.

Let me go to one other piece because I feel so strongly about it. I have offered amendment after amendment on this subject. My colleague has included proposed revenues in this budget from those who are not now paying their fair share. Some say that is a mirage, that is a shell game. You know what is happening. We have a pernicious tax break that says: Shut down your manufacturing plants in America, fire your workers, move your jobs overseas, and we will give you a big tax cut. I can't believe anything quite as foolish as that, but we have it. We have voted on it four times here. I am going to offer an amendment this year again that says: Let's not subsidize moving jobs overseas with a tax cut for those who do it.

Even more than that, I have used this on many occasions for 2 years now. This is the Ugland House. It sits on a quiet little street in the Cayman Islands called Church Street. It is a 5-story building, home to 12,748 corporations. Thanks to some enterprising reporting by David Evans from Bloomberg——

Mr. GREGG. Will the Senator yield for a question?

Mr. DORGAN. I regret I don't have the time.

Mr. GREGG. I will use my time. I will take the question off my time, not the answer.

Mr. DORGAN. Let me finish my comments. If I have time, I will be happy to engage. This represents a legal fiction, 12,748 corporations say that this is their home. No, it is not. This is a playhouse for tax avoidance. That is what this is about. They get to run their income through here so they don't to have pay taxes to the U.S. Government. They want all the opportunities that come with being an American except the responsibility to pay taxes.

Thousands of companies take up residence in tax haven countries for the purpose of avoiding taxes. Many other companies use entirely different, yet legal, tax avoidance schemes. One example is the sale of a German sewage system in Bochum, Germany, that nets Wachovia Bank $175 million in tax savings. I don't even understand how the transaction works. Does someone walk into an investment banking firm and say: Do you have a sewer section here, or do you have a sewer specialist I could talk to? Because I would like to avoid taxes by investing in a German sewer system. Maybe the receptionist says: We have a section over here in our investment banking firm that actually specializes in foreign sewers. Wachovia apparently found one. They saved $175 million. Does that mean they used the sewage system? No. Does it mean they actually have a need for it? Does it actually change hands? No, it is still underground in Germany. What it does is, it allows this company to avoid paying U.S. taxes.

How about an American company leasing a city hall in Germany? This is a town hall in Germany, leased by an American company. For what purpose? To avoid paying U.S. taxes. Wouldn't it be great if folks down the block or up the street or out on the farm who have to pay taxes in this country could say: You know what, I have a new idea. You and I are going to buy a sewage system in England. People would say: Are you nuts? That is what is happening in corporate boardrooms.

Another example is leasing transaction involving streetcars in Germany. An American corporation wants to operate German streetcars. Why? Because they enjoy riding in streetcars? No. They will never get in them. It is because they particularly want to avoid paying U.S. taxes.

In Chicago, they put together something called a 911 emergency call system. They put that together. Guess what: When Chicago shoppers hunted for bargains a few days after Christmas last year, two big financial firms landed their own sweet deal. FleetBoston Financial and Sumitomo Mitsui Banking bought Chicago's 911 emergency call system. No, Chicago was not in the throes of privatization, the story says from the Wall Street Journal. This was companies again deciding: We would like to buy assets we have no need for that belong to the public, and what we would like to do is use them to avoid paying U.S. taxes.

That is unbelievable to me. I would think every single Member of the Senate would look at this and say: That makes me sick, and it has to stop—not tomorrow; no, we are not going to begin to wean off this system—but, right now, we are going to say that nobody is going to be able to buy a foreign sewer system in order to decide they are not going to pay U.S. taxes.

Go to any restaurant in this country, any small town café in this country, and sit around and order a cup of coffee and ask the folks you are sitting with: Do you think this should be allowed? They would look at you and say: Are you out of your mind?

Well, the reason I talk about this is because this is in this budget to be shut down. Senator CONRAD has said—and I have offered amendments on the floor of the Senate—we are going to shut this kind of thing down. The other side kind of laughs and scoffs at this and says: Well, you can't shut that down.

I know, in fact, no one will stand up, if I ask: Will someone today come over to the floor of the Senate and stand up and say: Do you know what? Count me in. I am a big fan of having U.S. companies buy foreign sewer systems. Sign my name to it. Give me credit for it. Nobody will do that. It is kind of in the dark of the night that all this tax policy gets made.

That is what my colleague says in this budget: Let's begin to shut that down. Let's begin to collect the revenues, reduce the Federal deficits.

These deficits—at some point somebody is going to have to pay them. This administration inherited a very large budget surplus. I stood on the floor of the Senate and said maybe we ought to be a little conservative here, and the President and his minions said: No, no, no. Let's decide that we want to give it all back, despite the fact we did not have it yet. It was 10 years of projected surplus.

Guess what. In a matter of months, we found out we were in a recession. Then we had 9/11. Then we had a war in Afghanistan. Then we had a war in Iraq. Huge surpluses were turned into huge deficits and much more spending for a war, for which the President said: Oh, by the way, we are not going to pay for that. We are going to ask that all of it be funded with zero requests in the budget because we are going to send you emergency requests, and you can add it to the deficit. So we send soldiers to war, and when they come back, they can help pay the cost of the war because we are not going to do it.

That is what is wrong with this fiscal policy. We were on a road to nowhere and a road to real trouble, and finally we have a budget that begins to force change. Is it going to happen overnight? No. It is going to take some time. But this budget is a budget that moves us finally in the right direction.

I commend Senator CONRAD and all those who worked on it. I am proud to be part of it and will be proud to vote for it.

Madam President, how much time remains?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Madam President, I yield the floor.

Mr. GRASSLEY. Madam President, I was struck by the exchange between the Senators from North Dakota regarding abusive leasing transactions called SILOs and so-called corporate inversion transactions. They seemed to express dismay that this body can't shut down these deals. Listening to them, it seemed like they had no idea that:

No. 1, the American Jobs Creation Act of 2004 stopped the SILO deals on a prospective basis—no new deals can be done after March 12, 2004. As enacted, JCT scored this provision as raising $7 billion over 5 years and $27 billion over 10 years.

No. 2, the Senate-passed version of the JOBS bill, which received the vote of 92 Senators, would have shut off future tax benefits from foreign SILO deals, like the deals for European sewer systems and townhalls, that were entered into before March 12, 2004, but the Republican House conferees blocked it.

No. 3, the American Jobs Creation Act also stopped corporate inversion transactions for deals done after March 4, 2003, raising $830 million over 10 years, according to JCT.

No. 4, the Senate-passed JOBS bill would have applied the anti-inversion legislation back to March 20, 2002, when I put companies on notice that legislation would shut these deals down.

No. 5, just this year, the Senate passed a minimum wage/small business bill, which had the vote of 94 Senators. One provision in that bill would shut off future tax benefits for foreign SILOs. That provision would raise about $4 billion over 5 and 10 years. Another provision would have denied prospective tax benefits for inversions entered into after March 20, 2002. That provision would have raised over $1 billion.

But the Democratic chairman of the Ways and Means Committee refuses to agree with the Senate on these points. In fact, he held a hearing earlier this year to sympathize with lobbyists wanting to preserve these illicit tax benefits.

So, in this body, there is near unanimous agreement that Congress should act to stop the future tax benefits from foreign SILOs no matter when they were entered into. So I am not sure what the Senators from North Dakota are complaining about. They should be complaining to their brethren across the Capitol, not this body.

The North Dakota Senators are preaching to the choir when it comes to shutting down tax shelters. Look at my track record. Nobody has been more of a tax shelter hawk than me when it comes to Senate-passed and enacted legislation. I want to close the tax gap. I want to shut down tax shelters. My track record proves that. But we need to be realistic in looking at the amount of JCT scored revenue we can expect to get with sensible, effective legislation. But the assumptions in this budget are just not realistic.

Mr. President, the distinguished chairman made a couple of comments on the charts I used a short time ago.

The senior Senator from North Dakota stated first the chart incorrectly reflected the SCHIP number. The number used in the chart reflects an estimate of the first year, fiscal year 2008, of the Democratic SCHIP proposal. In addition, the senior Senator from North Dakota said the chart reflected 2 years of the AMT patch. He was correct. These are, however, 2 years of the patch, tax years 2007 and 2008, to consider with respect to fiscal year 2008.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I would like to yield 5 minutes to the Senator from New Jersey, Mr. MENENDEZ. I thank him for his very important leadership in the Budget Committee. He has been an extremely valuable member on the Budget Committee and has helped us write this budget.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, let me say, as a member of the Senate Budget Committee, I am extremely proud of the budget resolution conference report before us. I commend the distinguished chairman of the committee for his leadership and for succeeding in the daunting goal of putting together a final budget resolution. It would not have happened without him. I appreciate his depth of experience in changing the direction of our values in this budget.

This budget accomplishes what we set out to achieve at the outset of this Congress. It fulfills our responsibilities in key priorities, such as children's health care, education, and veterans services. It sets us on a strong fiscal path, balancing in 5 years, and achieving a surplus in 2012. It allows for key tax relief for middle-class families.

Now, I have heard a lot of claims being made today about what the budget does and does not do. So let's be clear. I think Americans should know the choices that are at stake because this budget makes some clear choices and sets a very different set of priorities than the budget the President sent to us.

Our budget allows for up to $50 billion to be spent on reauthorizing SCHIP, so we can ensure that America's neediest children get the care and health coverage they need. Now, making the health coverage of our Nation's most vulnerable children a top priority would seem like a no-brainer for Members of Congress who have access to some of the best health coverage in the world, but that was not the case in the President's budget. His budget fell far short of what is needed to continue coverage for children who are already enrolled, let alone enough to expand coverage moving forward.

Our budget provides more than $9 billion—$9 billion more than the President for education. Now, why such a high increase? Well, look back at the past few years of education funding under the President, and you will see how much damage we are trying to repair.

For the next year alone, the President would have slashed $1.5 billion in Federal education funds, stifled student aid, deepened the hole in No Child Left Behind funding, and eliminated 44 programs, from education technology, to dropout prevention, to low-cost Perkins loans.

This budget rejects that long list of cuts to education. We increase funding by $3.5 billion over last year, so we can start to reverse the downward spiral that has plagued education under this President and the Republican majorities of the past and provide students the opportunities they deserve.

Our budget will increase funding for veterans' benefits and health services by $6.7 billion. It meets the request of the independent veterans groups and would increase veterans funding by $3.5 billion over the President's request. For far too long, under this administration's watch, our veterans have been held hostage to a subpar system that has failed to provide the care they deserve. Our budget puts an end to the funding deficiencies that have set that system up for failure. It also rejects the President's proposal to raise fees and copays for veterans.

Our budget shows our first responders that we will put our money where our mouth is. We will not tell our fire fighters, police officers, and emergency responders that we support them day in and day out but then provide them a fraction of the resources they need to do their jobs. So in addition to rejecting the President's mind-boggling proposal to cut first responder grants by more than $1 billion, we provide key increases for homeland security programs, including enough to double grants for port, rail, transit, and chemical security. We also restore funds that would have decimated the COPS Program—to put police officers on the streets of our communities—and the SAFER fire grants.

Despite all the rhetoric from the other side of the aisle about our budget plan, the fact is, we extend tax cuts that we all agree are pivotal for middle-class families. Our budget would continue marriage tax relief, extend the child tax credit, and lower tax brackets targeted to help the middle class. It would ensure that no new taxpayers would fall subject to higher taxes because of the alternative minimum tax next year.

Madam President, does the chairman have an additional minute?

Mr. CONRAD. Madam President, I yield an additional minute to the Senator from New Jersey.

Mr. MENENDEZ. I thank the Senator.

But what is key in our budget is how we achieve this tax relief. The difference is, we pay for it. Under our

strong pay-go rule, we will end the days of promising tax cuts now and paying for them 10 years down the road.

Madam President, I think our plan is clear. This budget is a significant departure from the debt-drenched plans we have seen from the President and Republicans year after year. This budget ends an era of dumping the fiscal burden on our children, our schools, and our veterans. Instead of undermining education, abdicating our responsibilities in health care, and neglecting our veterans, this budget restores a commonsense balance to our values that we should expect from the greatest Nation in the world.

We have a long road to digging ourselves out of the holes this President has created. But this budget is a first and sound step toward building a stronger nation.

Mr. GREGG. Madam President, will the Senator entertain a question?

Mr. MENENDEZ. Madam President, I say to the Senator, if you have time, I will be happy to.

Mr. GREGG. The Senator listed a whole series of accounts where spending has been increased. I was wondering if the Senator has added up that list he listed there. Is there a total? The Senator listed a specific set of numbers.

I added it up to be about $14 billion. Is that incorrect?

Mr. MENENDEZ. Madam President, I do not have that listing before me right now. But the bottom line is, in this budget, whatever are those increases I cited, they are paid for and ultimately meet the challenges we have as a country.

Does the Senator disagree with any of those priorities we have?

Mr. GREGG. Madam President, I am trying to get to the bottom of the question of whether this budget increases spending over the President's number.

The Senator from North Dakota has represented it does not. Yet Senator after Senator from the other side of the aisle has come to the floor and told us how much spending has increased.

Mr. MENENDEZ. Madam President, I think it is a reprioritization of those values within the context of the budget.

Mr. GREGG. Madam President, of course it is not. It is a $205 billion increase over the President's number.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I make no assertion—I make no assertion—that we have not increased spending over the President's proposal. Certainly, we do because we have more spending for this Nation's veterans and for health care for our veterans. We have more spending for children's health care. We have more spending for education. We have more money for law enforcement. Why? Because the President cut the COPS Program 94 percent—the COPS Program to put 100,000 police officers on the streets. The President says: Cut it 94 percent. We do not agree with that. The President says we are not going to have the funding for our Nation's veterans, which the Nation's veterans say is essential.

Madam President, I ask for the time circumstance on both sides.

The PRESIDING OFFICER. The Senator from North Dakota has 5 seconds. The Republican side has 4 minutes 1 second.

Mr. CONRAD. Madam President, I ask unanimous consent that we now extend the time until 3:45 and equally divided between the two managers.

Mr. GREGG. Madam President, that is presuming after this time has expired, so we would not be equally dividing my 4 minutes.

Mr. CONRAD. Absolutely. I am extending the time past 3:30.

Mr. GREGG. The additional time be divided equally.

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

The Senator from New Hampshire.

Mr. GREGG. Madam President, there is a consistent inconsistency about the presentation from the other side of the aisle about this budget. The representation it does not raise taxes, on its face, is not consistent with the language in this budget.

Why would we have had to have the Baucus amendment, which extended tax cuts and reduced taxes—or represented it did—by $180 billion, if there had not been a tax increase in the bill?

There is a tax increase in the bill. In fact, the trigger language in this bill, which is now placed on top of the Baucus language, means the Baucus tax cuts—which were the original tax cuts of the President and they are being extended—will not come into fruition. They cannot possibly come into fruition because of the complexity of the trigger mechanism. They are subject to 60 votes. It is a Pyrrhic statement that those tax cuts exist. So this budget has a $916 billion tax increase in it.

Then, the representation that it does not increase spending—it increases spending dramatically. This is a budget that does what Democrats do: It raises taxes and it spends a lot of money. That is the game plan.

Then, there is the representation on the other side that they do not want to impact Social Security. Yet the budget takes $1 billion out of the Social Security trust fund in order to spend on their initiatives. They have a $200 billion domestic spending proposal on the discretionary side over what the President has. That spending comes directly out of the Social Security trust fund. It is a direct attack on the Social Security trust fund.

There is, of course, no effort on the entitlement side at all to control spending. The debt goes up by about $2.5 trillion.

But one of the key elements is this question of the trigger. I asked my staff to try to explain in layman's terms what this mechanism is that will allow the Baucus language to go forward, which would extend the tax cuts of the President of the United States. Well, in layman's terms, it is an alleged $180 billion extension of those tax cuts, which is subject to conditions only Rube Goldberg could appreciate. So we took a Rube Goldberg chart and we showed the different numbers that reflect what is happening. Essentially, the way this works is the tax legislation must include the following contingent provisions:

> None of the tax relief in this act shall have legal force and effect unless the Secretary of the Treasury and the Director of OMB project a surplus in 2012.

So these tax cuts do not get extended if there is no surplus, and we already know the capacity to spend money on the other side of the aisle will wipe out that surplus because the surplus is such a close number. Secondly, the tax relief can cost $180 billion or 20 percent of the projected surplus, whichever is smaller. So not only do they probably not have a surplus so they can't have the tax cut they allege they have—and it is not a tax cut; it is an extension of the tax policies which are in place today—but they create a mechanism which says you are not going to get all of that, you are only going to get 20 percent of it, and you know it is not going to be $20 billion.

What if the tax writing committees in their wisdom do not include the contingency clause? Well, then we switch to an entirely whole new set of miscellaneous conditions on the trigger. The House Budget Committee then has the following authority, the chairman: He will increase revenue numbers in the budget resolution to take away the tax cut if the Finance Committee doesn't include the contingency, and so instead of a budget increasing taxes to $736 billion, it actually ends up increasing taxes $916 billion.

There were a number of people who were wandering around this Senate after the last budget left here saying: Oh, hey, we included the Baucus language which extends those tax cuts which we agreed with the President on, which are things such as the child tax credit, protection of married people from the spousal tax, the tuition tax credit, credits for teachers who use money from their own personal accounts to help out in their schoolroom. We extended all those. But now we find out they didn't, and they don't, because they have created this trigger mechanism which came from the House which had none of those extensions, which makes it virtually impossible to presume these extensions are going to occur.

There are a lot of folks around here who are going to walk away with egg on their face, I believe. They are going to say they voted for a budget last time through where they extended those tax cuts, and this time they are going to try to claim they are doing it again when, in fact, what they are doing is setting up a clear action that

can't be accomplished. It is another example of a consistent inconsistency of this budget.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

I have concluded from the Senator's remarks today he remains undecided on the budget. No. I know the Senator is opposed. He has done a very good job, I might say, of making his side of the case. The great thing about our country and about this institution is we have the right to come here and debate openly and even passionately our different views, and we have the right at the end of the day here to vote, and the majority rules. For 3 of the last 5 years, this country has had no budget. Hopefully, at the end of today, we will have put in place a budget for our country. That is our obligation and our responsibility, and I believe at the end of the day we will have accomplished this.

Even though the Senator from New Hampshire and I disagree with respect to the specifics of this budget, we agree on certain very important things. No. 1, we agree on the importance of having a budget. No. 2, the Senator and I happen to agree—and you would certainly miss this if you were listening to the debate today—but the Senator from New Hampshire and I have strong agreement on the unsustainability of our long-term budget situation. The Senator has talked about where we are headed in the long term, and I entirely agree with him, that in the long term we have a budget circumstance that is unsustainable, and it is going to be important for us to discipline the long-term entitlements. It is also going to be important to address these fiscal imbalances we face as a nation. We have begun the process by writing a budget that does balance by 2012, with a $41 billion surplus in 2012. The President still has not presented a budget that balances.

The Senator has questioned this whole trigger mechanism. It is true we did not have one in the Senate. The House insisted on a trigger mechanism in the conference. Let me indicate where we are with respect to the way the trigger works.

Under Office of Management and Budget numbers, the surplus in 2012 will currently exceed the amount needed to fully implement the Baucus amendment. The budget resolution surplus, excluding the Baucus amendment in 2012, is $290 billion. The trigger says you can only use 80 percent of that amount for tax relief. That would be $232 billion. The Baucus amendment costs $180 billion. So under the current OMB projections, the full middle-class tax relief that was provided for in the budget in the Senate will still be eligible, and that includes the relief for the estate tax reform as well.

In terms of how the trigger actually works, under current scoring by the Office of Management and Budget, there is sufficient room to have all of the middle-class tax reductions extended and to provide for estate tax relief.

What happens if this changes? What happens is we go through the year. For example, what happens when we pass a supplemental appropriations bill? That will certainly change the outyear forecast. There will be other things that may change the outyear forecast. Hopefully, revenue will come in above forecast. Other things will occur. None of us know. What happens if there is a future military conflict? What happens if there is a horrible natural disaster? We don't know.

What we do know is if there are not sufficient resources to permit the middle-class tax cuts being extended, that will not preclude us from providing the middle-class tax cuts; it would simply mean to whatever extent there is not budget room, we would have to find offsets. We would have to find a way to pay for it, or we would have to have a supermajority vote in the Senate. We would have to have at least 60 votes. Does anyone doubt this Chamber would produce a super-majority vote for middle-class tax relief?

Let's revisit the Baucus amendment that passed here on the floor of the Senate to provide middle-class tax relief and to provide estate tax reform. What was the vote? It was 97 to 1. That was the vote, 97 to 1. In the House, the vote was 364 to 57. Let's not be scaring people out across the country suggesting that the middle class will see their taxes go up. That is not what this budget provides. This budget provides all the money necessary to extend the middle-class tax relief and to provide for estate tax reform. Those provisions passed the Senate on a vote of 97 to 1 and passed the House of Representatives on a vote of 364 to 57. So even if we get to the point where the trigger is pulled because there are not sufficient resources in 2012, Congress retains the flexibility to extend the middle-class tax cuts and to reform the estate tax, and the evidence is pretty clear, the vote is going to be overwhelming to do it.

I thank the Chair. I ask at this point the time remaining.

The PRESIDING OFFICER. There is 13 seconds remaining on the Democratic side and 4 minutes 50 seconds remaining on the Republican side.

The Senator from New Hampshire.

Mr. GREGG. I suggest we extend the time until 3:50 and that the additional time be equally divided.

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

Mr. GREGG. Make it 3:55.

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

Mr. GREGG. Madam President, we heard the Senator represent that the administration doesn't have a surplus projected, and yet he used administration numbers to project a surplus, so more consistent inconsistency.

But I think a more substantive issue here is the irony of the fact that the other side has such an aversion to letting people keep their own money through having reasonable tax rates, such as the spousal—not having penalties for people who are married, not having a child tax credit, having a tuition tax credit, paying teachers a credit for when they buy extra supplies for their classroom. They have such an aversion to those types of initiatives which let people keep their own money that they put in place a trigger mechanism to try to stop those things from occurring should they want to spend money to basically absorb that tax relief. The irony is they don't put in any trigger mechanism for the new spending they are proposing. There is a trigger mechanism here that says: Well, you can't keep your own tax dollars, you can't keep your own money; we are going to take it away from you in taxes, but there is no trigger mechanism that says when we spend a lot more money, which this proposal does, there should be some second-look mechanism to see if we can afford it. If we are running a deficit, why should we be adding new spending? There should be a trigger mechanism.

Well, I think it is because there is a philosophical difference here, obviously. On our side of the aisle, we believe it is the people's money and it shouldn't be taken from them unless you absolutely have to take it, and that the Government doesn't spend the money better than people spend their own money. On the other side of the aisle, it is the opposite view.

The additional irony or the additional inconsistency is those tax rates which have most benefited this economy and caused it to grow dramatically, and which have most benefited the Federal Treasury in that they have generated a huge amount of revenue we didn't expect, capital gains rates and the dividend rates are not included under any circumstances in this trigger exercise. The people who benefit the most from those are seniors, because seniors are the ones on fixed incomes and have dividend incomes. Seniors are the ones, when they get to that point in their life where they try to sell that asset which they have built up over the years—maybe a restaurant or a small business or their home—and they now are going to, under this proposal, get hit with a doubling of the capital gains tax, or almost a doubling, and a doubling to a 2½ times increase in dividend tax rates. No trigger mechanism, no matter how fallacious or fraudulent it is—which this one is—is even put in to try to protect them.

This is a budget which is truly in the tradition and which is the philosophy of the other side of the aisle, which is that you raise taxes, you spend money, and we in Washington know a heck of lot better how to spend your money than you do, the American wage-earner, the American individual.

We have been over this ground a lot, and you may think we are going over it again and again, and that is because we

are stalling for time, actually. We are waiting for the House to take action, and we are hoping they take it fairly soon so we can move to a vote.

Pending that, however, I do want to take a couple of minutes and thank my staff, led by Scott Gudes, who has done such an extraordinary job. They work ridiculous hours for low pay and they do it extraordinarily well. I want to thank the Democratic staff, led by Mary Naylor, who do an equal amount of hard work and probably get paid a lot more, I don't know. But they are special people, these folks who make this place run and work well, and we appreciate all they do. I also want to thank the chairman for his unrelenting courtesy and professionalism in running this committee. He is always fair with the minority.

We appreciate that. We try to run a committee that has comity, with a ''t''; although there is a fair amount of comedy, with a ''d.'' As a result, I think of the personality of the chairman, and we are able to do that. I appreciate his efforts in that arena.

He made the point that the country needs a budget. A bad budget we don't need. This is a bad budget. The fact is, the institution substantively does need a budget. We should not be running a government of this size—or any government—without something that gives you a blueprint. This blueprint is, obviously, a very poor one, a detrimental one, because it will grow the size of government and increase the burden of taxes, the deficit, and it raids the Social Security trust fund. Other than that, it is excellent. The fact is, a budget is important. So I am obviously of the view that should the Senator from North Dakota succeed in passing this budget, and we actually have a budget this year, to some degree that is an effort that he should be congratulated for, and it is something the Congress needed to do.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, the Senator talks about a philosophical difference, that this is the people's money. I agree with that entirely. It is the people's money. It is also the people's debt, and I deeply believe we have an obligation to pay the bills around here. The easiest thing in the world is to come to Washington and be for every spending program and every tax cut. The problem is, that has led to our current circumstance—a debt that is running away from us.

Now, this budget does not solve all of our problems. I make no assertion that it does. But it begins the process of balancing the budget by 2012, and it begins the process of controlling the growth of the debt, and that is critically important to us as a country.

Let me just say that the House vote is underway. I will take a few minutes but, first, what is the time situation?

The PRESIDING OFFICER. The Democratic side has 3 minutes 49 seconds. The Republican side has 3 minutes 33 seconds.

Mr. CONRAD. Madam President, let me indicate this is the estimate of what this budget would do. It would take the deficit from $252 billion to a balance of $41 billion in 2012—a surplus in 2012 of $41 billion. It would reduce spending as a share of gross domestic product from 20.5 percent in 2008 down to 18.9 percent in 2012. It would begin to control the growth of the debt after 2010. It would bring down gross debt as a share of gross domestic product from 67.7 percent to 66.5 percent in 2012.

On the question of revenue, I go back to this point because it is inescapable. The President, when he produced his budget, said he was going to produce $14.826 trillion of revenue over the next 5 years. Ours produces $14.828 trillion. There is virtually no difference. The President said, when he put out his budget proposal, that was a responsible amount of revenue to raise, $14.826 trillion. Our budget raises virtually the identical amount that he said was the responsible amount to raise for this 5-year period.

Now, it is true CBO later came back and said: Mr. President, your budget doesn't raise as much as you said it would. That doesn't take away from the fact that the President, when he proposed his budget, thought that the amount of revenue that should be raised over this 5-year period is $14.826 trillion. It doesn't take away from the fact that our budget raises virtually the identical amount.

Not only do we deal with the revenue question that has been raised, we also provide alternative minimum tax relief so that tens of millions of people are not caught up in that tax. We extend the middle-class tax cuts. We fully provide for, in the numbers, marriage penalty relief, the child tax credit, the 10-percent bracket, and estate tax reform. At the same time, we move to fund the priorities of this country, expanding health care coverage for children because, not only is it a good investment, but it is the right thing to do. We have up to $50 billion over the next 5 years dedicated to that purpose. We have increased what the President called for in education funding because we think it is critical to help parents who have their kids in college or other higher education. So we have increased the President's budget by some 10 percent for education.

Also, our third major priority is veterans health care. Goodness knows, I think every Member of this body believes we need more resources than are provided for in the President's budget to meet the promises that have been made to this Nation's veterans. We closely followed the independent budget advocated by the Nation's veterans organizations.

We think this is a responsible budget worthy of our support.

Mr. GREGG. What is the time situation?

The PRESIDING OFFICER. The Senator has 3 minutes 33 seconds on the Republican side. No time remains on the majority side.

Mr. GREGG. Madam President, we were summarizing the budget. I think this is important. I think the Senator makes my case because he holds up the chart about all the new spending they are doing, which is my point. They do $205 billion in discretionary spending. There is this tax increase issue. He holds up a chart that says we are doing the same tax as the President, but he doesn't allude to the fact that one of those bars is calculated under OMB and the other under CBO. If you used the same scoring mechanism, it would show a significant difference in taxes. The facts establish that they do not extend the tax cuts that the President was going to extend. They don't extend them.

Then they have this phony trigger mechanism, which is a totally false presentation, which alleges they are going to extend some tax cuts when there is no way that triggering mechanism can work. If you were to accurately put this number down, it would be $916 billion because the trigger mechanism is clearly not going to be exercised, and the true tax increase in this budget is the same as the House tax increase as it left the House, which was $916 billion.

I think people of fairness would look at the House budget and say, yes, the House won the debate, but there was this fig leaf put on to make it look as if there was some tax relief in here from the initial proposal. Clearly, the House number is the one that survived this process—the $916 billion in tax increases, which is the biggest in history, no two ways about it.

Then you add to the debt. Yes, the debt will go up no matter whose budget you follow—the President's budget or the Democratic budget. The debt will grow. I take that as a given. But the fact is, the debt is going to grow significantly—$2.5 trillion—and it is the growth in debt that is going to be passed on to our children. A lot of it doesn't have to occur. At least $205 billion of it doesn't have to occur. That is the debt that will be incurred by spending which exceeds what the President proposed in the discretionary accounts.

Then, of course, is this issue of mandatory savings, which I happen to think is the core failure of this budget, besides the tax increases and spending increases because it is the outyear when our children are going to have to start paying these bills, when their lifestyle is going to be contracted dramatically because of the cost burdens of the baby boom generation, and nothing is done in this budget to try to address that.

The proposals out there are not radical. They don't even impact most beneficiaries—the reasonable proposals. We could have saved one-third of the outyear unfunded liability in the Medicare accounts by simply doing a couple of things which would not have impacted beneficiaries, other than

really high-income beneficiaries, people who make more than $80,000 or $160,000, retired Senators for example, asking them to pay a fair share of their cost of Medicare Part D, the drug program.

I see that my time is up. I am not sure we are ready to vote yet. I hope we are. I am not sure what the status in the House is.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I so appreciate the work these two fine men have done on this bill. This was so difficult to get from that point to where we are now. It could not have been done but for the fact that these are two of our most experienced legislators, who work well together. They have political differences, but they understand the importance of getting a budget resolution.

Having said that, and recognizing some urgency in getting the vote done, I ask unanimous consent that the next 5 minutes be equally divided between the two managers of the bill, and if the House vote is completed at that time—and we believe it will be—the vote occur within 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Madam President, I thank the majority leader. He has been an enormous and able leader going through this process. I can tell you on our side that we would not be here today without his absolute commitment to getting this job done, and getting it done right. My admiration for this leader has grown dramatically, and it was already high. Let me just say what an important leadership role he has played.

Mr. GREGG. Reserving the right to object, I wish to join the chairman in expressing my appreciation to the majority leader and to our leader on this side, Senator MCCONNELL. This was a complicated exercise, and the majority leader has been very cooperative with the Republican side of the aisle. We very much appreciate his courtesy to us.

Am I to understand that the request was that we would now have 5 minutes—well, now we are down to 4 minutes equally divided, which gives the Senator from North Dakota 2 more minutes to make my case; is that correct?

The PRESIDING OFFICER. The Republican side has 2 minutes. The majority party has 1 minute 57 seconds.

Mr. CONRAD. Madam President, I will conclude by saying I think the debate has been vigorous on both sides. I have made my points.

At this moment, I thank, first of all, my own staff. Mary Naylor, my staff director. Each and every member of this staff has worked extraordinary hours. I cannot even begin to say what it has been like—weekend after weekend, night after night. The other night, they were here until 3:30 in the morning. I deeply appreciate the sacrifice and the commitment this staff has made.

I also thank very much Senator GREGG, the Republican manager, the Republican ranking member. He is absolutely committed to dealing with our long-term fiscal imbalances in a responsible way. While we may have disagreements with respect to this budget agreement, the truth is, our larger agreement about the need to take on these long-term fiscal challenges, to me, overshadows the disagreements we might have on a 5-year budget resolution.

I also appreciate the professionalism of his staff, including Scott Gudes and his entire organization. I thank them. Although I don't like some of the charts they produce, they are really in the best traditions of the Senate. They are serious about public service, and we owe them a deep debt of gratitude as well.

Finally, I will conclude by again thanking my staff. My goodness, I will never forget the extraordinary effort they put in.

I yield the floor.

Mr. GREGG. Madam President, I reiterate what I said earlier about the work of the staff, which was extraordinary and exceptional on both sides of the aisle. It was fair and very professional.

These staff are truly outstanding public servants who work long hours and bring a commanding knowledge of policy, program, and, as one might expect, financial analysis. These are professionals who possess the skills to dig into the specifics of Federal programs and budgetary data, and they are just as comfortable dealing with ''the big picture'' and policy context of spending, revenues, and the overall budget of the United States.

The Budget Committee staff members are truly an integral part of the Gregg team, which also includes my personal office staff in Washington and New Hampshire and my appropriations staff.

Our Budget Committee staff is led by Scott Gudes and Denzel McGuire. The core of the Committee is our budget review group, professionals who are among the Nation's top budget experts: Jim Hearn, Cheri Reidy, David Pappone and Jason Delisle. Allison Parent provides our legal expertise as general counsel, assisted by Seema Mittal. Dan Brandt is our chief economist. Our health policy unit is headed by David Fisher and includes Jay Khosla, Liz Wroe, Melissa Pfaff, and until very recently Conwell Smith and Richie Weiblinger. Our team has a number of talented analysts who handle various, what we call ''budget functions'' or programmatic areas and various departments and agencies. This includes Vanessa Green, Winnie Chang, Mike Lofgren, Kevin Bargo, Jennifer Pollom and Matt Giroux. Along with some of the previously named staff, these analysts are experts on programs ranging from Department of Defense weapons systems to agricultural subsidies to FAA fees and modernization.

Our communications office is headed by Betsy Holahan and also includes Jeff Turcotte and David Myers. Senator CONRAD has mentioned our charts a number of times today. This office, and especially our webmaster David Myers, has worked tirelessly producing these—sometimes most creative—visual aids.

Mr. President, I would be remiss if I did not recognize the outstanding nonpartisan staff that keeps the committee operating. This includes Lynne Seymour, one of the most professional and decent staff members ever to work in this institution of the Senate. Lynne, Andrew Kermick, George Woodall and Leticia Fletcher serve Democratic and Republican staff with dedication.

Finally, I would like to reiterate our appreciation to Senator CONRAD and the majority staff. They are a pleasure to work with. Mary Naylor and her staff, people like John Righter, Lisa Konwinski, Joel Friedman, Joan Huffer, Jamie Morin, David Vandivier, Ann Page, Sarah Kuehl, Cliff Isenberg, Jim Klupner, Stu Nagurka—just to name a few—they are hard-working professionals who give Senator CONRAD and the Democratic membership on the committee 100 percent.

Of course, the Senator and I have great respect for each other. I reiterate my praise of him and the majority leader's efforts in trying to get this conference report going and doing it in a fair and honest way.

I yield back the remainder of my time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, this will be the last vote this week. Our first vote next week will be a 5:30 p.m. cloture vote on the immigration matter. It appears the Democrats and Republicans have reached an agreement on immigration, so we will spend a lot of time on that legislation next week, along with the supplemental.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will report the conference report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution (S. Con. Res. 21), revising the congressional budget for the United States Government for fiscal year 2008, and setting

forth appropriate budgetary levels for fiscal year 2009 through 2012, having met, have agreed that the Senate recede from its disagreement to the amendment of the House to the text of the concurrent resolution, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of Wednesday, May 16, 2007, on page H5071 (Vol. 153, No. 81).

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mrs. DOLE), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. SMITH), and the Senator from New Hampshire (Mr. SUNUNU).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''nay''.

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

The result was announced—yeas 52, nays 40, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—52

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Clinton	Lieberman	Tester
Collins	Lincoln	Webb
Conrad	McCaskill	Whitehouse
Dodd	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murray	

NAYS—40

Alexander	Domenici	McConnell
Allard	Ensign	Murkowski
Bennett	Enzi	Roberts
Bond	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Cochran	Hutchison	Thomas
Coleman	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeMint	Martinez	

NOT VOTING—8

Brownback	Hatch	Smith
Coburn	Johnson	Sununu
Dole	McCain	

The conference report was agreed to.

Mr. CONRAD. Madam President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Madam President, I just want to thank all my colleagues who supported this budget resolution. It is a responsible first step to restoring fiscal responsibility and meeting the priority needs of the country.

I thank my colleagues, I thank the Chair, and I yield the floor.

GENERAL LUTE TO BE ASSISTANT TO PRESIDENT

Mr. WARNER. Madam President, we have seen recently where it is the intention of the President to designate Lieutenant General Lute to take a position in the administration as an Assistant to the President and Deputy National Security Advisor for Iraq and Afghanistan, as well as working with the National Security Council. I have known this fine officer for some time. I have done an overseas trip with him to Africa. We went down to Liberia at a time of great trouble down there with a change in the administration. I have seen him working on the Joint Staff. I have had the opportunity to be briefed by him. I want to lend my strongest endorsement for this nomination.

I also wish to have printed in the RECORD the history of how active-duty military officers have been assistants to Presidents. I point out, from 1969 to 1970, General Haig was Military Assistant to the Presidential Assistant for National Security Affairs. General Haig then moved up in 1970 to be Deputy National Security Advisor. Then in 1973–1974, he was White House Chief of Staff and, following that, he had other important positions.

General Scowcroft, while on active duty, was Deputy National Security Advisor from 1973 to 1975. Admiral John Poindexter was National Security Advisor from 1983 to 1985, National Security Advisor from 1985 to 1986. Lieutenant General Colin Powell was Deputy National Security Advisor in 1987 and then Colin Powell moved up to National Security Advisor from 1987 to 1989.

I will have printed in the RECORD a list of those individuals who served our Presidents in the past in a comparable way.

I think it would be advisable if the President were to determine that General Lute would have an exemption, a security exemption granted by the President, such that he does not have to respond to the committees of the Congress, to come up as a witness. Otherwise, he should get an annex office up on Capitol Hill to respond to the many inquiries that will be generated here on the Hill and focused on General Lute to make a response. I think he can be more effective to the President if he is given that waiver authority.

I urge my colleagues to look with an open mind at this nomination. I spoke to Chairman LEVIN today. He indicated as soon as the papers were forwarded, our committee, the Senate Armed Services Committee, would review it in the context of our authority to review the change of position and assignments of general and flag officers. It is in that context that we would have a hearing on this nomination. I hope thereafter we can report it to the floor and that the Senate will act favorably upon it.

I thank the Chair for its customary indulgence on this, and thank my colleague from Connecticut. I ask unanimous consent that list be printed in the RECORD.

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

Rank/name	Position	From	To
GEN Alexander Haig	Military Assistant to the Presidential Assistant for National Security Affairs	1969	1970
GEN Alexander Haig	Deputy National Security Advisor	1970	1973
GEN Alexander Haig	White House Chief of Staff (Nixon)	1973	1974
LTG Brent Scowcroft	Deputy National Security Advisor	1973	1975
ADM John Poindexter	Deputy National Security Advisor	1983	1985
ADM John Poindexter	National Security Advisor	1985	1986
LTG Colin Powell, USA	Deputy National Security Advisor	1987	1987
LTG Colin Powell, USA	National Security Advisor	1987	1989
LTG Donald Kerrick, USAF	Deputy Assistant to the President for National Security Affairs	1997	1999
LTG Donald Kerrick, USAF	Deputy National Security Advisor	2000	2000
GEN Michael Hayden, USAF	Director of Central Intelligence	2006	Present

MORNING BUSINESS

Mr. DODD. Madam President, I ask unanimous consent the Senate be in morning business, and each Senator be allowed to speak for no more than 10 minutes each.

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

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the submission of S. Res. 207 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The PRESIDING OFFICER. The Senator from Florida is recognized.

CONGRATULATING SENATOR CONRAD

Mr. NELSON of Florida. I congratulate Senator CONRAD, the chairman of

the Budget Committee, who has done an absolutely masterful job in charting the boat of the Budget Committee through considerably hazardous waters, to be able to end up with a vote like he did today, 52 to 40, in the passage of the budget.

It is a budget that clearly is trying to accommodate enormous spending that we have to do for the defense establishment, for the national security needs of this country, and at the same time, to attack the issue of how we are going to pay for it.

The reality is, there are certain taxes we recognize we are going to have to do something about, because if we don't, it is going to hit the middle class. We have to do something about the 10-percent level for the lower income group. We have to do something about the child tax credit. Since all of them are tax cuts, it is going to cost revenue. We even have to tackle the issue of the estate tax, trying to craft a compromise which in this bill allows for then the Finance Committee to approach an exemption of $3.5 million per person of the estate tax and then reduce the tax rate from 55 to 45 percent that the balance of the estate would be taxed. That would protect the family farms, the family businesses, the vast majority of them in the country.

I compliment the Senator from North Dakota, who has had to be so dextrous and so insightful. Every little jot and tittle, every nuance he has had to attend to. It is a real confirmation of his ability that he gets a resounding vote as he did today on passage of the budget.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

APPOINTMENT OF CONFEREES—H.R. 2206

The PRESIDING OFFICER. The Chair, as to H.R. 2206, appoints Mr. BYRD, Mr. INOUYE, Mr. REID, Mr. COCHRAN, and Mr. MCCONNELL conferees on the part of the Senate.

Mr. NELSON of Florida. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

APPOINTMENT OF CONFEREES—H.R. 1495

The PRESIDING OFFICER. The Chair, as to H.R. 1495, appoints Mrs. BOXER, Mr. BAUCUS, Mr. LIEBERMAN, Mr. CARPER, Mrs. CLINTON, Mr. LAUTENBERG, Mr. INHOFE, Mr. WARNER, Mr. VOINOVICH, Mr. ISAKSON, and Mr. VITTER conferees on the part of the Senate.

Mr. NELSON of Florida. 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 New Jersey.

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

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

IMMIGRATION REFORM

Mr. MENENDEZ. Mr. President, over the coming week the Senate has a historic opportunity to move forward with tough, smart, and fair comprehensive immigration reform that secures our borders, that ensures our economy continues to thrive, that protects American workers, and that at the same time undoes the process of committing millions of people to languish in the darkness and be exploited, or we can choose to abdicate our responsibilities and tacitly maintain the status quo of failed laws and a broken immigration system that is weak enforcement, that leaves our borders and our citizens unsecured and at the same time permits human exploitation to continue.

As a group, several Senators, including myself, have been meeting and negotiating on comprehensive immigration reform over the past couple of months. I appreciate the President making Secretary Chertoff and Secretary Gutierrez available to try to reach an agreement that would do those things.

I have come, during the course of that process with other colleagues, to a better understanding of my colleagues and their thoughts on this issue through the many hours we have spent talking together about solving the immigration problems, though I have not always agreed with them. I would like to believe our discussions were serious, thorough, and in good faith. At times they were productive, at other times they hit obstacles, but when one considers the enormity of the task at hand, along with what is at stake, one would have to be naive in thinking this would be an easy process.

One thing we know for sure is that beginning next week, if cloture is invoked, an immigrating bill, in some form, will be considered on the floor of the Senate. I sincerely appreciate the commitment in regard to the time spent and the thought invested on this issue from all sides involved. The amount of work that has been put into this effort represents the interest level, not to mention the stakes.

I will say, however, that in large part, part of the problem in getting agreement this year was where the administration started off in their proposal, which acted as a marker in these negotiations. From the minute I saw that proposal, it was clear to me we were no longer where we were last year on this issue.

Last year, we passed a bipartisan bill, one that a majority of Americans could get behind. It was a historic effort that joined 23 Republicans with 39 Democrats to address an issue of urgent national importance. The bill is the basis of what Majority Leader REID has scheduled a cloture vote for next Monday afternoon. I do hope we will be able to get a vote to be able to continue to proceed. I appreciate the majority leader making this issue a priority, having given us 2 months of lead time, telling us a very significant part of the Senate's calendar was being reserved for this debate. I appreciate his leadership in that regard.

However, unfortunately, the administration, along with several of our colleagues on the other side of the aisle, decided to radically alter their views and began the process this year with a far more impractical, in my mind, far more partisan proposal. Evidently, the White House convinced itself that it must have the support of some Republican Senators who opposed and worked to defeat last year's bill in order to pass something this year. Therefore, the White House has proposed an immigration reform plan that is far to the right of the Senate's passed bill of a year ago.

Let me tell you what I believe the principles should be as to how the Senate should guide itself as it debates next week. I believe any immigration reform we pass must be tough in terms of the security of our country, it must be fair, it must be workable, it must be comprehensive in nature; that preserves, among other things, family values, keeps us safe as a country, rewards hard work and sacrifice, benefits all Americans, and promotes safe, legal, and orderly immigration. Now, I could not sign on to the agreement announced in principle earlier today because, in my mind, it does not meet the principles I just described.

Mr. President, I ask unanimous consent to just state that very briefly in Spanish.

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

Mr. MENENDEZ. (Speaking in Spanish.)

Mr. President, what I just said is I could not sign on to the agreement announced in principle because it tears families apart, and it says to many that they are only good enough to work here but not good enough to stay. Depending upon the category of individuals, it levies rather high penalties and fines, and it does not provide the confidentiality or judicial review necessary to bring those people who are undocumented in the country out of the shadows and into the light.

Now, I have serious concerns about the workability and the fairness of the

agreement announced earlier because, first and foremost, it tears at the fabric of family reunification by limiting and eliminating the ability of U.S. citizens and lawful permanent residents to petition for their children, their parents, and siblings to join them in this country.

I took it very much to heart when President Bush said family values don't stop at the Rio Grande, that we all share those family values. Yet here we are with a piece of legislation which I gather is largely supported by the White House which undermines the very essence of that. Even under a new point structure that is envisioned under this bill, it seems to me the essence of family could get much more weighty within the context of a whole new process of how we are going to move our immigration system forward. Family is a critical value—I thought—in our country.

It calls for a truly temporary and, I am concerned, potentially Bracero-style worker program that labor ultimately will not support and that could repeat the same problem all over, having us face this challenge in the years ahead by the way it is devised.

It does not have confidentiality and judicial review, at least not of the standard I have seen to date; it is still one of those floating things out there. The reality is, if we want people to come out of the shadows into the light, to know who is here to pursue the American dream versus who is here to destroy it, then we need to be able to have those individuals understand that they will, in fact, and should come forth so that, in fact, they can go through the process envisioned by the framework agreement but that they will have confidentiality and judicial review in the process. Without addressing those issues, the system that would be created under the proposal would do little to fix our broken immigration system in the long term.

Now, I support fines for those who have broken the law. But the fines that are proposed are prohibitive, and they make a pathway to legalization a path in name only. A family of four would have to pay $10,000 in fines and fees, which is more than last year's bill even after it was amended twice on the floor to increase those fines. That does not even include the cost of their trip to ''touch back'' when they seek to become a permanent resident. Unable to pay these fines and fees, some of the undocumented workers will be unable to come out of the shadows and into the light of American's progress and promise.

Giving people the opportunity to come out of the shadows is an essential and necessary component of immigration reform because it will allow us to recognize who is here to seek the American dream versus who is here to destroy it through criminal or terrorist acts such as those which were recently almost carried out at Fort Dix in my home State of New Jersey.

If we had the right set of standards, which I envision us having in our bill, and people would come forward, we would have caught those individuals by the background checks we would have conducted. But for those people to come forth, obviously, there has to be some sense that in fact there is a real opportunity; otherwise, no one will come forward.

They also propose virtually doing away with provision for family reunification which has been the bedrock of our immigration policy throughout our history. This idea not only changes the spirit of our immigration policy, it also emphasizes the family structure. If this system had been in place when my mother and father attempted to come to this country, they certainly would not have qualified.

As I have listened to the stories of so many of our fellow colleagues in the Senate and in the House of Representatives, I know many of their parents would never have qualified to come to this country. I would like to think that they made, and continue to make, some very significant contributions to our Nation. It seems to me a new paradigm could have been structured where family values and reunification have more of a fighting chance than under the framework agreement.

As for the temporary worker program, we are inviting in temporary workers but, of course, we expect them to leave. Yes, temporary is temporary, and we are going to rotate them through, but how we do that and what pathway at the end of the day we might provide for saying you are human capital is incredibly important to this country. As if you perform enough of it, there may be an opportunity for you to adjust your status. But the way that the framework document envisions, it can simply create another undocumented workforce. It also sends the message that there are some people good enough to work here but not good enough to stay here; there are others good enough to work here and to stay here. If one didn't know what year it was, one might think we were discussing the National Origins Act of 1924. These and other problems with the proposed deal have to be improved to be able to support the type of reform that will meet the principles I have outlined.

Generally speaking, it seems to me we have taken a radical departure from what we were able to collectively achieve last year. We need to take a hard look at it as we open the debate next week. For the sake of much needed reform, many Democrats, including myself, showed a willingness, even more than I would have envisioned, to make strides toward the White House's proposal. Even so there are certain issues where too much bend ultimately creates an impractical and ineffective immigration system.

Unfortunately, that is what I believe will occur under the agreement announced earlier this afternoon.

I, for one, cannot settle for something that isn't sufficiently responsible in terms of meeting these values—security of the country, making sure we deal with our economy in a way that doesn't depress wages but at the same time realizes certain economic sectors need help and preserves family values, and at the same time makes sure we end the exploitation that often takes place when those people are languishing in the darkness. It doesn't have to be perfect, but it does have to be fair, humane, and practical.

Part of the magic of our Constitution is that it eventually allows the better parts of our nature to prevail. The better part of our national character is found in the strength we have achieved through our diversity. But that better nature must be fought for and fostered; in my mind, one of the greatest parts of America's experiment that has made it the great country that it is. I look forward to leading efforts on the floor of the Senate that will strengthen our security, protect American workers, deal with the necessities of our economy, while at the same time upholding the promise and the value of the American story that we hold so dear. We need to improve the framework document that has been announced through the legislative process next week. This is too important an issue to allow partisan politics to play a role. It is too important an issue to only be concerned about appeasing a relatively small part of a political base that is unrepresentative of the American public at large.

We must come together not as Democrats and Republicans, or liberals and conservatives, but as statesmen and, in doing so, honor the traditions of the Senate as a body that values reasoning, honest debate, and compromise over sound bites, talking points, fear, and smear tactics.

I know in my heart this is possible. I pray that it is practical and that we can end up with a bill next week that does these things: secures our country in a meaningful way and at the same time makes sure that we can preserve the economic interests of our country in all of the different aspects of our economy; that can say that the promise of family values we hold so dear and that has been at the core for over four decades of our immigration system can continue to be a reality; that we can end the human exploitation of people within our country, and in doing so, we actually make our country safer, more secure, and more robust in its economy. That is where I hope to lead efforts on the Senate floor next week.

I appreciate the work that has been done by the Senators who have agreed to the framework agreement. I just believe it falls too short in some of the key principles for me to be supportive.

I am looking forward to a bill on which we can join together and say: We did the best for the Nation. We did what is humanely right. We did what is right for the Nation in terms of its security and its economy, and we have

preserved the very essence of what this Nation has been about.

From my home State of New Jersey, which was a gateway to millions of people across this country, particularly during the period of Ellis Island, we can almost touch Lady Liberty. Ellis Island is a short bridge walk across. The reality is that because of those people who have contributed so dramatically to our country, we all have a relationship to immigration—whether you can trace your history to the Mayflower and the voyage of that first opportunity, whether you are part of the Daughters of the American Revolution, whether you came with the millions in the European experience that crossed a great ocean through Ellis Island and then throughout our country, whether you came, as my parents did, in search of freedom, the reality is, we all have a connection. Let's honor that connection in a way that meets these values. Let' meet that challenge.

I hope we can do so next week as the Senate convenes on this historic debate. I look forward to that opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I wanted to have an opportunity to speak for a moment on this very timely issue of immigration. I heard my colleague from New Jersey speaking. I know how hard he has worked with us to try to achieve a solution to this very difficult problem the country has faced for now over 20 years. I am disappointed that what we did fell short of his hopes. I thought I would take a moment and respond to some of his comments, but also in the hopes of inviting him back into the process where his support would be so welcome and so vital.

First, I should say there is nothing easy about this issue. There is nothing easy about the solution that we crafted, nor does it claim any sort of perfection associated with it because it is an imperfect bill. But it is a compromise. So what it implies by a compromise is that there are some things in it that I wholeheartedly support. There are some things that I might have liked to have seen differently. At the end of the day, that is how legislation is made. That is how it happens. We all give a little, and we end up someplace where we can move the country forward and provide the country with a way to resolve this very difficult issue that we call immigration.

One of the notions I would appreciate dispelling is the fact that this is a White House bill. It is not. This is just as much a Senator KENNEDY bill as it is a Senator KYL bill, and a Senator MARTINEZ bill as it is a Senator SALAZAR bill. I could name others: Senator GRAHAM, Senator MCCAIN, Senator ISAKSON. This bill has a great deal of balance because it not only enforces our borders first and foremost, which is what all Americans want at a time when our shores are threatened by potential terrorists, but it, secondly, does not do any of the other things that will be done in the bill until certain triggers are met, those triggers to have been in place as far as border security is concerned, the hiring of border agents, building the fencing, building of other physical and electronic barriers.

Then we move into another phase which is to provide a tamper-proof ID. This will ensure that those who are working will work legally. It then moves into other areas such as a guest worker program. This is a guest worker program which is a temporary worker program. It is not intended as a vehicle to immigration. It is to provide the labor that America needs in certain places and also to provide a good-paying job to certain people in other parts of the world who want to work here, but with a clear understanding before ever coming that they are coming to work for a limited period of time, much as a student visa holder comes for 2 years to go to school, coming for 2 years to go to work. Then they go home. They can renew that visa a couple of times.

Then a number of them will, if they acquire certain prerequisites, apply for permanent status here. Obviously, if they learned English, that would help them. If they learn a trade, that would help them. If their employer says they are a good worker, that would help them. That will be the basis for future immigration.

There still is a family component to immigration. Husband, wife, children, can come, grandparents—40,000 a year of parents can come. What we are going to do is change the paradigm to one where more merit is included in the equation. There will be a point system. Family will often be a tiebreaker. That will be maintained. But the paradigm of immigration will shift to a different one. It will then give the 12 million people who are here today living in the shadows an opportunity to come out of the shadows.

I don't know how anyone can overlook the significance of that act, the fact that this country of immigrants and this country of laws will be generous enough to say to those 12 million that are here, having come illegally to our country but who have worked, as long as they pay fines, as long as they obey the law and have not gotten in trouble, and as long as they are willing to learn the English language, they can have a path forward to stay here and continue to work. If they go back to their home country, they also can apply for permanent residence and get in back of the line as any fairness would dictate.

Fines, of course there will be fines. They can be paid over a period of years. They are not exorbitant, and they are only to the head of household. In this bill is the DREAM Act, an incredible achievement for the dream of education. The 12 million people living in the shadows in this country today find oftentimes their future dreams of a college education truncated by the inability to pay the tuition and the out-of-State fees. The DREAM Act is in this bill. That is an important consideration.

Part of this bill is going to take care of the agricultural needs of the country which is significant. I know in Florida, whether it is agricultural or hotel workers, whether it is theme park workers, in the tourism industry we desperately need workers. There are not enough there today. So the temporary worker program will help our economy while it helps people to have a good and decent job.

I think there are some things here that are tremendously positive. It is a very exciting day, and I am delighted to be a part of the compromise. Obviously, there will be politics all over the place. The right and the left will be criticizing many of us for having taken what I think is a very strong bipartisan step forward.

This is a coalition of many Senators working to pull something together that has been difficult, that is never going to be easy to do. I look forward to the debate in the Senate next week as we try to craft a solution for America going forward.

I thank the President for his leadership on this issue, and Secretary Chertoff and Secretary Gutierrez, who have been here countless hours, and my other colleagues who have been in the room—Senator MENENDEZ, who was finding it difficult to support the bill today but who has been there time and time again—and the Senator from Texas, Mr. CORNYN, who has tried, also, and may not be completely satisfied, but they have been in the very dynamics of seeing good, dedicated servants, such as these two Senators who are finding it difficult. We see the difficulty of this bill.

What I would hope is that a good nucleus of us will pull together, will come together. My hope is Senators CORNYN and SALAZAR and MENENDEZ, and many others, will find it possible to support this bill as we go into the debate next week. There will be opportunities to offer amendments. There may be ways of making it better. There could also be ways to make it a lot worse. My hope is we can hang together on this nucleus of a compromise that will make America stronger, that will give some charity to people who are here, while at the same time giving America the assurance that our borders are going to be secured.

It is not perfect. It is the best solution we could find today working together in good faith, in a bipartisan way. I hope the Senate will pass it. I hope it moves swiftly through the House, and we get it to the President's desk as soon as possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, earlier this week, I spoke to my colleagues on fleshing out some of the options that may be circulating among the current Democratic majority in the other body, meaning the House of Representatives, for resolving the crescendo of the alternative minimum tax crisis that faces us right now in May of 2007, and for all the months before—and if we do not do something, all the months for the rest of this year, in which 23 million taxpayers who do not pay the alternative minimum tax, will be hit by it. These are 23 million people who were never intended to pay the alternative minimum tax because they are not considered the superwealthy.

As I said earlier this week, I do not like what I am hearing about what is going on in the other body, what they may put on the table in terms of paying for the alternative minimum tax, and the solution for that problem that is a fact of tax law right now.

However, I want to make perfectly clear a point on which I agree with the other party and the other body. I completely agree that dealing with the AMT is a priority issue and that Congress needs to address it.

The alternative minimum tax is an absolutely maddening tax that has insidiously crept into the homes of more and more families each year. I have spoken on this floor about its repeal—about its repeal—because, No. 1, it is hitting people it was not intended to hit, and also there are thousands it was intended to hit who have found ways out of paying the alternative minimum tax. So then you get into the ridiculous situation of people paying it who are not superrich, and you have superrich people it was intended to hit in 1969, when it was first put in place, who have found ways around it. So if it ''ain't'' working, then it is obviously broken, and you need to fix it.

The numbers of families paying the alternative minimum tax will rise from 4 million families, last year, to 23 million families in 2007—unless we take legislative action.

Chairman BAUCUS, my Democratic leader in our committee, and I introduced legislation on the first day of the 110th Congress to repeal the individual alternative minimum tax beginning in the 2007 tax year. But, of course, it does not appear that the Democratic leadership is eager to take up that legislation.

In each of the past 6 years, Congress has, in fact, passed legislation which at least for a temporary period of time successfully kept more people from paying the alternative minimum tax by increasing the amount of income that is exempt from the alternative minimum tax. In other words, by increasing the exempt amount, additional people were not hit by the alternative minimum tax.

These temporary exemptions that have happened over the last 6 years have prevented the alternative minimum tax from harming more and more middle-class Americans. Most recently, Congress acted to prevent millions of taxpayers from receiving a surprise on their 2006 tax returns by including an extension of this temporary AMT exemption increase in what is called the Tax Increase Prevention and Reconciliation Act of 2005.

In that 2005 bill, the exemption for married couples filing jointly was increased from $58,000 to $62,550 for the 2006 tax year.

This week marks the 1-year anniversary of the enactment of that bill in 2005—well, actually, it was not signed by the President until 2006. Nearly 20 million American families who were exempt from the AMT because of the temporary exemption increase in 2006 knew at this time last year Congress was moving to not tax many more millions of people by the alternative minimum tax in last year's tax earnings season.

This year, those families have no such assurance because the Democratic leadership—now in the majority as a result of the last election—in this Congress does not appear to be moving any legislation to address the alternative minimum tax.

Some of you may wonder why this is a pressing issue. Maybe you take the view that you need not address this because the AMT is such a stealth tax that millions of Americans who are going to owe AMT for 2007 have not even thought of that issue yet. It is something for which you might get the rude awakening after the first of next year as you prepare your income tax, and all of a sudden—boom—23 million more Americans are hit by this tax. So you do not worry about it during this 12 months. But do not play the American people for a fool.

I can understand why the taxpayers may not be thinking about it because for the past 6 years, as a second point, the Congress has addressed the issue on a timely basis, and the taxpayers did not miss a beat. When the Republicans were in the majority, American families could count on Congress to make sure this AMT issue was taken care of.

Now, it is nearing the summertime under Democratic leadership, and there is no clear path to a credible temporary or permanent solution. We need to address this now for the folks who do not even know what is about to hit them in the year 2007. And some were hit in April already. I will explain that. That is why it cannot wait. It is here and now for some taxpayers.

I hope, however, my colleagues have heard, then, from some of these constituents who are being hit by it. That happened through the estimated tax payment in April 2007, when at least some Americans were hit with paying this when they prepared that estimated tax payment you do four times a year. Those families have made that first payment and are painfully aware, then, of Congress's failure to act on the AMT this year, whereas 12 months ago we had already acted.

Until recently, I had hoped the Senate was unified in not wanting to collect the AMT for this year or any year in the future. On March 23—almost 2 months ago—I offered an amendment to the fiscal year 2008 Senate budget resolution that would have required Congress to stop spending amounts that are scheduled to come into Federal coffers through the alternative minimum tax. The legitimacy of that amendment was based on the proposition that the budget, which we just adopted today, the conference report—assumes these 23 million Americans are going to pay this tax they were never intended to pay. So get it out of the budget if you are taxing people who are not superrich and who were not supposed to pay it in the first place, and particularly when a few thousand of the superrich have even found ways to get legally around not paying a tax that was intended for them to pay. My amendment was not adopted because I think if my amendment had been adopted, we would have some honesty in the budgeting process. However, not a single one of my colleagues on the other side of the aisle voted in its favor.

On the House side, we hear the Ways and Means Committee is doing a lot of talking about the alternative minimum tax, but they have yet to move to action. It has been reported that House Democrats plan to exempt everyone who earns less than $250,000 from the AMT. Now, that is not eliminating it like I want to do, but it sounds to me as if that is a step in the right direction.

However, the new Democratic majority has pledged to offset any tax cuts. Some staggering proposals are bouncing around to offset a $250,000 exemption from the AMT. I outlined two of them on Monday when I spoke to my colleagues. One option would raise the top marginal income tax rate to over 46 percent—a rate that we have not seen since it was 50 percent between 1963 and 1981. Now, that 46 percent is up from the 35-percent marginal tax rate under current law.

There is another option the House may be considering, and that is to raise the top alternative minimum tax rate to 37 percent, up from 28 percent under current law.

I have to believe that anyone would shy away from actually proposing a double-digit tax rate increase. So let's take a minute to explore another approach we have heard floated for alternative minimum tax relief—paying for it by raising marginal tax rates on the top three income tax brackets.

Except for that 35 percent bracket, you are definitely talking about raising the tax on middle-income people to pay for or to offset the alternative minimum tax, now hitting those same middle-income people who were not intended to pay it in the first place.

Raising the top three income tax brackets—I do not know why Congress would want to raise taxes on top income tax brackets, let alone on the top

three brackets. However, if that idea is getting serious attention, then we need to look behind the lipstick and examine the pig. So I have a chart in the Chamber to show you how many taxpayers would be impacted.

In 2004, there were nearly 6 million individuals and families in the top three tax brackets. If you go through an analysis to show what the grim scenario of raising taxes on the top three income tax brackets might look like, it is not a very good picture.

There is another chart which lays out the numbers on an option prepared by the Tax Policy Center. I do not want you to think I am highlighting a partisan Republican analysis. The Tax Policy Center has undertaken an extensive analysis of multiple options on the alternative minimum tax. I think it would be more than fair to say they are a group that my colleagues on the other side of the aisle often look to for reasoned analysis of policy issues. In fact, I believe they recently testified at the Ways and Means Committee in the other body on precisely this point. They outlined many options in their study, and this is just one that I want to walk through for illustration purposes.

This option—they call it the ''broad reform and increase top income tax rates'' option—would reduce the number of AMT taxpayers by almost 90 percent in the year 2007. So that would mean you would have 300,000 people paying the alternative minimum tax instead of the 23 million middle-income taxpayers who are being hit with it right now, as I speak. Only 100,000 taxpayers with incomes below $200,000 would owe the alternative minimum tax under their plan.

Again, I think this is a step in the right direction, until you take a look at their plan to offset it, to offset this AMT relief. The plan would raise income tax rates on 6 million families in the top three income tax brackets. This chart shows then where the ordinary tax rates would go as a result of this suggestion.

For taxpayers in the current 28 percent bracket, and that includes single taxpayers earning $74,000 and married families earning $124,000, their tax rates would increase from 28 percent to 35.4 percent. That is higher than the current tax rate for the wealthiest Americans under present law. The current 33-percent bracket would go up to 41 percent, and the top tax bracket would go from the current 35 percent up to 45 percent. So again we would be facing another option that requires a double-digit, marginal tax rate increase.

So while I applaud the efforts of many to analyze potential AMT solutions, I urge my colleagues to be aware of anyone bearing marginal tax rate increases in their basket of goodies to solve this horrendous problem of 23 million middle-income taxpayers paying the alternative minimum tax. It was never supposed to be paid by middle-income people because it was a tax reserved for the superwealthy in 1969, numbering about 155 people. So how do you get from 155 people to 23 million people, if the tax policies are working the way they were intended to work?

Now, there is another alternative, and that is something Congress isn't apt to do and something in the budget that was adopted shows that the majority is not inclined to do. But Congress should control spending and stop budgeting with revenues flowing in on the ledger from the AMT instead of increasing taxes to solve the problem. AMT tax relief that relies on increases in ordinary tax rates to move the ball turns out to be no tax relief at all. I think we have the issue of whether we want to keep this economy going, and I speak of Chairman Greenspan. Maybe he was beyond his chairmanship when he said that the tax policies of 2001 and 2003 were responsible for the 7.8 million jobs, the growth in the economy that we have now, and bringing in three-quarters of a trillion dollars of revenue that nobody anticipated would be coming in when we gave those tax reductions. So why would you want to raise the marginal tax rates when Chairman Greenspan says the lower rates are responsible for the revitalization of the economy and kill the goose that laid the golden egg? It doesn't make sense.

Those are the ideas that are floating around this Hill to solve the problem of 23 million Americans being hit by a tax they were never intended to pay, counting revenue coming in from people who were never intended to pay it to show that the budget is balanced. Intellectually dishonest? Yes. Fraudulent? Yes. It is something that is unexplainable. Yet we are stuck with it and it ought to end. It is not going to end until we repeal a tax that shouldn't be on the books in the first place because it isn't hitting all of the superwealthy the way it was intended to, and it is beginning to hit 23 million middle-income people, and in the process, when you start raising taxes like that on that group of people, pretty soon you are going to ruin the middle class. The middle class is the stability of any society in the world, but particularly in the last 150 years, it has been the stability of America's society.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THIS WEEK IN THE SENATE

Mr. REID. Mr. President, let me say we have had some really good work this week in the Senate. When I came here on Monday and indicated we would have to work into the weekend, that wasn't just for fluff. I really thought we would have to do that because we had so much to do. We were heavily involved in WRDA, a bill that was so important to be done, but a lot of hiccups come in complex legislation like that. We were able to finish that in a few days. I was concerned about the budget and the time limits that are statutory in that regard. We completed that. I was concerned about the supplemental, getting something to the House, which was a tremendously difficult job. We were able to get that done. Finally, there has been an agreement in principle on immigration, which we will take up, I hope, Monday evening.

Any one of these things gives no bragging rights to Democrats or Republicans, but it gives bragging rights to Democrats and Republicans because none of this could have been done but for the recognition that you have to work together to get things done. There is no better example of that—and I said it briefly on the floor yesterday—than Senator BOXER and Senator INHOFE. They are really two political opposites in most everything. But they are also experienced legislators, both having served in the House and in the Senate. Senator BOXER is chairman of the committee now, and Senator INHOFE was chairman of the committee. Senator INHOFE knew how important WRDA is. He worked together with Senator BOXER, and vice versa, and they got that done. That is tremendously good work.

On the budget, I boast about the managers all the time because I think they work well together—Senators CONRAD and GREGG. What they were able to piece together with this budget was very difficult. It wasn't mechanical, but it was difficult.

On the supplemental, I give a little credit to me, a little credit to Senator MCCONNELL, and the rest of the credit to the Senate because we were able to get that done and get a bill to conference with the House. We have had a number of meetings with the President's chief of staff—Senator MCCONNELL and I, Speaker PELOSI, and other representatives of the President. We hope to be able to complete that very important conference report by next week at this time.

Finally, on the immigration issue, at this stage, I have kept this to myself, but Senator MCCONNELL was one of those who urged me to stick to my timeline, stick to the 2 weeks. He said, ''If we are going to get anything done, you have to set a time limit.'' We did that. I don't know if the immigration legislation will bear fruit and we will be able to pass it. At least we have something to talk about as a legislative vehicle on the floor that is bipartisan in nature. You may not agree on the respective parts, but that can be debated. We are going to start Monday night.

The reason I mention that this evening is all Senators and all staffs

are watching. The players on that—Senators SPECTER, LEAHY, KENNEDY, KYL, and others—have recognized they are going to have to work into the night. If we are going to finish this bill next week, we are going to have to work nights, and that doesn't mean 6:30 at night. We have one Senate event that we are locked into Tuesday evening, but that doesn't mean the managers cannot work while we do that. It is an event at the Botanical Gardens for Senators. So we are going to work long, hard hours to complete that most important legislation.

In short, this was a very good week for the Senate and for the American people.

We need a lot more weeks like this, and we hope to do that in the future.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, if I can add briefly, I commend the majority leader for this week. I think we did have a good week. I am particularly pleased that we seem to be on a glidepath to completion of the important troop funding bill. There is a bipartisan agreement we need to have a signed bill providing funding for the troops before Memorial Day, and the distinguished majority leader and myself, and the President's representative, Chief of Staff Josh Bolten, have been working toward that end and will continue to do that tomorrow in an additional meeting with the Speaker and Leader BOEHNER from the House.

I, too, am pleased a bipartisan agreement on immigration appears to be coming together. On the day I was elected Republican leader, I said I hope this Congress will do two important things that will make a difference for our country. I thought the divided Government was uniquely situated to tackle both of these issues. One of them was Social Security. I am not as optimistic on that issue as I would like to be. And the other issue is immigration. There is reason for optimism today that the Senate, on a bipartisan basis, will come together and pass a landmark piece of legislation. We will find out next week, but I think the compromise announced today certainly gives room for optimism that might occur.

I did support the majority leader's decision to turn to that issue before Memorial Day. I thought it gave us the best chance of passing legislation, and with those kinds of deadlines, it gave us the best chance of coming together. Hopefully, that process of coming together was achieved earlier today.

Mr. President, I yield the floor.

ARMED FORCES DAY

HONORING FRANK WOODRUFF BUCKLES, AN AMERICAN HERO

Mr. BYRD. Mr. President, May 19 is Armed Forces Day. This is the day our country sets aside each year to remember and to honor the brave and patriotic Americans who serve today in the United States Armed Forces.

On Armed Forces Day in 1953, President Dwight David Eisenhower noted, ''It is fitting and proper that we devote one day each year to paying special tribute to those whose constancy and courage constitute one of the bulwarks guarding the freedom of this nation and the peace of the free world.''

More than a half century later, his words still ring true. The survival of freedom still costs the commitment and sacrifice of America's sons and daughters. I want to use this opportunity to let them know that we in the United States Congress are thinking of them, and that we thank them for their service to our country.

I would also like to use this opportunity to pay tribute to another brave and patriotic American, Mr. Frank Woodruff Buckles, who currently resides in the historic town of Charles Town, WV, and who served in the Armed Forces of the United States 90 years ago.

That's right—90 years ago.

Mr. President, last month, April 6 marked the 90th anniversary of the America's entrance into World War I.

That was the ''war to end all wars.'' That was the ''war to make the world safe for democracy.'' We know that did not happen. But World War I was the historic, global conflict that brought the United States onto the international scene. And it marked the emergence of the United States as a superpower.

Mr. President, 4.7 million Americans served in the U.S. military during that war—the ''great war'' as it was called.

Of the 4.7 million Americans who served in World War I, only 4 are still living. One of them is Mr. Frank Woodruff Buckles of Charles Town, WV.

Mr. Buckles was born in Harrison County, MO, on February 1, 1901, about 40 miles from the birthplace of his future commander, GEN John J. Pershing, the commander of the American Expeditionary Force in World War I.

Mr. Buckles was only 16 years of age when the United States entered the war.

Therefore, when he went to enlist in the Marines in order to fight the kaiser, he was rejected because he was too young.

So he then tried the Navy. This time he was rejected because he was flatfooted.

Determined to serve his country, Mr. Buckles went into the Army. This time, he was successful in enlisting because he lied about his age. On August 14, 1917, Mr. Buckles enlisted in the United States Army. Four months later, in December, 1917, he sailed ''over there'' aboard the RMS *Carpathia*, the vessel that had rescued the survivors of the *Titanic* 5 years earlier.

As a doughboy, Private Buckles drove dignitaries around England and an ambulance around France. Mr. Buckles usually downplays his wartime experience, explaining: ''There was nothing dramatic about it. Sometimes I was driving in Winchester, England, sometimes France.'' But his experience was indeed dramatic and it was important. Once war was declared, Mr. Buckles did not wait for his country to call him. He went from one military service to another until he was able to enlist, even if it meant fabricating his age. It was the willingness of 4.7 million brave and patriotic Americans to enter the military and to serve our country that won that war. On this Armed Forces day, we need to remember them as well as the men and women currently wearing our Nation's uniforms. We must keep all of them in our hearts and prayers, and make sure our country serves them, just the way they have served our country.

Mr. Buckles was discharged from the Army in 1920 at the age of 18. He attended business school, and then worked in various jobs in the United States and Canada, including a stint in the bond department at Bankers Trust in New York City.

But his love of adventure and sense of excitement eventually led him out to sea again, this time working for different shipping lines as a purser and quartermaster. He first worked off the coast of South America, then on to Europe.

In the 1930s, his work on a steamship line took him to Nazi Germany, where he attended the 1936 Olympics in Munich. Here he saw the great Jessie Owens win a gold medal to the great embarrassment of German Chancellor Adolph Hitler, who he also saw at the games.

In 1940, his work on steamship lines then landed him in the Philippines. He was working in Manila when the Japanese invaded. Mr. Buckles was captured and spent the next 3½ years in Japanese prison camps. Although he was a civilian, he was treated as a prisoner of war. At dawn, February 23, 1945, the same day that the American flag was raised on Iwo Jima's Mount Suribachi, the 11th Airborne Division liberated Mr. Buckles and his fellow prisoners.

After his release from prison camps, Mr. Buckles finally decided he had enough adventure and excitement. ''I had been bouncing around from one place to another for years at sea,'' he explained. ''It was time to settle down.'' So he married Audrey Mayo.

I am pleased to point out that in 1954, Mr. Buckles and his wife settled on a 330–acre farm in the Eastern Panhandle of West Virginia, the same area where his ancestor, Robert Buckles, had settled in 1732.

For the next five decades—that's right, five decades—Mr. Buckles has continued to operate his beloved farm.

Maybe it is from breathing that good, clean West Virginia mountain air, or, perhaps, it is his own eternal youth and vigor. Whatever the reason, at the age of 106, this hardy West Virginian is still going strong. He will serve as grand marshal of the World War I section of the Memorial Day parade, here in Washington DC. A few years ago, the

President of France presented Mr. Buckles with the Legion of Honor at a ceremony honoring World War I veterans at the French embassy here in Washington, DC. And he has been the subject of feature stories in USA Today, the Charleston Daily Mail, and ''America's Young Warriors,'' and a number of other newspapers and magazines.

Mr. President, on this Armed Forces Day, I salute this brave and patriotic American. And I again salute and thank all those men and women serving in our Armed Forces today for their commitment and their sacrifice.

Mr. MARTINEZ. Mr. President, this Saturday, May 19, is Armed Forces Day. Celebrated annually on the third Saturday of May, this is a day for all of us as Americans to rally around our military members—wherever they are serving—and thank them for their patriotism and duty to country. This day has a long and proud history. With President Harry S. Truman leading the effort for this holiday, it came to fruition just a few years after the close of World War II. It was at the end of August 1949 that Secretary of Defense Louis Johnson announced the creation of Armed Forces Day to replace separate days of celebration for the Army, Navy, Marine Corps, and Air Force. While the roots of this celebration may have resulted from the unification of the Armed Forces under the Department of Defense, it serves much more than a consolidative purpose.

The account of the first Armed Forces Day is particularly riveting—as recorded in a page on the official web site of the Department of Defense: ''The first Armed Forces Day was celebrated by parades, open houses, receptions, and air shows. In Washington DC, 10,000 troops of all branches of the military, cadets, and veterans marched pas[t] the President and his party. In Berlin, 1,000 U.S. troops paraded for the German citizens at Templehof Airfield. In New York City, an estimated 33,000 participants initiated Armed Forces Day ''under an air cover of 250 military planes of all types.'' In the harbors across the country were the famed mothballed ''battlewagons'' of World War II, the *Missouri*, the *New Jersey*, the *North Carolina*, and the *Iowa*, all open for public inspection. Precision flying teams dominated the skies as tracking radar [was] exhibited on the ground. All across the country, the American people joined together to honor the Armed Forces.''

It is that last sentence that stands out to me: ''All across the country, the American people joined together to honor the Armed Forces.'' Let this Saturday be another one of those days. Wherever our brave military men and women are this Saturday—be it on the front lines in Iraq or Afghanistan, stationed along the DMZ that divides North and South Korea, on the open sea across the globe, or training in the great American skies above, let's honor them. Let us not forget their service and dedication to protecting our freedoms and defending our way of life this Saturday and every Saturday, this day and every day.

To all our brave men and women in uniform and your families: thank you for your selfless service and sacrifice.

WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION NATIONAL TEAM

Mr. REID. Mr. President, from April 28 to 30, 2007, approximately 1,200 students from across the country participated in the national finals of We the People: The Citizen and the Constitution, an educational program developed to educate young people about the U.S. Constitution and Bill of Rights. The We the People program is administered by the Center for Civic Education and funded by the U.S. Department of Education through an act of Congress.

During the 3-day competition, students from all 50 States demonstrated their knowledge and understanding of constitutional principles. The students testified before a panel of judges in a congressional hearing simulation focusing on constitutional topics. I am pleased to announce that Damonte Ranch High School from Reno, NV, won their statewide competition and earned the opportunity to compete in the national finals.

The names of these outstanding students from Damonte Ranch High School are as follows: Fabien Dior-Siwajian, Ashley Fanning, Morgan Holmgren, Stephanie Kover, Tony Miller, Amy O'Brien, Stephany Pitts, Austin Wallis, and Eben Webber.

I would also like to commend the teacher of the class, Angela Orr, who donated her time and energy to prepare these students for the national finals competition. Also worthy of recognition is Marcia Stribling Ellis, the state coordinator, and Shane Piccinini, the district coordinator, who are among those responsible for implementing the We the People program in Nevada.

Please join me in congratulating these students on their outstanding achievement at the We the People national finals and wish them the best of luck in the years ahead.

COPS IMPROVEMENTS ACT

Mr. LEAHY. Mr. Presdient, this Congress has been making important efforts to show our support and commitment to our Nation's law enforcement officers. This week marks the 44th year that we have celebrated National Police Week. On May 1, the Senate passed a resolution sponsored by my colleague Senator SPECTER, the ranking member of the Judiciary Committee, and myself, marking May 15, 2007 as National Peace Officers Memorial Day. Earlier this week, I was honored to participate in that ceremony here at the Capitol hosted by the Grand Lodge of the Fraternal Order of Police and its auxiliary. As we do each year, we gathered with the families of those who lost loved ones in 2006 while serving in the line of duty. We commemorated their sacrifice to keep us safe and secure.

On Tuesday, the House passed H.R. 1700, the COPS Improvements Act of 2007, by an overwhelming vote of 381 to 34. The Senate Judiciary Committee has voted to report the Senate's companion bill which I joined with Senator BIDEN to introduce. Despite tremendous support for this legislation, a Republican objection to passing the House bill has prevented this important legislation from passing the Senate. I am disappointed that Senate action on these vital improvements to the COPS Program has stalled, and I hope the objection is withdrawn so that the Senate can pass H.R. 1700.

This legislation would reauthorize and expand the ability of the Attorney General to award grants aimed at increasing the number of cops on the streets and in our schools. To accomplish this goal, this bill would authorize $600 million in designated funds to hire more officers to improve and expand community policing, which will in turn help reduce crime. In Vermont, for example, passage of the COPS Improvements Act would likely mean that 110 new officers would be put on the beat. Additionally, the COPS Improvements Act would authorize $200 million annually for district attorneys to hire community prosecutors and $350 million annually for technology grants.

The COPS Program has been a resounding success, and the improvements to the program that are contained in this bill would help our State and local law enforcement agencies cope with the substantial reductions in funding they have endured in recent years. Despite these reductions in funding, law enforcement officers have an increased role in homeland security responsibilities. H.R. 1700 includes ''Terrorism Cops,'' officers who are focused specifically on homeland security, and would also include the Troops to Cops Program to help soldiers returning from the battlefields of Iraq and Afghanistan. In short, this legislation gives our law enforcement officers the tools they need to reduce crime and protect our citizens.

The Government Accountability Office has reported that between 1998 and 2000, COPS hiring grants were responsible for 200,000 to 225,000 less criminal acts—one-third of which were violent. With violent crime on the rise and our State and local law enforcement officers stretched thin with new responsibilities, it is essential that we pass this legislation. I urge those on the other side of the aisle to withdraw their objections and support our State and local law enforcement agencies by passing H.R. 1700.

340B PROGRAM IMPROVEMENT AND INTEGRITY ACT

Mr. THUNE. Mr. President, this Chamber has spent a good deal of time

recently discussing an important topic that affects all consumers in this country—the high cost of prescription drugs. Not only do rising prescription drug costs contribute to all individuals' health insurance costs—but our health care providers feel the burden of these rising costs as well.

In my home State of South Dakota, rural hospitals serve as a lifeline to thousands of constituents living in medically underserved areas—and the rising cost of drugs continues to squeeze their budgets. As we continue to see in all regions of the country, cost directly impacts access.

In 1992, Congress created the 340B program under Medicaid to lower the cost of drugs purchased by a limited number of entities serving a high number of low-income and uninsured individuals—such as Federally Qualified Health Care Centers and nonprofit hospitals providing care to a disproportionate share of Medicaid patients. Under the 340B program, pharmaceutical manufacturers are required to provide these entities discounts on outpatient drugs as part of each manufacturer's Medicaid participation agreement.

This week, I was pleased to reintroduce legislation with my colleague from New Mexico, Senator BINGAMAN, to improve the 340B program and extend these discounts so that they not only apply to outpatient drug purchases, but also inpatient prescription drug purchases for qualifying hospitals.

Additionally, this bill would expand eligibility in the program to all critical access hospitals, as well as sole community hospitals and rural referral centers that serve a high percentage of low-income and indigent patients.

This legislation includes important provisions to improve the integrity of the program and generate savings to Medicaid. Specifically, the bill would generate savings for the Medicaid program by requiring participating hospitals to credit Medicaid with a percentage of their savings on inpatient drugs. Additionally, the bill seeks to enhance the overall efficiency of the 340B program through improved enforcement and compliance measures with respect to manufacturers and covered entities.

Hospitals serving predominately rural areas, such as the 38 critical access hospitals in South Dakota, play a crucial role in my State in providing care to patients in underserved communities. Extending the 340B drug discount program to these hospitals will help them to afford their prescription drugs—and at the same time lower the overall cost of care at these hospitals and to the Federal Government.

The 340B Program Improvement and Integrity Act of 2007 is commonsense legislation that reduces the cost of drugs for health care providers serving society's most vulnerable citizens. I look forward to working with my colleagues on both sides of the aisle to get this bipartisan legislation passed and signed into law.

AGREEMENT ON TRADE

Mr. FEINGOLD. Mr. President, last week, amid great fanfare, several Members of the House and Senate announced they had reached an agreement with the administration on language that facilitates the implementation of two trade agreements, and paves the way for the possible consideration of additional trade agreements as well as the extension of so-called fast-track trade agreement implementing authority.

No sooner had the announcement been made than questions were raised about just what the agreement was. A comparison of the representations made by the parties to the agreement revealed several potentially contradictory interpretations of the deal. And when details of the agreement were sought, it was discovered that there really weren't any, that what the parties had agreed to was a set of principles. We now understand that the actual details of the agreement may not be fully spelled out until legislation implementing the trade agreements is presented to Congress for approval. Until then, everyone is free to spin this agreement as they wish.

Given the parties that were involved, hearing the announcement was a bit like hearing that the foxes and wolves had reached a deal on guarding the hen house. For the most part, the people who were negotiating this agreement have a nearly unbroken record of supporting the deeply flawed trade policies of the past decade and more. From the North American Free Trade Agreement, NAFTA, to the General Agreement on Tariffs and Trade, GATT, which created the World Trade Organization, to granting China permanent Most Favored Nation status, to the more recent agreements like the Central America Free Trade Agreement, the actors in this deal have all been singing from the same hymn book. While I don't question the good intentions of those who were involved, no one should have expected last week's announcement to produce significant changes to that hymn book.

Our trade policy has been disastrous. It has contributed to the loss of several million family-supporting jobs in this country. It has left communities across my State devastated, and I know the same is true in communities around this country.

Our trade deficit reaches new heights every year, as we send more and more of our wealth overseas, much of it in the form of factories that provided entire communities with decent, good-paying jobs. I hold listening sessions in each of Wisconsin's 72 counties every year. This is my 15th year holding those listening sessions, listening to tens of thousands of people from all over Wisconsin. I completed my 1000th of those sessions last fall, and I can tell you that there is nearly universal frustration and anger with the trade policies we have pursued since the late 1980s. Even among those who would have called themselves traditional free-traders, it is increasingly obvious that the so-called NAFTA model of trade has been a tragic failure.

I voted against NAFTA, GATT, and permanent most favored nation status for China, in great part because I felt they were bad deals for Wisconsin businesses and Wisconsin workers. At the time I voted against those agreements, I thought they would result in lost jobs for my State. But, as I have noted before, even as an opponent of those trade agreements, I had no idea just how bad things would be.

Nor does the problem end with the loss of businesses and jobs. The model on which our recent trade agreements have been based fundamentally undermines our democratic institutions. It replaces the judgment of the people, as reflected in the laws and standards set forth by their elected representatives, with rules written by organizations dominated by multinational corporations. Food, environmental, and safety standards set by our democratic institutions are subject to challenge if they conflict with those approved by unelected international trade bureaucracies. Even laws that require the government to use our tax dollars to buy goods made here, rather than overseas, can be challenged.

Our trade policy is a mess, and it needs to be fixed.

As bad as our trade policies have been, they have not been partisan policies. I wish they were. I wish I could lay the blame at the feet of our colleagues in the other party. But Members of both parties have aided and abetted these flawed policies. Presidents of both parties have advanced them, and Members of Congress from both sides of the aisle have approved them.

It should not come as a shock to anyone, then, that while the agreement announced last week was bipartisan, because it was negotiated by people who largely supported the flawed trade agreements of recent years, it fails to address in a meaningful way the concerns of those who have opposed those same agreements.

It is noteworthy that while the announced agreement is primarily related to enhancing international worker standards, not a single union has endorsed it. While the agreement reportedly enhances international environmental standards, no environmental groups have endorsed it. Nor have those business groups that have been critical of our trade policies.

We are making progress, albeit slow progress, in educating the public and policymakers on the true nature of our trade agreements. In the past, when opponents of these flawed trade deals raised questions about the actual provisions in those agreements, supporters were quick to play the free trade card and label those who questioned the agreements as ''protectionist.''

This charge resonated with many of our newspaper editorial boards, who

have parroted the elegant theories of 18th century economist Adam Smith.

But the trade agreements into which we have entered in recent years are not simply reductions in tariffs, as Adam Smith envisioned. If these agreements were just reductions in tariffs, they could be implemented by a bill that is only one or two pages long. Of course, that is not the case. These agreements are lengthy. The bills that implement them are so massive as to be almost bullet proof. And the reason is that they go far beyond merely lowering tariffs. As Thea Lee wrote in the Wall Stree Journal:

We should all understand by now that modern, (post-NAFTA) free-trade agreements are not just about lowering tariffs. They are about changing the conditions attached to trade liberalization, in ways that benefit some players and hurt others. These are not your textbook free-trade deals. These are finely orchestrated special-interest deals that boost the profits and power of multinational corporations, leaving workers, family farmers, many small businesses, and the environment more vulnerable than ever.

Increasingly, some who blindly accepted these trade agreements in the past now are beginning to read the fine print. They recognize the role these agreements have played in our skyrocketing trade deficits and the loss of millions of jobs. They understand that if we are to have a sustainable trade policy, then we must dramatically alter the NAFTA model of trade on which our recent trade agreements are based.

The agreement announced last week does not do that. And until our trade agreements better reflect a more sustainable relationship with our trading partners as well as the broader interests of our own national priorities—keeping businesses and good-paying jobs here, ensuring strong protections for our environment, our food safety, and even the ability of our democratic institutions to set those national priorities—I will continue to oppose them.

DARFUR

Mr. FEINGOLD. Mr. President, I am pleased to join my colleagues Senators MENENDEZ and BROWNBACK this week in introducing a resolution that recognizes the unique diplomatic and economic leverage that China possesses, and that offers that country a rare opportunity to be a force for peace in the troubled Darfur region of Sudan.

By now, we are all aware of the devastation being wrought upon the innocent people of Darfur. Over the past 4 years, hundreds of thousands of people have been killed and more than 2.5 million displaced as a result of the ongoing and escalating violence caused by the Sudanese Government, associated Janjaweed militia attacks, and even the numerous rebel factions. Congress declared the Sudanese Government's atrocities to be genocide nearly 3 years ago, and my colleagues and I have been actively demanding that the United States do everything in its power to bolster the hard-working but inadequate African Union peacekeeping mission, support the efforts of courageous humanitarian workers, hold those responsible accountable for their actions, and persuade all parties to commit to a legitimate political resolution that can end the conflict and ensure people can safely and voluntarily return to their homes.

Although I am frustrated that the United States' efforts to achieve these key objectives have been inadequate, I am even more upset by the Sudanese Government's persistent obstruction of all efforts to address Darfur's deep security, humanitarian, and political crises. The United States and other Western governments have made significant political and material investments in Sudan in an attempt to bring peace to that conflict-torn country, but as long as Khartoum continues to thwart its international obligations and pursue its violent campaign, these investments will not bring Sudan closer to peace.

All parties agree that the tipping point in Sudan will come when the government there sees the costs of continuing to break existing promises and obstruct new agreements as greater than the benefits it can achieve by doing so.

The country perhaps best positioned to affect the calculus of this cost-benefit analysis is China. Over the last decade, Beijing's energy firms have invested between $3 billion and $10 billion in the Sudanese energy sector, and China now exports seventy percent of Sudan's oil. China recently cancelled over $100 million in Sudanese debt and is building roads, bridges, an oil refinery, a hydroelectric dam, government offices and a new $20 million presidential palace. With these debt savings and oil revenues, Sudan has doubled its defense budget in recent years, spending 60 percent to 80 percent of its oil revenue on weapons—arms mostly made in China. I was very disturbed to see that the chief of Sudan's armed forces was so warmly welcomed in Beijing last week and promised increased military exchanges and cooperation.

Eleven States, half a dozen cities, and more than 30 academic institutions across the United States have decided to divest from companies that do business with the Sudanese Government. Many of these companies are Chinese, which sends a signal to both Beijing and Khartoum that Americans—and others around the world—are willing to put their money where their mouths are when it comes to defending the people of Darfur.

Africa can benefit from Chinese investment, but China's increasingly important role on the continent also carries responsibilities. As the 2008 summer Olympics in Beijing approach, China is keen to be perceived as a key player on the world stage, but that means it needs to play by the rules. According to a recent Amnesty International report, China is, and I quote ''allowing ongoing flows of arms to parties to Sudan that are diverted for the conflict in Darfur and used there and across the border in Chad to commit grave violations of international law.'' This is, I note, also in violation of the U.N. arms embargo.

Recently, China has begun to play a more constructive role in Sudan, by offering to contribute an engineering unit to the U.N.-led peacekeeping force that awaits admission into Darfur and by appointing a special representative to Africa who will focus specifically on the Darfur issue. These are notable, and welcomed developments, but they are not sufficient. We need to see a substantial policy shift in China's relationship with Khartoum that is reflected in both their public and their private efforts. China must send an unequivocal message that the relentless violence is unacceptable—and it must do so by working collaboratively and constructively with the rest of the international community to ensure a consistent message.

The resolution introduced today urges China to be more constructive, consistent, and collaborative in its policy towards Sudan. It is our hope that through political messages like this resolution, diplomatic communication through formal and informal channels, and economic signals sent by the divestment campaign, China will be persuaded to take advantage of the unique opportunity it possesses to change the political calculus of the government in Khartoum so that the equation results in peace for the people of Darfur.

IBM CELEBRATION

Mr. LEAHY. Mr. President, today I proudly tell my friends in the Senate about an impressive milestone in the history of Vermont business. This winter marked 50 years since IBM President Tom Watson Jr. opened a manufacturing plant in Essex Junction. Today, IBM is Vermont's largest private employer and one of the foundations to a growing technology sector throughout our State.

Many events have and will be planned to celebrate the many achievements IBM and its workforce have made in the Green Mountain State. Most recently, Vermont Business Magazine ran a collection of news pieces and special features in its April 2007 issue about IBM's history in Vermont.

I ask unanimous consent that an oped I wrote recognizing the successes that IBM and Vermont have enjoyed during the past 50 years be printed in the RECORD.

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

[From Vermont Business Magazine, Apr. 2007]

IBM'S 50 YEARS OF INNOVATION AND EVOLUTION

(By Senator Patrick Leahy)

In 1957, then IBM President Tom Watson Jr. selected Vermont's Essex Junction to

build one of his company's key manufacturing facilities. Five decades later, the technology and family of employees at IBM Essex have come to define Northern Vermont as much as the snowy winters, short summers and Yankee ingenuity that lured Tom Watson to the Green Mountains in the first place.

The Essex Junction plant has been an integral part of IBM's global strategy since its inception. In what has to be considered an incredible ''run,'' IBM Essex has been a worldwide leader in the development, design and manufacture of semiconductor technology for the past 50 years. That is quite an achievement in the cyclical and volatile semiconductor industry and a testament to the tens of thousands of Vermonters—and newly minted Vermonters—who have worked tirelessly to maintain this world-class status for the past five decades. That has meant adroitly adopting strategies and new manufacturing processes over the years. The plant has transformed itself from a general semiconductor manufacturing facility to a high-end specialty logic semiconductor manufacturing facility. This growth—and this change—was possible with the vision and dedication of the designers, engineers, inventors and technicians who work along the banks of the Winooski River.

IBM, its partners and clients have literally and figuratively altered the economy of Chittenden County and Vermont for generations to come. From software companies big and small, to cutting-edge nano-technology engineering firms, the businesses attracted to IBM and the companies started by former IBM employees have created high-paying jobs and a culture of innovation that are envied across the New England region.

During my 30 years representing Vermont in the United States Senate, I have worked frequently with IBM's corporate leadership, IBM's local leadership and many of the frontline employees. The federal government recognizes that IBM Essex is a national asset: a world class domestic production facility with the highest reputation for ingenuity and productivity and quality. That is why the Defense Advanced Research Project Agency (DARPA) invested millions in the mask house in Vermont. And that is why it made complete sense for the federal government to select Essex Junction as a ''Trusted Foundry'' to design and produce critical semiconductors resulting in orders as high as $600 million over the next decade.

The innovation at IBM Essex has played an important role in helping IBM lead the nation in patent creation for more than a decade. Last year alone, 360 patents came directly from the IBM Essex Junction facility—making it one of IBM's top five patent-producing facilities. The fostering and protection of intellectual property is important not only to Vermont but to the nation. During my tenure in the Senate I have made reforms of our patent laws a high priority and I'll continue to press that cause as the chairman of the Senate Judiciary Committee.

The technology sector has changed dramatically over the past five decades. That IBM Essex has successfully maintained world class leadership despite all of these changes is simply incredible. IBM Essex designs and manufactures microchips for some of the world's leading computer, communications and consumer products companies. Products and technology from IBM in Vermont have helped make computers and electronic products smaller, faster, cheaper and more reliable.

I would venture to say that Tom Watson's vision for IBM in Vermont has turned out to be a great success. On behalf of all Vermonters, I offer everyone who has made IBM Essex a success a heartfelt thank you, for job after job, done well. Congratulations on fifty years of innovation and prosperity.

TRIBUTE TO DETECTIVE KEVIN ORR

Mr. HATCH. Mr. President, I wish to pay tribute to a special man who died in the line of duty in Utah—Uintah County Sheriff's Detective Kevin Orr. His wife Holley and their four children, Tyler, Kaylee, Jessica, and Ashlee, were in Washington, DC this week to participate in a ceremony where Detective Orr's name was added to the National Peace Officers Memorial. The Orr family had the opportunity to join with other survivors of law enforcement officers to commemorate their loved ones' lives and sacrifices.

I had the pleasure of meeting with the Orr family as they were paying respects to him through his addition to the National Peace Officers Memorial. Many from his extended family visited with me in my office, including Kevin's parents, Eugene and Claudia Orr, and Holley's parents, Glen and Dixie Hartle. Extended family members who were also visiting included Eric Hartle, Lisa Howe, Julie Luceor, Jolynn Orr, Jeffrey Orr, Larry Orr, Damon Orr, and Jason Pazour. Their loss is tragic, but their unity as a family is unbreakable.

Detective Orr sustained fatal injuries in November 2006 when he joined in a search for a missing 25-year-old woman. The helicopter he was riding in hit an unmarked power line hanging across the Green River and plummeted to the ground. Sadly, Detective Orr lost his life early the next morning as a result of the injuries he sustained in the accident.

At the time of his death, Detective Orr had worked for the Uintah Sheriff's Department for 11 years and was known for his dedication and commitment to law enforcement and the people he served. In 1999 he was named Uintah County Deputy of the Year for the example he set and the work he performed. He spent several years working with people in the Drug Court, making a difference in the lives of many who passed through the program. One young woman who had been a participant in Drug Court stated that she owed her life to Kevin. He believed in people and wanted to see them succeed and become happier, more productive citizens.

I was touched by what retired Vernal police officer Robert Roth said about Kevin. He stated: ''He was the caliber of person that lived his life as an example to all of us . . . We traditionally think of gun battles or car chases, but it's about service. Some of us are willing to die for that cause and some of us have.''

When I met with Kevin's family this week, I was touched by their humble, courageous spirits and their commitment to the legacy he left behind as a valiant law enforcement officer. It reminded me of a quote I have always appreciated by an unknown source that says: ''You make a living by what you get, but you make a life by what you give.''

Mr. President, Officer Orr was willing to give it all to help others. He truly epitomized the ideals of sacrifice and service. I know that his family misses him and grieves for their loss, but I also know that they can find great peace and comfort from the example he left behind. He was a valiant, dedicated public servant and his influence will be felt by many generations.

ADDITIONAL STATEMENTS

RETIREMENT OF JAMES F. AHRENS

• Mr. BAUCUS. Mr. President, I wish to recognize the distinguished career of James F. Ahrens, who will soon retire as head of the Montana Hospital Association. Jim Ahrens has been a mainstay of Montana's health care community for over two decades, and I know that I speak for that community when I say that his presence as the head of MHA will be missed.

Jim Ahrens has served as president of MHA . . . An Association of Montana Health Care Providers, for nearly 21 years. Health care has changed a lot since the mid-1980s, in good ways and bad. Our scientists have developed remarkable new treatments. Yet, as ranks of the uninsured grow, many Americans can't take advantage of those treatments. We have prevented Medicare's trust fund from going broke. Yet the program still faces serious long-term fiscal challenges. We have enacted the most significant change Part D—in Medicare's history. Yet the new benefit has been marred by early administrative missteps.

As a key player in health care over the last two decades, I have relied on Jim to gain a better understanding of these ever-changing events. I have also come to know Jim as a close personal friend. When it comes to Jim, I don't have any 'and yets.' I can think of no better example than that than his work on the Critical Access Hospital program.

Back in the late 1980s, a citizens' task force came up with the idea of a limited service hospital for rural and frontier areas. This new type of hospital would provide access to primary care in the most remote stretches of the country, while receiving a break from the strict regulatory requirements governing hospitals and health facilities. The Montana Legislature took the recommendations for this new type of facility and created a special licensure category.

As incoming leader of MHA, Jim's job was to bring the concept to life. Having just moved from Chicago to run the Montana Hospital Association, he hit the ground running. Jim worked with the Montana Department of Public Health and Human Services to develop a demonstration project for this

new type of facility. He and I then worked with the Federal Department of Health and Human Services' regional office in Denver to establish a demonstration project and secure a Federal grant to fund it.

This demonstration project—the Medical Assistance Facility Project—was hugely successful and served as the model for the Critical Access Hospital Program that I authored in 1997. Today, more than 1,300 hospitals around the Nation enjoy CAH status, ensuring access to high-quality medical treatment in some of the most remote parts of our land.

I am very proud to have written that bill and to have made changes to improve the CAH program since then. I am just as proud to have worked with Jim in the process. With over 45 CAHs operating in Montana, the idea of a limited-service rural hospital has moved from concept to the mainstream. I have no doubt that the CAH Program has kept a number of Montana hospitals from closing. And when you are dealing with Montana-sized distances in health care, that can mean the difference between life and death.

Through it all, Jim has been a mainstay. Always patient and kind but always thinking ahead, his innovative style and vision have brought people together for a healthier Montana. He changed MHA . . . from a collection of hospitals to MHA . . . An Association of Montana Health Care Providers—a united group of hospitals, nursing homes, home health organizations, hospices, and physicians. He applied the same philosophy to form the Alliance for a Healthy Montana—a coalition of more than 25 health care organizations. The Alliance is now an effective and cohesive voice for health care change in Montana and came about almost solely because of Jim's efforts. Over the past 8 years, the Alliance has spearheaded three ballot initiatives, including one that reformed Montana's tobacco tax rate and two others that earmarked national tobacco settlement funds to pay for health care programs in Montana.

It makes sense that Jim would take the consensus approach that he did, working to build a coalition from a group constituencies that weren't obvious allies. After all, Jim has spent his entire career as an executive in health care associations. He understood—and showed by example—the powerful role associations can play in representing members' needs before Congress, legislatures, regulatory agencies, and private organizations.

As I said, Jim has been a trusted adviser to me throughout the last two decades. I have come to trust his perspective, judgment, and knowledge on health issues great and small. I have also benefited from Jim's friendship. He is a gracious, compassionate, and generous person—the kind of guy people like to be around. And while the people of MHA will miss having Jim around, I know that his family and friends look forward to seeing a bit more of this exceptional individual. Jim's transition will be complete on June 30, when he makes his retirement official. On behalf of a healthier Montana, we wish Jim Ahrens well.●

EMS WEEK

● Mr. BINGAMAN. Mr. President, I wish to pay tribute to the men and women throughout my home State of New Mexico who provide lifesaving emergency medical services, EMS, and to commemorate EMS Week.

During my time in the Senate, I have come to understand the necessity of a highly trained EMS team. Such teams provide lifesaving care to those who are in need, 24 hours a day, 7 days a week.

An important example of such care is provided to the people of Northern Rio Arriba County by the highly dedicated members of La Clinica EMS, which consists of:

Joseph Baca, Paramedic; Phyllis Richards, Paramedic; Wenona Garcia, EMT–1; Rose Rash, EMT–1; Sarah Johnson, EMT–1; Paul Lisco, EMT–1; J.R. Gallegos, EMT–B; James Holiday, EMT–B; Tomas Casados, EMT–B; Stella Martinez, EMT–B; Kathy Morrison, EMT–B; Dave Morrison, EMT–B; Laurel Baker, EMT–B; Ramona Hays, EMT–B; Michael Hays, EMT–B; Emery Baca, EMT–B; B.J. Samora, FR; Josie Maestas, FR; and Marty Madrid, FR.

I am proud to join the citizens of New Mexico in expressing my sincere gratitude to EMS professionals and their unwavering dedication to the community.●

NEW MEXICO PECAN GROWERS

● Mr. DOMENICI. Mr. President, I would like to congratulate the pecan growers of New Mexico for being No. 1 in the Nation in pecan production. This is the first time New Mexico has claimed this title.

The recently released preliminary numbers from last year indicate that New Mexico growers produced 46 million pounds of pecans valued at $86.1 million. This is 6 million more pounds of pecans than second-ranked Georgia and 10 million more pounds than third-ranked Texas. This is quite an achievement given the size of the pecan industry in both Georgia and Texas.

I am proud of New Mexico's pecan growers and their hard work. I am sure this will not be the last time they take this title, and I wish them luck this season.●

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication, stating that the Burma emergency is to continue beyond May 20, 2007.

The crisis between the United States and Burma arising from the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma, that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH,
THE WHITE HOUSE, *May 17, 2007*.

MESSAGE FROM THE HOUSE

At 4:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 1419. A bill to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1958. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed amendment to a manufacturing license agreement for the manufacture of defense articles in Turkey in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–1959. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the determination of five countries that are not cooperating fully with U.S. antiterrorism efforts; to the Committee on Foreign Relations.

EC–1960. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of payment-in-kind compensation negotiated with the United Kingdom for the return of U.S.-funded housing and improvements in Bentwaters, Bishop's Green, Blackbushe, Burtonwood, Caversfield, Chicksands, Clayhill, Greenham Common, Sculthorpe, Upper Heyford, Welford, and Woodbridge; to the Committee on Armed Services.

EC–1961. A communication from the Director, Office of Administration and Management, Department of Defense, transmitting, pursuant to law, a report certifying that the cost of Wedges 2 through 5 of the Pentagon Renovation will be within the specified limitation; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–95. A resolution adopted by the House of Representatives of the State of New Hampshire supporting the U.S. Mayors Climate Protection Agreement; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 9

Whereas, the people of New Hampshire value clean air and water, and prioritize natural resources protection for economic growth, and better health, and quality of life for our citizens;

Whereas, the governor of New Hampshire has declared in executive order number 2005–4 that New Hampshire will lead-by-example in energy efficiency to protect public health, future economic growth, our environment, quality of life, and taxpayer dollars; and

Whereas, the use of energy for electricity, heating, cooling, and transportation has a significant effect on public health and the environment, contributing to such problems as ground-level ozone, acid rain, eutrophication of water bodies, soot, haze, mercury contamination, and climate change; and

Whereas, 5 New Hampshire cities, Dover, Keene, Manchester, Nashua, and Portsmouth, and many cities across the United States, have signed onto the U.S. Mayors Climate Protection Agreement and have reduced global warming pollution through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, economic development, and job creation through energy conservation and new energy technologies, and have recognized that energy efficiency and conservation will save taxpayer money; and

Whereas, rural communities and agriculture sectors will benefit from energy efficiency and conservation and the development of a broad spectrum of renewable energy sources including wind power, biodiesel, biomass, methane digesters, and solar, including establishing additional markets for agricultural commodities, creating new uses for crops, livestock, and their byproducts, more productive use of marginal lands, improving wildlife habitat, and providing new employment opportunities; and

Whereas, significant reduction in New Hampshire's greenhouse gas emissions, diversification of in-state energy sources, and collaboration with other northeastern states will have a measurable effect on global warming and New Hampshire will lead the region with sustainable economic growth, the next generation of new technology, and dynamic job creation; and

Whereas, producing 25 percent of New Hampshire's energy demand from renewable sources by the year 2025 is realistic and presents numerous benefits for the state's communities, diversifies the business sector, protects the environment and public health, and promotes national security; now, therefore, be it

Resolved by the House of Representatives: That the New Hampshire house of representatives supports the vision of a ''25 by 25'' goal, whereby renewable energy will provide 25 percent of the total energy consumed in New Hampshire by the year 2025; and

That the New Hampshire house of representatives supports incentives to consumers to increase energy efficiency and conservation; and

That the New Hampshire house of representatives agrees that smart energy measures, like anti-idling policies, expanding public transportation choices, and appropriate vehicle selection for state agency uses, will help reduce air pollution and global warming gases; and

That copies of this resolution, signed by the speaker of the house of representatives be forwarded by the house clerk to the governor of New Hampshire, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the New Hampshire congressional delegation.

POM–96. A resolution adopted by the House of Representatives of the State of New Hampshire urging Congress to take actions relative to veterans' benefits and the war in Iraq; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 10

Whereas, in the history of military campaigns for over 2 centuries beginning with the Revolutionary War, the people of the United States of America have engaged in military and diplomatic initiatives to gain and preserve freedom for all people; and

Whereas, the citizens of the state of New Hampshire strongly support the men and women serving in the United States Armed Forces in Iraq, Afghanistan, and arenas known and not yet known; and

Whereas, over 3,000 American military personnel, including 17 from New Hampshire, have died since March of 2003 in the hostilities in Iraq, and tens of thousands have returned home with significant unmet physical and other health care needs; and

Whereas, the citizens of the state of New Hampshire recognize, appreciate, and are forever thankful for the sacrifices that all of our American and New Hampshire soldiers have made, especially those who have given their lives or been wounded in previous and current battles to protect our freedoms; and

Whereas, the unknown time line of the war in Iraq has stretched thin our National Guard and Reserves, including the New Hampshire national guard, and created a severe equipment shortage, thereby reducing the readiness level of our National Guard to fully meet its missions of responding to natural disasters, terrorism, and protecting us at home; and

Whereas, the New Hampshire house of representatives has an obligation to speak out on matters which affect the people of our state, and the ability of our government to protect us at home; now, therefore, be it

Resolved by the House of Representatives: That the New Hampshire house of representatives and the American people will continue to support and protect the members of the United States Armed Forces and the New Hampshire national guard who are serving or who have served bravely and honorably in Iraq and elsewhere; and

That the New Hampshire house of representatives disapproves of the decision of President George W. Bush, announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq; and

That the New Hampshire house of representatives calls on the Bush Administration and Congress to fund fully all benefits for veterans to appropriately care for our brave men and women when they return from this war and other combat; and

That the New Hampshire house of representatives urges the President and Congress to commence talks with the neighbors in the Middle East and begin the orderly withdrawal of American military forces from Iraq; and

That the clerk of the New Hampshire house of representatives send copies of this resolution to governor John Lynch, the president and minority leader of the New Hampshire state senate, the President of the United States, the United States Secretary of Defense, the United States Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, and the New Hampshire congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

H.R. 1675. A bill to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors.

H.R. 1676. A bill to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 130. A resolution designating July 28, 2007, as ''National Day of the American Cowboy''.

S. Res. 132. A resolution recognizing the Civil Air Patrol for 65 years of service to the United States.

S. Res. 138. A resolution honoring the accomplishments and legacy of Cesar Estrada Chavez.

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

S. 254. A bill to award posthumously a Congressional gold medal to Constantino Brumidi.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 1417. A bill to direct the Secretary of Veterans Affairs to submit a report to Congress providing a master plan for the use of the West Los Angeles Department of Veterans Affairs Medical Center, California, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DODD (for himself, Mr. BROWN, Mr. SMITH, and Mr. LEAHY):

S. 1418. A bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. REID:

S. 1419. A bill to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; placed on the calendar.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 1420. A bill to amend title XIX of the Social Security Act to require staff working with developmentally disabled individuals to call emergency services in the event of a life-threatening situation; to the Committee on Finance.

By Mr. AKAKA:

S. 1421. A bill to provide for the maintenance, management, and availability for research of assets of Air Force Health Study; to the Committee on Veterans' Affairs.

By Mr. LUGAR:

S. 1422. A bill to direct the Secretary of Agriculture to establish a program to provide to agricultural operators and producers a reserve to assist in the stabilization of farm income during low-revenue years, to assist operators and producers to invest in value-added farms, to promote higher levels of environmental stewardship, and for other purposes; to the Committee on Finance.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 1423. A bill to extend tax relief to the residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or public assistance from the Federal Government under such Act; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNEDY):

S. 1424. A bill to provide for the continuation of agricultural programs through fiscal year 2013, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself, Ms. COLLINS, and Mr. WARNER):

S. 1425. A bill to enhance the defense nanotechnology research and development program; to the Committee on Armed Services.

By Mrs. BOXER (for herself and Mr. DURBIN):

S. 1426. A bill to amend the Agricultural Trade Act of 1978 to reauthorize the market access program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CLINTON (for herself, Mrs. BOXER, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. LEAHY, Ms. LANDRIEU, and Mr. AKAKA):

S. 1427. A bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH (for himself and Mr. CONRAD):

S. 1428. A bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. ISAKSON, Mr. CRAIG, Mr. THOMAS, and Mr. WARNER):

S. 1429. A bill to amend the Safe Drinking Water Act to reauthorize the provision of technical assistance to small public water systems; to the Committee on Environment and Public Works.

By Mr. OBAMA (for himself and Mr. BROWNBACK):

S. 1430. A bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 1431. A bill to provide for a statewide early childhood education professional development and career system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself, Mrs. CLINTON, Mr. KERRY, Mr. SANDERS, and Mr. REED):

S. 1432. A bill to amend the Food Stamp Act of 1977 and the Richard B . Russell National School Lunch Act to improve access to healthy foods, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORNYN (for himself and Mr. ALLARD):

S. Res. 206. A resolution to provide for a budget point of order against legislation that increases income taxes on taxpayers, including hardworking middle-income families, entrepreneurs, and college students; to the Committee on Rules and Administration.

By Mr. DODD:

S. Res. 207. A resolution calling on the President of the United States immediately to recommend new candidates for the positions of the Attorney General of the United States and the President of the International Bank for Reconstruction and Development (commonly known as the ''World Bank'') in order to preserve the integrity and the efficacy of the Department of Justice and the World Bank; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. COCHRAN, Ms. CANTWELL, Ms. SNOWE, Mr. LOTT, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. BOXER, Mr. SUNUNU, Ms. LANDRIEU, Ms. COLLINS, Mr. KERRY, Mr. LAUTENBERG, and Mr. VITTER):

S. Res. 208. A resolution encouraging the elimination of harmful fishing subsidies that contribute to overcapacity in the world's commercial fishing fleet and lead to the overfishing of global fish stocks; considered and agreed to.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BIDEN, Ms. COLLINS, Mr. KERRY, Mrs. CLINTON, Mr. LEAHY, Mr. MCCAIN, Mr. SCHUMER, Mr. SMITH, and Mr. OBAMA):

S. Res. 209. A resolution expressing support for the new power-sharing government in Northern Ireland; considered and agreed to.

By Mr. LIEBERMAN (for himself, Mr. ENZI, and Mr. INOUYE):

S. Res. 210. A resolution honoring the accomplishments of Stephen Joel Trachtenberg as president of the George Washington University in Washington, D.C., in recognition of his upcoming retirement in July 2007; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 254

At the request of Mr. ENZI, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 368

At the request of Mr. BIDEN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 383

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 383, a bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release.

S. 399

At the request of Mr. BUNNING, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 399, a bill to amend title

XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 465

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 465, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decision-making so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 506

At the request of Mr. LAUTENBERG, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 506, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 579

At the request of Mr. REID, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 600

At the request of Mr. SMITH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 718

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 718, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 749

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 799

At the request of Mr. HARKIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 807

At the request of Mrs. LINCOLN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 822

At the request of Ms. SNOWE, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Washington (Ms. CANTWELL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 822, a bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 982

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 982, a bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes.

S. 1019

At the request of Mr. COBURN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1019, a bill to provide comprehensive reform of the health care system of the United States, and for other purposes.

S. 1026

At the request of Mr. CHAMBLISS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1026, a bill to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

S. 1042

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1065

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1065, a bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1175

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1175, a bill to end the use of

child soldiers in hostilities around the world, and for other purposes.

S. 1226

At the request of Mr. BAYH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 1254

At the request of Ms. MIKULSKI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1254, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1263

At the request of Ms. CANTWELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1263, a bill to protect the welfare of consumers by prohibiting price gouging with respect to gasoline and petroleum distillates during natural disasters and abnormal market disruptions, and for other purposes.

S. 1277

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1277, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the Medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 1312

At the request of Mr. DEMINT, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1312, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1359

At the request of Mrs. MURRAY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1379

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1379, a bill to amend chapter 35 of title 28, United States Code, to strike the exception to the residency requirements for United States attorneys.

S. 1382

At the request of Mr. REID, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Ohio (Mr. BROWN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1411

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1411, a bill to amend the Clean Air Act to establish within the Environmental Protection Agency an office to measure and report on greenhouse gas emissions of Federal agencies.

S. 1412

At the request of Mr. HARKIN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Montana (Mr. BAUCUS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1412, a bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes.

S. 1413

At the request of Ms. MIKULSKI, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1413, a bill to provide for research and education with respect to uterine fibroids, and for other purposes.

S. RES. 82

At the request of Mr. HAGEL, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Alabama (Mr. SESSIONS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 82, a resolution designating August 16, 2007 as ''National Airborne Day''.

S. RES. 116

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 116, a resolution designating May 2007 as ''National Autoimmune Diseases Awareness Month'' and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research.

S. RES. 132

At the request of Mr. CARDIN, his name was added as a cosponsor of S. Res. 132, a resolution recognizing the Civil Air Patrol for 65 years of service to the United States.

S. RES. 171

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

S. RES. 198

At the request of Mr. GRAHAM, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Res. 198, a resolution designating May 15, 2007, as ''National MPS Awareness Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1417. A bill to direct the Secretary of Veterans Affairs to submit a report to Congress providing a master plan for the use of the West Los Angeles Department of Veterans Affairs Medical Center, California, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to maintain the land on the West Los Angeles Veterans Affairs Medical Center campus for the exclusive use of America's Veterans.

This legislation is a companion to an identical bill introduced by Congressman Waxman in the House earlier this month.

The bill would:

Prohibit the Department of Veterans Affairs, VA, from issuing enhanced-use lease agreements on the West Los Angeles VA property; expand the scope of the Cranston Act, which already prohibits the disposal of land and the use of enhanced-use leases on 109 acres, to cover the entire 388-acre West Los Angeles VA property; prohibit the VA from exchanging, trading, auctioning or transferring any land connected to the West Los Angeles VA; require that a master plan related to the West Los Angeles VA property be completed no later than 1 year after this legislation is enacted; prohibit the VA from receiving funding to enact the provisions of a master plan for the West Los Angeles VA without first receiving Congressional authorization; and establish a public advisory committee, consisting of federally elected representatives, local elected officials, local Veterans, and community members to provide input on the master plan.

The bill I am introducing today is absolutely essential in light of a number of unacceptable actions previously taken by the VA that, in my view, violate the spirit, if not the letter, of the law.

In March, I joined with my colleagues Senator BARBARA BOXER and Congressman HENRY WAXMAN in writing a letter to VA Secretary James Nicholson, strongly objecting to recent decisions made by the VA relating to the West Los Angeles VA facility and land.

For example, the VA has signed sharing agreements to allow an Enterprise-

Rent-A-Car facility to operate on the VA land. The VA also continues to film on the property and recently allowed Fox Studios to construct a set storage building there.

In 1996, a 65,000-seat NFL Football stadium was proposed for the open space on the West Los Angeles VA land until Congress passed a resolution to prohibit this action.

This legislation also ensures that the VA never issues an enhanced-use lease agreement on the West Los Angeles VA property that would have little or nothing to do with direct veterans services.

The VA now has a number of other effective tools at its disposal to provide services directly to veterans, including sharing agreements and existing legislation to address homeless veterans' needs.

If the VA is already exceeding the scope of its sharing agreements, it is likely to also pursue enhanced-use leases for developing the property. Enhanced-use leases are disposal tools and should not be permitted on the West Los Angeles VA land, as the community and local veterans overwhelmingly oppose them.

Notably, Congress mandated that the VA create a Land Use master plan for the entire West Los Angeles Veterans' property in 1998, Public Law 105–368.

Last year, the Senate approved language in the fiscal year 2007 MILCON/VA Appropriations bill that required the VA to provide the Appropriations Committees a report on the master plan for the West Los Angeles VA Medical Center and connected land.

The fiscal year 2007 MILCON/VA Appropriations Act passed the Senate on November 18, 2006.

Unfortunately, all but 2 of the 11 Appropriations bills, including MILCON/VA, were ultimately packaged together in a continuing resolution for fiscal year 2007, and the language was never considered by the full Congress.

For too long, commercial interests have trumped the needs of our Veterans.

These 388 acres of land were donated to the Government in 1888 specifically for serving and supporting our Nation's veterans and I strongly believe they should remain that way.

This bill would make sure that this happens.

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. 1417

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 ''West Los Angeles Department of Veterans Affairs Medical Center Preservation Act of 2007''.

SEC. 2. PROHIBITION ON DISPOSAL OF DEPARTMENT OF VETERANS AFFAIRS LANDS AND IMPROVEMENTS AT WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA.

(a) IN GENERAL.—The Secretary of Veterans Affairs may not declare as excess to the needs of the Department of Veterans Affairs, or otherwise take any action to exchange, trade, auction, transfer, or otherwise dispose of, or reduce the acreage of, Federal land and improvements at the Department of Veterans Affairs West Los Angeles Medical Center, California, encompassing approximately 388 acres on the north and south sides of Wilshire Boulevard and west of the 405 Freeway.

(b) SPECIAL PROVISION REGARDING LEASE WITH REPRESENTATIVE OF THE HOMELESS.—Notwithstanding any provision of this Act, Section 7 of the Homeless Veterans Comprehensive Services Act of 1992 (Public Law 102–590) shall remain in effect.

(c) CONFORMING AMENDMENT.—Section 8162(c)(1) of title 38, United States Code, is amended by inserting ''or section 2(a) of the West Los Angeles Department of Veterans Affairs Medical Center Preservation Act of 2007'' after ''section 421 (b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 102 Stat. 553)''.

SEC. 3. MASTER PLAN REGARDING USE OF DEPARTMENT OF VETERANS AFFAIRS LANDS AT WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA.

(a) FINDING.—Congress finds that section 707 of the Veterans Programs Enhancement Act of 1998 (Public Law 105–368) required the Secretary of Veterans Affairs to submit to Congress a report on the master plan of the Department of Veterans Affairs, or a plan for the development of such a master plan, relating to the use of Department land at the West Los Angeles Department of Veterans Affairs Medical Center, California.

(b) MASTER PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report providing a master plan, consistent with the provisions of this Act, for the use of the Federal land and improvements described in section 2(a).

(c) ADVISORY COMMITTEE.—The Secretary shall appoint a committee to advise the Secretary in developing the master plan. The committee shall include representatives of State and local governments, veterans, veterans' service organizations, and community organizations. The committee shall be composed of 9 members, who shall be appointed by the Secretary, of whom two shall be appointed on the recommendation of the Member of Congress representing the 30th district of California, and two each shall be appointed on the recommendation of each of the Senators from California.

(d) LIMITATION ON FUNDING.—Except for direct veterans' services, no funding shall be available to implement the master plan except pursuant to provisions of law enacted after the date of the receipt by the appropriate congressional committees of the report providing such plan.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(2) DIRECT VETERANS' SERVICES.—The term ''direct veterans' services'' means services directly related to maintaining the health, welfare, and support of veterans.

By Mr. DODD (for himself, Mr. BROWN, Mr. SMITH, and Mr. LEAHY):

S. 1418. A bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, I rise today to introduce, on behalf of myself and good friend, Senator GORDON SMITH, the United States Commitment to Global Child Survival Act of 2007.

This bill seeks to drastically reduce child and maternal mortality rates abroad. It is a goal entirely within our reach, relying on tools that are already within our grasp. We have the power to save millions of innocent lives; and there is no better measure for the success of our foreign aid.

The legislation would perform three simple yet vital functions. First, it would require the administration to develop and implement a strategy to improve the health of, and reduce mortality rates among, newborns, children, and mothers in developing countries.

Second, it would establish a task force to monitor and evaluate the progress of the relevant departments and agencies of our Government in meeting by 2015 the U.N. Millennium Development Goals related to reducing mortality rates for mothers and for children under 5.

Third, it would authorize appropriations for programs that improve the health of newborns, children, and mothers in developing countries. Specifically, it would increase funding for child survival programs from the current level of around $350 million to $600 million in fiscal year 2008, $900 million in fiscal year 2009, $1.2 billion in fiscal year 2010, and up to $1.6 billion in fiscal year 2011–2012.

I know that some of my colleagues will dispute the wisdom of such a large investment. None of them would deny this issue's importance; but some may question its priority. How can we answer them?

In a world of seemingly intractable problems, we have here an opportunity for quick and uncomplicated success. Each dollar we spend in this cause helps to save a vulnerable life.

And what is more, we have already given our word. As part of the Millennium Development Goals, the United States made an explicit commitment, along with 188 other countries, to reducing child and maternal mortality. But at current funding levels, we are set to renege on that promise by a wide margin.

On September 14, 2005, President Bush stated that the United States is ''committed to the Millennium Development Goals.'' I commend the President for his words, but they have not been matched with action.

As we reach the goals' halfway mark, the world's progress is distressingly slow. The leading medical journal The Lancet reports that, of the 60 countries accounting for 90 percent of child

deaths, ''only 7 are on track to meet the goal for reducing child mortality, 39 are making some progress, and 14 are cause for serious concern.''

Now what does that mean in real, human terms? It means each year over 10 million children under the age of 5 die in the developing world, that's approximately 30,000 each day. About 4 million of those children die in their first 4 weeks of life. In many cases, they aren't even provided with a fighting chance. Preventable or treatable diseases such as measles, tetanus, diarrhea, pneumonia, and malaria are the most common causes of death.

Similarly, more than 525,000 women die from causes related to pregnancy and childbirth, more than 1,400 each day. Some of the most common risk factors for maternal death include early pregnancy and childbirth, closely spaced births, infectious diseases, malnutrition, and complications during childbirth.

Nearly every one of those deaths is entirely preventable. And that fact makes a poor American commitment inexcusable.

That commitment will not require new medicine. It will not require sophisticated technology. The tools we need are already at hand. Even now, simple measures are saving lives in the developing world.

Studies in the Lancet tell us that, for just over $5 billion, the world could prevent two-thirds of under-5 child deaths with proven, low-cost, high-impact interventions. For 6 million lives, that is a bargain.

How cheap are these lifesaving measures? Oral rehydration therapy for diarrhea costs 6 cents per treatment. Antibiotics to treat respiratory infections cost a quarter per treatment. Encouraging breastfeeding, providing vitamin supplements and immunizations, and expanding basic clinical care are just as cost effective.

This bill incrementally scales up U.S. funding for child and maternal health programs up to $1.6 billion by 2011. That is a third of the money the world needs to save those 6 million children's lives, and it is proportionate to our efforts against HIV/AIDS, TB, and malaria. And it is less money than we spend in Iraq in just 1 week. Yes, 1 week.

To be clear, America is not new to this battle. We've had some significant successes: Between 1960 and 1990, U.S. investment in reducing child mortality in the developing world contributed to a 50 percent reduction in under-5 deaths. Over the past 20 years, we have devoted over $6 billion to child survival programs.

But as I have noted, at current funding levels in the U.S. and abroad, the world will not meet the Millennium Development Goals. Certainly, America cannot meet them alone. But with a strong effort, we can galvanize other nations to do their part and come forward with the funds we need to save lives.

So I am proud to offer the Global Child Survival Act of 2007, a bill with widespread, bipartisan, bicameral support. It has been endorsed by Save the Children, the US Fund for UNICEF, and the One Campaign; is being jointly introduced with my good friend Senator GORDON SMITH from across the aisle; and was introduced last week in the House in a bipartisan manner by Congresswoman BETTY MCCOLLUM and Congressman CHRIS SHAYS.

For me it's simple. As the world's only superpower and largest economy, the United States is in a unique position to tackle the toughest challenges of our times. Where we can make a concrete difference, we must not fail to act. Where we have the tools to alleviate death and suffering, we must deliver them.

So I urge my colleagues to support this bill. Millions of lives are in the balance.

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. 1418

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 ''United States Commitment to Global Child Survival Act of 2007''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2000, the United States joined 188 countries in committing to achieve 8 Millennium Development Goals (MDGs) by 2015, including ''MDG 4'' and ''MDG 5'' that aim to reduce the mortality rate of children under the age of 5 by ⅔ and maternal mortality rate by ¾ in developing countries, respectively.

(2) The significant commitment of the United States to reducing child mortality in the developing world contributed to a 50-percent reduction in the mortality rate of children under the age of 5 between 1960 and 1990, and over the past 20 years, the United States has invested over $6,000,000,000 in child survival programs run by the United States Agency for International Development.

(3) According to one of the world's leading medical journals, the Lancet, despite United States and global efforts to achieve MDG 4, of the 60 countries that account for 94 percent of under-5 child deaths, ''only seven countries are on track to meet MDG 4, thirty-nine countries are making some progress, although they need to accelerate the speed, and fourteen countries are cause for serious concern''.

(4) 10,500,000 children under the age of 5 die annually, over 29,000 children per day, from easily preventable and treatable causes, including 4,000,000 newborns who die in the first 4 weeks of life.

(5) 3,000,000 children die each year due to lack of access to low-cost antibiotics and antimalarial drugs, and 1,700,000 die from diseases for which vaccines are readily available.

(6) Maternal health is an important determinant of neonatal survival with maternal death increasing death rates for newborns to as high as 100 percent in certain countries in the developing world.

(7) Approximately 525,000 women die every year in the developing world from causes related to pregnancy and childbirth.

(8) Risk factors for maternal death in developing countries include pregnancy and childbirth at an early age, closely spaced births, infectious diseases, malnutrition, and complications during childbirth.

(9) According to the Lancet, nearly ⅔ of annual child and newborn deaths, 6,000,000 children, can be avoided in accordance with MDG 4 if a package of high impact, low-cost interventions were made available at a total, additional, annual cost of $5,100,000,000, including oral rehydration therapy for diarrhea ($0.06 per treatment) and antibiotics to treat respiratory infections ($0.25 per treatment).

(10) 2,000,000 lives could be saved annually by providing oral rehydration therapy prepared with clean water.

(11) Exclusive breastfeeding—giving only breast milk for the first 6 months of life—could prevent an estimated 1,300,000 newborn and infant deaths each year, primarily by protecting against diarrhea and pneumonia.

(12) Expansion of clinical care for newborns and mothers, such as clean delivery by skilled attendants, emergency obstetric care, and neonatal resuscitation, can avert 50 percent of newborn deaths and reduce maternal mortality.

(13) The United Nations Children's Fund (UNICEF), with support from the World Health Organization, the World Bank, and the African Union, has successfully demonstrated the accelerated child survival and development program in Senegal, Mali, Benin, and Ghana, reducing mortality of children under the age of 5 by 20 percent in targeted areas using low-cost, high-impact interventions.

(14) On September 14, 2005, President George W. Bush stated before the United Nations High-Level Plenary Meeting that the United States is ''committed to the Millennium Development Goals''.

(15) Nearing the halfway point of attaining the MDGs by 2015 with thousands of avoidable newborn, child, and maternal deaths still occurring, the United States must immediately scale up its funding and delivery of proven low-cost, life-saving interventions in order to fulfill its commitment to help ensure that MDGs 4 and 5 are met.

(b) PURPOSES.—The purposes of this Act are—

(1) to develop a strategy to reduce mortality and improve the health of newborns, children, and mothers, and authorize assistance for its implementation; and

(2) to establish a task force to assess, monitor, and evaluate the progress and contributions of relevant departments and agencies of the United States Government in achieving MDGs 4 and 5.

SEC. 3. ASSISTANCE TO IMPROVE THE HEALTH OF NEWBORNS, CHILDREN, AND MOTHERS IN DEVELOPING COUNTRIES.

(a) IN GENERAL.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 104(c)—

(A) by striking paragraphs (2) and (3); and

(B) by redesignating paragraph (4) as paragraph (2); and

(2) by inserting after section 104C the following new section:

''SEC. 104D. ASSISTANCE TO REDUCE MORTALITY AND IMPROVE THE HEALTH OF NEWBORNS, CHILDREN, AND MOTHERS.

''(a) AUTHORIZATION.—Consistent with section 104(c), the President is authorized to furnish assistance, on such terms and conditions as the President may determine, to reduce mortality and improve the health of

newborns, children, and mothers in developing countries.

''(b) ACTIVITIES SUPPORTED.—Assistance provided under subsection (a) shall, to the maximum extent practicable, be used to carry out the following activities:

''(1) Activities to improve newborn care and treatment.

''(2) Activities to treat childhood illness, including increasing access to appropriate treatment for diarrhea, pneumonia, and other life-threatening childhood illnesses.

''(3) Activities to improve child and maternal nutrition, including the delivery of iron, zinc, vitamin A, iodine, and other key micronutrients and the promotion of breastfeeding.

''(4) Activities to strengthen the delivery of immunization services, including efforts to eliminate polio.

''(5) Activities to improve birth preparedness and maternity services.

''(6) Activities to improve the recognition and treatment of obstetric complications and disabilities.

''(7) Activities to improve household-level behavior related to safe water, hygiene, exposure to indoor smoke, and environmental toxins such as lead.

''(8) Activities to improve capacity for health governance, health finance, and the health workforce, including support for training clinicians, nurses, technicians, sanitation and public health workers, community-based health works, midwives, birth attendants, peer educators, volunteers, and private sector enterprises.

''(9) Activities to address antimicrobial resistance in child and maternal health.

''(10) Activities to establish and support the management information systems of host country institutions and the development and use of tools and models to collect, analyze, and disseminate information related to newborn, child, and maternal health.

''(11) Activities to develop and conduct needs assessments, baseline studies, targeted evaluations, or other information-gathering efforts for the design, monitoring, and evaluation of newborn, child, and maternal health efforts.

''(12) Activities to integrate and coordinate assistance provided under this section with existing health programs for—

''(A) the prevention of the transmission of HIV from mother-to-child and other HIV/AIDS counseling, care, and treatment activities;

''(B) malaria;

''(C) tuberculosis; and

''(D) child spacing.

''(c) GUIDELINES.—To the maximum extent practicable, programs, projects, and activities carried out using assistance provided under this section shall be—

''(1) carried out through private and voluntary organizations, including faith-based organizations, and relevant international and multilateral organizations, including the GAVI Alliance and UNICEF, that demonstrate effectiveness and commitment to improving the health of newborns, children, and mothers;

''(2) carried out with input by host countries, including civil society and local communities, as well as other donors and multilateral organizations;

''(3) carried out with input by beneficiaries and other directly affected populations, especially women and marginalized communities; and

''(4) designed to build the capacity of host country governments and civil society organizations.

''(d) ANNUAL REPORT.—Not later than January 31 of each year, the President shall transmit to Congress a report on the implementation of this section for the prior fiscal year.

''(e) DEFINITIONS.—In this section:

''(1) AIDS.—The term 'AIDS' has the meaning given the term in section 104A(g)(1) of this Act.

''(2) HIV.—The term 'HIV' has the meaning given the term in section 104A(g)(2) of this Act.

''(3) HIV/AIDS.—The term 'HIV/AIDS' has the meaning given the term in section 104A(g)(3) of this Act.''.

(b) CONFORMING AMENDMENTS.—The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 104(c)(2) (as redesignated by subsection (a)(1)(B) of this section), by striking ''and 104C'' and inserting ''104C, and 104D'';

(2) in section 104A—

(A) in subsection (c)(1), by inserting ''and section 104D'' after ''section 104(c)''; and

(B) in subsection (f), by striking ''section 104(c), this section, section 104B, and section 104C'' and inserting ''section 104(c), this section, section 104B, section 104C, and section 104D'';

(3) in subsection (c) of section 104B, by inserting ''and section 104D'' after ''section 104(c)'';

(4) in subsection (c) of section 104C, by inserting ''and section 104D'' after ''section 104(c)''; and

(5) in the first sentence of section 119(c), by striking ''section 104(c)(2), relating to Child Survival Fund'' and inserting ''section 104D''.

SEC. 4. DEVELOPMENT OF STRATEGY TO REDUCE MORTALITY AND IMPROVE THE HEALTH OF NEWBORNS, CHILDREN, AND MOTHERS IN DEVELOPING COUNTRIES.

(a) DEVELOPMENT OF STRATEGY.—The President shall develop and implement a comprehensive strategy to improve the health of newborns, children, and mothers in developing countries.

(b) COMPONENTS.—The comprehensive United States Government strategy developed pursuant to subsection (a) shall include the following:

(1) An identification of not less than 60 countries with priority needs for the 5-year period beginning on the date of the enactment of this Act based on—

(A) the number and rate of neonatal deaths;

(B) the number and rate of child deaths; and

(C) the number and rate of maternal deaths.

(2) For each country identified in paragraph (1)—

(A) an assessment of the most common causes of newborn, child, and maternal mortality;

(B) a description of the programmatic areas and interventions providing maximum health benefits to populations at risk and maximum reduction in mortality;

(C) an assessment of the investments needed in identified programs and interventions to achieve the greatest results;

(D) a description of how United States assistance complements and leverages efforts by other donors and builds capacity and self-sufficiency among recipient countries; and

(E) a description of goals and objectives for improving newborn, child, and maternal health, including, to the extent feasible, objective and quantifiable indicators.

(3) An expansion of the Child Survival and Health Grants Program of the United States Agency for International Development, at least proportionate to any increase in child and maternal health assistance, to provide additional support programs and interventions determined to be efficacious and cost-effective.

(4) Enhanced coordination among relevant departments and agencies of the United States Government engaged in activities to improve the health and well-being of newborns, children, and mothers in developing countries.

(5) A description of the measured or estimated impact on child morbidity and mortality of each project or program.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress a report that contains the strategy described in this section.

SEC. 5. INTERAGENCY TASK FORCE ON CHILD SURVIVAL AND MATERNAL HEALTH IN DEVELOPING COUNTRIES.

(a) ESTABLISHMENT.—There is established a task force to be known as the Interagency Task Force on Child Survival and Maternal Health in Developing Countries (in this section referred to as the ''Task Force'').

(b) DUTIES.—

(1) IN GENERAL.—The Task Force shall assess, monitor, and evaluate the progress and contributions of relevant departments and agencies of the United States Government in achieving MDGs 4 and 5 in developing countries, including by—

(A) identifying and evaluating programs and interventions that directly or indirectly contribute to the reduction of child and maternal mortality rates;

(B) assessing effectiveness of programs, interventions, and strategies toward achieving the maximum reduction of child and maternal mortality rates;

(C) assessing the level of coordination among relevant departments and agencies of the United States Government, the international community, international organizations, faith-based organizations, academic institutions, and the private sector;

(D) assessing the contributions made by United States-funded programs toward achieving MDGs 4 and 5;

(E) identifying the bilateral efforts of other nations and multilateral efforts toward achieving MDGs 4 and 5; and

(F) preparing the annual report required by subsection (f).

(2) CONSULTATION.—To the maximum extent practicable, the Task Force shall consult with individuals with expertise in the matters to be considered by the Task Force who are not officers or employees of the United States Government, including representatives of United States-based nongovernmental organizations (including faith-based organizations and private foundations), academic institutions, private corporations, the United Nations Children's Fund (UNICEF), and the World Bank.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Task Force shall be composed of the following members:

(A) The Administrator of the United States Agency for International Development.

(B) The Assistant Secretary of State for Population, Refugees and Migration.

(C) The Coordinator of United States Government Activities to Combat HIV/AIDS Globally.

(D) The Director of the Office of Global Health Affairs of the Department of Health and Human Services.

(E) The Under Secretary for Food, Nutrition and Consumer Services of the Department of Agriculture.

(F) The Chief Executive Officer of the Millennium Challenge Corporation.

(G) Other officials of relevant departments and agencies of the Federal Government who shall be appointed by the President.

(H) Two ex officio members appointed by the Speaker of the House of Representatives

in consultation with the Minority Leader of the House of Representatives.

(I) Two ex officio members appointed by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate.

(2) CHAIRPERSON.—The Administrator of the United States Agency for International Development shall serve as chairperson of the Task Force.

(d) MEETINGS.—The Task Force shall meet on a regular basis, not less often than quarterly, on a schedule to be agreed upon by the members of the Task Force, and starting not later than 90 days after the date of the enactment of this Act.

(e) DEFINITION.—In this subsection, the term ''Millennium Development Goals'' means the key development objectives described in the United Nations Millennium Declaration, as contained in United Nations General Assembly Resolution 55/2 (September 2000).

(f) REPORT.—Not later than 120 days after the date of the enactment of this Act, and not later than April 30 of each year thereafter, the Task Force shall submit to Congress and the President a report on the implementation of this section.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, and the amendments made by this Act, $600,000,000 for fiscal year 2008, $900,000,000 for fiscal year 2009, $1,200,000,000 for fiscal year 2010, and $1,600,000,000 for each of fiscal years 2011 and 2012.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

By Mr. REID:

S. 1419. A bill to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; placed on the calendar.

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. 1419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007''.

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

SEC. 2. RELATIONSHIP TO OTHER LAW.

Except to the extent expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by this Act supersedes, limits the authority provided or responsibility conferred by, or authorizes any violation of any provision of law (including a regulation), including any energy or environmental law or regulation.

TITLE I—BIOFUELS FOR ENERGY SECURITY AND TRANSPORTATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Biofuels for Energy Security and Transportation Act of 2007''.

SEC. 102. DEFINITIONS.

In this title:

(1) ADVANCED BIOFUEL.—

(A) IN GENERAL.—The term ''advanced biofuel'' means fuel derived from renewable biomass other than corn starch.

(B) INCLUSIONS.—The term ''advanced biofuel'' includes—

(i) ethanol derived from cellulose, hemicellulose, or lignin;

(ii) ethanol derived from sugar or starch, other than ethanol derived from corn starch;

(iii) ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste;

(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

(v) biogas produced through the conversion of organic matter from renewable biomass; and

(vi) butanol or higher alcohols produced through the conversion of organic matter from renewable biomass.

(2) CELLULOSIC BIOMASS ETHANOL.—The term ''cellulosic biomass ethanol'' means ethanol derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass.

(3) CONVENTIONAL BIOFUEL.—The term ''conventional biofuel'' means ethanol derived from corn starch.

(4) RENEWABLE BIOMASS.—The term ''renewable biomass'' means—

(A) biomass (as defined by section 210 of the Energy Policy Act of 2005 (42 U.S.C. 15855)) (excluding the bole of old-growth trees of a forest from the late successional state of forest development) that is harvested where permitted by law and in accordance with applicable land management plans from—

(i) National Forest System land; or

(ii) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)); or

(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

(i) renewable plant material, including—

(I) feed grains;

(II) other agricultural commodities;

(III) other plants and trees; and

(IV) algae; and

(ii) waste material, including—

(I) crop residue;

(II) other vegetative waste material (including wood waste and wood residues);

(III) animal waste and byproducts (including fats, oils, greases, and manure); and

(IV) food waste and yard waste.

(5) RENEWABLE FUEL.—

(A) IN GENERAL.—The term ''renewable fuel'' means motor vehicle fuel, boiler fuel, or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel or fuel mixture used to operate a motor vehicle, boiler, or furnace.

(B) INCLUSION.—The term ''renewable fuel'' includes—

(i) conventional biofuel; and

(ii) advanced biofuel.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy

(7) SMALL REFINERY.—The term ''small refinery'' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

Subtitle A—Renewable Fuel Standard

SEC. 111. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—

(1) REGULATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that motor vehicle fuel, home heating oil, and boiler fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with paragraph (2).

(B) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under subparagraph (A)—

(i) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(I) the requirements of this subsection are met; and

(II) renewable fuels produced from facilities built after the date of enactment of this Act achieve at least a 20 percent reduction in life cycle greenhouse gas emissions compared to gasoline; but

(ii) shall not—

(I) restrict geographic areas in the contiguous United States in which renewable fuel may be used; or

(II) impose any per-gallon obligation for the use of renewable fuel.

(C) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance, and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2008 THROUGH 2022.—

(i) RENEWABLE FUEL.—For the purpose of paragraph (1), subject to clause (ii), the applicable volume for any of calendar years 2008 through 2022 shall be determined in accordance with the following table:

Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2008	8.5
2009	10.5
2010	12.0
2011	12.6
2012	13.2
2013	13.8
2014	14.4
2015	15.0
2016	18.0
2017	21.0
2018	24.0
2019	27.0
2020	30.0
2021	33.0
2022	36.0

(ii) ADVANCED BIOFUELS.—For the purpose of paragraph (1), of the volume of renewable fuel required under clause (i), the applicable volume for any of calendar years 2016 through 2022 for advanced biofuels shall be determined in accordance with the following table:

Calendar year:	Applicable volume of advanced biofuels (in billions of gallons):
2016	3.0
2017	6.0
2018	9.0
2019	12.0
2020	15.0
2021	18.0
2022	21.0

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2007 through 2022, including a review of—

(i) the impact of renewable fuels on the energy security of the United States;

(ii) the expected annual rate of future production of renewable fuels, including advanced biofuels;

(iii) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and

products other than renewable fuel, and the sufficiency of infrastructure to deliver renewable fuel; and

(iv) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—Subject to subparagraph (D), for the purpose of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of gasoline that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 36,000,000,000 gallons of renewable fuel; bears to

(II) the number of gallons of gasoline sold or introduced into commerce in calendar year 2022.

(D) MINIMUM PERCENTAGE OF ADVANCED BIOFUEL.—For the purpose of paragraph (1) and subparagraph (C), at least 60 percent of the minimum applicable volume for calendar year 2023 and each calendar year thereafter shall be advanced biofuel.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2008 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2008 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under subsection (g).

(c) VOLUME CONVERSION FACTORS FOR RENEWABLE FUELS BASED ON ENERGY CONTENT OR REQUIREMENTS.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of advanced biofuels for the purpose of satisfying the fuel volume requirements of subsection (a)(2) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO ETHANOL.—For advanced biofuel, 1 gallon of the advanced biofuel shall be considered to be the equivalent of 1 gallon of renewable fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the advanced biofuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of pure ethanol (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(3) TRANSITIONAL ENERGY-RELATED CONVERSION FACTORS FOR CELLULOSIC BIOMASS ETHANOL.—For any of calendar years 2008 through 2015, 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall implement a credit program to manage the renewable fuel requirement of this section in a manner consistent with the credit program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers and agricultural producers.

(e) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

(1) STUDY.—For each of calendar years 2008 through 2022, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

(2) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under paragraph (1), makes the determinations specified in paragraph (3), the President shall promulgate regulations to ensure that 25 percent or more of the quantity of renewable fuel necessary to meet the requirements of subsection (a) is used during each of the 2 periods specified in paragraph (4) of each subsequent calendar year.

(3) DETERMINATIONS.—The determinations referred to in paragraph (2) are that—

(A) less than 25 percent of the quantity of renewable fuel necessary to meet the requirements of subsection (a) has been used during 1 of the 2 periods specified in paragraph (4) of the calendar year;

(B) a pattern of excessive seasonal variation described in subparagraph (A) will continue in subsequent calendar years; and

(C) promulgating regulations or other requirements to impose a 25 percent or more seasonal use of renewable fuels will not significantly—

(i) increase the price of motor fuels to the consumer; or

(ii) prevent or interfere with the attainment of national ambient air quality standards.

(4) PERIODS.—The 2 periods referred to in this subsection are—

(A) April through September; and

(B) January through March and October through December.

(f) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 90 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency.

(4) REPORT TO CONGRESS.—If the Secretary makes a determination under paragraph (1)(B) that railroad transportation of domestically-produced renewable fuel is inadequate, based on either the service provided by, or the price of, the railroad transportation, the President shall submit to Congress a report that describes—

(A) the actions the Federal Government is taking, or will take, to address the inadequacy, including a description of the specific powers of the applicable Federal agencies; and

(B) if the President finds that there are inadequate Federal powers to address the railroad service or pricing inadequacies, recommendations for legislation to provide appropriate powers to Federal agencies to address the inadequacies.

(g) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to—

(i) small refineries (other than a small refinery described in clause (ii)) until calendar year 2013; and

(ii) small refineries owned by a small business refiner (as defined in section 45H(c) of the Internal Revenue Code of 1986) until calendar year 2015.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2008, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(h) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(i) VOLUNTARY LABELING PROGRAM.—

(1) IN GENERAL.—The President shall establish criteria for a system of voluntary labeling of renewable fuels based on life cycle greenhouse gas emissions.

(2) CONSUMER EDUCATION.—The President shall ensure that the labeling system under this subsection provides useful information to consumers making fuel purchases.

(3) FLEXIBILITY.—In carrying out this subsection, the President may establish more than 1 label, as appropriate.

(j) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2008.

SEC. 112. PRODUCTION OF RENEWABLE FUEL USING RENEWABLE ENERGY.

(a) DEFINITIONS.—In this section:

(1) FACILITY.—The term ''facility'' means a facility used for the production of renewable fuel.

(2) RENEWABLE ENERGY.—

(A) IN GENERAL.—The term ''renewable energy'' has the meaning given the term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

(B) INCLUSION.—The term ''renewable energy'' includes biogas produced through the conversion of organic matter from renewable biomass.

(b) ADDITIONAL CREDIT.—

(1) IN GENERAL.—The President shall provide a credit under the program established under section 111(d) to the owner of a facility that uses renewable energy to displace more than 90 percent of the fossil fuel normally used in the production of renewable fuel.

(2) CREDIT AMOUNT.—The President may provide the credit in a quantity that is not more than the equivalent of 1.5 gallons of renewable fuel for each gallon of renewable fuel produced in a facility described in paragraph (1).

Subtitle B—Renewable Fuels Infrastructure

SEC. 121. INFRASTRUCTURE PILOT PROGRAM FOR RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a competitive grant pilot program (referred to in this section as the ''pilot program''), to be administered through the Vehicle Technology Deployment Program of the Department of Energy, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—A grant under this section shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for gasoline blends that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel, including—

(1) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuels within the corridor;

(2) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuels; and

(3) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(B) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this section—

(i) be submitted by—

(I) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(II) a registered participant in the Vehicle Technology Deployment Program of the Department of Energy; and

(ii) include—

(I) a description of the project proposed in the application, including the ways in which the project meets the requirements of this section;

(II) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuel available within the geographic region of the corridor, measured as a total quantity and a percentage;

(III) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(IV) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(VI) a description of which costs of the project will be supported by Federal assistance under this subsection.

(2) PARTNERS.—An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(1) consider the experience of each applicant with previous, similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(B) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of advanced biofuels;

(C) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(D) represent a partnership of public and private entities; and

(E) exceed the minimum requirements of subsection (c)(1)(B).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel infrastructure development carried out using funds from a grant under this section shall be not less than 20 percent.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this section.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(2) ADDITIONAL GRANTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after

the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(g) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this section, the Secretary shall submit to Congress a report containing—

(A) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(B) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(C) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(2) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000, to remain available until expended.

SEC. 122. BIOENERGY RESEARCH AND DEVELOPMENT.

Section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)) is amended—

(1) in paragraph (2), by striking ''$251,000,000'' and inserting ''$377,000,000''; and

(2) in paragraph (3), by striking ''$274,000,000'' and inserting ''$398,000,000''.

SEC. 123. BIORESEARCH CENTERS FOR SYSTEMS BIOLOGY PROGRAM.

Section 977(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16317(a)(1)) is amended by inserting before the period at the end the following: '', including the establishment of at least 11 bioresearch centers of varying sizes, as appropriate, that focus on biofuels, of which at least 2 centers shall be located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and 1 center shall be located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts''.

SEC. 124. LOAN GUARANTEES FOR RENEWABLE FUEL FACILITIES.

(a) IN GENERAL.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following:

''(f) RENEWABLE FUEL FACILITIES.—

''(1) IN GENERAL.—The Secretary may make guarantees under this title for projects that produce advanced biofuel (as defined in section 102 of the Biofuels for Energy Security and Transportation Act of 2007).

''(2) REQUIREMENTS.—A project under this subsection shall employ new or significantly improved technologies for the production of renewable fuels as compared to commercial technologies in service in the United States at the time that the guarantee is issued.

''(3) ISSUANCE OF FIRST LOAN GUARANTEES.—The requirement of section 20320(b) of division B of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, Public Law 110–5), relating to the issuance of final regulations, shall not apply to the first 6 guarantees issued under this subsection.

''(4) PROJECT DESIGN.—A project for which a guarantee is made under this subsection shall have a project design that has been validated through the operation of a continuous process pilot facility with an annual output of at least 50,000 gallons of ethanol or the energy equivalent volume of other advanced biofuels.

''(5) MAXIMUM GUARANTEED PRINCIPAL.—The total principal amount of a loan guaranteed under this subsection may not exceed $250,000,000 for a single facility.

''(6) AMOUNT OF GUARANTEE.—The Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans made for a facility that is the subject of the guarantee under paragraph (3).

''(7) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee under this subsection not later than 90 days after the date of receipt of the application.

''(8) REPORT.—Not later than 30 days after approving or disapproving an application under paragraph (7), the Secretary shall submit to Congress a report on the approval or disapproval (including the reasons for the action).''.

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

''(i) a demonstration plant; or

''(ii) a project for which the Secretary approved a loan guarantee.''.

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made; or

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

''(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).''.

(3) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

''(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.''.

(4) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(5) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

SEC. 125. GRANTS FOR RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities to conduct research into, and develop and implement, renewable fuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under the section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a);

(B) be an institution—

(i) referred to in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note);

(ii) that is eligible for a grant under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.), including Diné College; or

(iii) that is eligible for a grant under the Navajo Community College Act (25 U.S.C. 640a et seq.); or

(C) be a consortium of such institutions of higher education, industry, State agencies, Indian tribal agencies, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 126. GRANTS FOR INFRASTRUCTURE FOR TRANSPORTATION OF BIOMASS TO LOCAL BIOREFINERIES.

(a) IN GENERAL.—The Secretary shall conduct a program under which the Secretary shall provide grants to Indian tribal and local governments and other eligible entities (as determined by the Secretary) (referred to in this section as ''eligible entities'') to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries.

(b) PHASES.—The Secretary shall conduct the program in the following phases:

(1) DEVELOPMENT.—In the first phase of the program, the Secretary shall make grants to eligible entities to assist the eligible entities in the development of local projects to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries.

(2) IMPLEMENTATION.—In the second phase of the program, the Secretary shall make competitive grants to eligible entities to implement projects developed under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as are necessary to carry out this section.

SEC. 127. BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biorefinery information center to make available to interested parties information on—

(1) renewable fuel resources, including information on programs and incentives for renewable fuels;

(2) renewable fuel producers;

(3) renewable fuel users; and

(4) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available to interested parties on the process for establishing a biorefinery; and

(3) make information and assistance provided by the center available through a toll-free telephone number and website.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 128. ALTERNATIVE FUEL DATABASE AND MATERIALS.

The Secretary and the Director of the National Institute of Standards and Technology shall jointly establish and make available to the public—

(1) a database that describes the physical properties of different types of alternative fuel; and

(2) standard reference materials for different types of alternative fuel.

SEC. 129. FUEL TANK CAP LABELING REQUIREMENT.

Section 406(a) of the Energy Policy Act of 1992 (42 U.S.C. 13232(a)) is amended—

(1) by striking ''The Federal Trade Commission'' and inserting the following:

''(1) IN GENERAL.—The Federal Trade Commission''; and

(2) by adding at the end the following:

''(2) FUEL TANK CAP LABELING REQUIREMENT.—Beginning with model year 2010, the fuel tank cap of each alternative fueled vehicle manufactured for sale in the United States shall be clearly labeled to inform consumers that such vehicle can operate on alternative fuel.''.

SEC. 130. BIODIESEL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on any research and development challenges inherent in increasing to 5 percent the proportion of diesel fuel sold in the United States that is biodiesel (as defined in section 757 of the Energy Policy Act of 2005 (42 U.S.C. 16105)).

(b) REGULATIONS.—The President shall promulgate regulations providing for the uniform labeling of biodiesel blends that are certified to meet applicable standards published by the American Society for Testing and Materials.

(c) NATIONAL BIODIESEL FUEL QUALITY STANDARD.—

(1) QUALITY REGULATIONS.—Within 180 days following the date of enactment of this Act, the President shall promulgate regulations to ensure that only biodiesel that is tested and certified to comply with the American Society for Testing and Materials (ASTM) 6751 standard is introduced into interstate commerce.

(2) ENFORCEMENT.—The President shall ensure that all biodiesel entering interstate commerce meets the requirements of paragraph (1).

(3) FUNDING.—There are authorized to be appropriated to the President to carry out this section:

(A) $3,000,000 for fiscal year 2008.

(B) $3,000,000 for fiscal year 2009.

(C) $3,000,000 for fiscal year 2010.

Subtitle C—Studies

SEC. 141. STUDY OF ADVANCED BIOFUELS TECHNOLOGIES.

(a) IN GENERAL.—Not later than October 1, 2012, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study of technologies relating to the production, transportation, and distribution of advanced biofuels.

(b) SCOPE.—In conducting the study, the Academy shall—

(1) include an assessment of the maturity of advanced biofuels technologies;

(2) consider whether the rate of development of those technologies will be sufficient to meet the advanced biofuel standards required under section 111;

(3) consider the effectiveness of the research and development programs and activities of the Department of Energy relating to advanced biofuel technologies; and

(4) make policy recommendations to accelerate the development of those technologies to commercial viability, as appropriate.

(c) REPORT.—Not later than November 30, 2014, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under this section.

SEC. 142. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 143. PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Transportation, shall conduct a study of the feasibility of the construction of dedicated ethanol pipelines.

(b) FACTORS.—In conducting the study, the Secretary shall consider—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in those areas and help ensure the construction of 1 or more dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, identifying remedial and preventative measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 144. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E–85 FUEL.

(a) IN GENERAL.—The Secretary shall conduct a study of methods of increasing the fuel efficiency of flexible fueled vehicles by optimizing flexible fueled vehicles to operate using E–85 fuel.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 145. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term ''electric vehicle'' means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Secretary shall conduct a study on the feasibility of issuing credits under the program established under section 111(d) to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 111(d).

SEC. 146. STUDY OF ENGINE DURABILITY ASSOCIATED WITH THE USE OF BIODIESEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the effects of the use of biodiesel on engine durability.

(b) COMPONENTS.—The study under this section shall include—

(1) an assessment of whether the use of biodiesel in conventional diesel engines lessens engine durability; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including—

(A) B5;

(B) B10;

(C) B20; and

(D) B30.

SEC. 147. STUDY OF INCENTIVES FOR RENEWABLE FUELS.

(a) STUDY.—The President shall conduct a study of the renewable fuels industry and markets in the United States, including—

(1) the costs to produce conventional and advanced biofuels;

(2) the factors affecting the future market prices for those biofuels, including world oil prices; and

(3) the financial incentives necessary to enhance, to the maximum extent practicable, the biofuels industry of the United States to reduce the dependence of the United States on foreign oil during calendar years 2011 through 2030.

(b) GOALS.—The study shall include an analysis of the options for financial incentives and the advantage and disadvantages of each option.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the President shall submit to Congress a report that describes the results of the study.

SEC. 148. STUDY OF STREAMLINED LIFECYCLE ANALYSIS TOOLS FOR THE EVALUATION OF RENEWABLE CARBON CONTENT OF BIOFUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall conduct a study of—

(1) published methods for evaluating the lifecycle fossil and renewable carbon content of fuels, including conventional and advanced biofuels; and

(2) methods for performing simplified, streamlined lifecycle analyses of the fossil and renewable carbon content of biofuels.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study under subsection (a), including recommendations for a method for performing a simplified, streamlined lifecycle analysis of the fossil and renewable carbon content of biofuels that includes—

(1) carbon inputs to feedstock production; and

(2) carbon inputs to the biofuel production process, including the carbon associated with electrical and thermal energy inputs.

SEC. 149. STUDY OF THE ADEQUACY OF RAILROAD TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the adequacy of railroad transportation of domestically-produced renewable fuel.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretary shall consider—

(A) the adequacy of, and appropriate location for, tracks that have sufficient capacity, and are in the appropriate condition, to move the necessary quantities of domestically-produced renewable fuel within the timeframes required by section 111;

(B) the adequacy of the supply of railroad tank cars, locomotives, and rail crews to move the necessary quantities of domestically-produced renewable fuel in a timely fashion;

(C)(i) the projected costs of moving the domestically-produced renewable fuel using railroad transportation; and

(ii) the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(D) whether there is adequate railroad competition to ensure—

(i) a fair price for the railroad transportation of domestically-produced renewable fuel; and

(ii) acceptable levels of service for railroad transportation of domestically-produced renewable fuel;

(E) any rail infrastructure capital costs that the railroads indicate should be paid by the producers or distributors of domestically-produced renewable fuel;

(F) whether Federal agencies have adequate legal authority to ensure a fair and reasonable transportation price and acceptable levels of service in cases in which the domestically-produced renewable fuel source does not have access to competitive rail service;

(G) whether Federal agencies have adequate legal authority to address railroad service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States; and

(H) any recommendations for any additional legal authorities for Federal agencies to ensure the reliable railroad transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a).

SEC. 150. STUDY OF EFFECTS OF ETHANOL-BLENDED GASOLINE ON OFF ROAD VEHICLES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the effects of ethanol-blended gasoline on off-road vehicles and recreational boats.

(2) EVALUATION.—The study shall include an evaluation of the operational, safety, durability, and environmental impacts of ethanol-blended gasoline on off-road and marine engines, recreational boats, and related equipment.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study.

TITLE II—ENERGY EFFICIENCY PROMOTION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Energy Efficiency Promotion Act of 2007''.

SEC. 202. DEFINITION OF SECRETARY.

In this title, the term ''Secretary'' means the Secretary of Energy.

Subtitle A—Promoting Advanced Lighting Technologies

SEC. 211. ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.

Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended by adding the following:

''(f) ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.—

''(1) IN GENERAL.—Not later than October 1, 2013, in accordance with guidelines issued by the Secretary, all general purpose lighting in Federal buildings shall be Energy Star products or products designated under the Federal Energy Management Program.

''(2) GUIDELINES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection.

''(B) REPLACEMENT COSTS.—The guidelines shall take into consideration the costs of replacing all general service lighting and the reduced cost of operation and maintenance expected to result from such replacement.''.

SEC. 212. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking ''or similar bulb shapes (excluding ER or BR)'' and inserting ''ER, BR, BPAR, or similar bulb shapes''; and

(ii) by striking ''2.75'' and inserting ''2.25''; and

(B) by striking ''is either—'' and all that follows through subclause (II) and inserting ''has a rated wattage that is 40 watts or higher''; and

(2) by adding at the end the following:

''(52) BPAR INCANDESCENT REFLECTOR LAMP.—The term 'BPAR incandescent reflector lamp' means a reflector lamp as shown in figure C78.21–278 on page 32 of ANSI C78.21–2003.

''(53) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

''(A) BR INCANDESCENT REFLECTOR LAMP.—The term 'BR incandescent reflector lamp' means a reflector lamp that has—

''(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21–1989, including the referenced reflective characteristics in part 7 of ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) BR30.—The term 'BR30' means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) BR40.—The term 'BR40' means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(54) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

''(A) ER INCANDESCENT REFLECTOR LAMP.—The term 'ER incandescent reflector lamp' means a reflector lamp that has—

''(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect

on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) ER30.—The term 'ER30' means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) ER40.—The term 'ER40' means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(55) R20 INCANDESCENT REFLECTOR LAMP.—The term 'R20 incandescent reflector lamp' means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1–1994.''.

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6925(i)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (D)), the term 'effective date' means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp (as specified in the table) that follows October 24, 1992.

''(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

''FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.9	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

''INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

''(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

''(i) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

''(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

''(iii) R20 incandescent reflector lamps rated 45 watts or less.

''(D) EFFECTIVE DATES.—

''(i) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

''(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after January 1, 2008.''.

SEC. 213. BRIGHT TOMORROW LIGHTING PRIZES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, as part of the program carried out under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish and award Bright Tomorrow Lighting Prizes for solid state lighting in accordance with this section.

(b) PRIZE SPECIFICATIONS.—

(1) 60-WATT INCANDESCENT REPLACEMENT LAMP PRIZE.—The Secretary shall award a 60-Watt Incandescent Replacement Lamp Prize to an entrant that produces a solid-state light package simultaneously capable of—

(A) producing a luminous flux greater than 900 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than 90;

(E) having a correlated color temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a soft 60-watt incandescent A19 bulb;

(H) having a size and shape that fits within the maximum dimensions of an A19 bulb in accordance with American National Standards Institute standard C78.20–2003, figure C78.20–211;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(2) PAR TYPE 38 HALOGEN REPLACEMENT LAMP PRIZE.—The Secretary shall award a Parabolic Aluminized Reflector Type 38 Halogen Replacement Lamp Prize (referred to in this section as the ''PAR Type 38 Halogen Replacement Lamp Prize'') to an entrant that produces a solid-state-light package simultaneously capable of—

(A) producing a luminous flux greater than or equal to 1,350 lumens;

(B) consuming less than or equal to 11 watts;

(C) having an efficiency greater than 123 lumens per watt;

(D) having a color rendering index greater than or equal to 90;

(E) having a correlated color coordinate temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a PAR 38 halogen lamp;

(H) having a size and shape that fits within the maximum dimensions of a PAR 38 halogen lamp in accordance with American National Standards Institute standard C78–21–2003, figure C78.21–238;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(3) TWENTY-FIRST CENTURY LAMP PRIZE.—The Secretary shall award a Twenty-First Century Lamp Prize to an entrant that produces a solid-state-light-light capable of—

(A) producing a light output greater than 1,200 lumens;

(B) having an efficiency greater than 150 lumens per watt;

(C) having a color rendering index greater than 90;

(D) having a color coordinate temperature between 2,800 and 3,000 degrees Kelvin; and

(E) having a lifetime exceeding 25,000 hours.

(c) PRIVATE FUNDS.—The Secretary may accept and use funding from private sources as part of the prizes awarded under this section.

(d) TECHNICAL REVIEW.—The Secretary shall establish a technical review committee composed of non-Federal officers to review entrant data submitted under this section to determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may competitively select a third party to administer awards under this section.

(f) AWARD AMOUNTS.—Subject to the availability of funds to carry out this section, the amount of—

(1) the 60-Watt Incandescent Replacement Lamp Prize described in subsection (b)(1) shall be $10,000,000;

(2) the PAR Type 38 Halogen Replacement Lamp Prize described in subsection (b)(2) shall be $5,000,000; and

(3) the Twenty-First Century Lamp Prize described in subsection (b)(3) shall be $5,000,000.

(g) FEDERAL PROCUREMENT OF SOLID-STATE-LIGHTS.—

(1) 60-WATT INCANDESCENT REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the 60-Watt Incandescent Replacement Lamp Prize under subsection (b)(1), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with a goal of replacing the use of 60-watt incandescent lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(1) by not later than the date that is 5 years after the date the award is made.

(2) PAR 38 HALOGEN REPLACEMENT LAMP REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the PAR Type 38 Halogen Replacement Lamp Prize under subsection (b)(2), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with the goal of replacing the use of PAR 38 halogen lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(2) by not later than the date that is 5 years after the date the award is made.

(3) WAIVERS.—

(A) IN GENERAL.—The Secretary or the Administrator of General Services may waive the application of paragraph (1) or (2) if the Secretary or Administrator determines that the return on investment from the purchase of a solid-state-light package described in paragraph (1) or (2) of subsection (b), respectively, is cost prohibitive.

(B) REPORT OF WAIVER.—If the Secretary or Administrator waives the application of paragraph (1) or (2), the Secretary or Administrator, respectively, shall submit to Congress an annual report that describes the waiver and provides a detailed justification for the waiver.

(h) BRIGHT LIGHT TOMORROW AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the United States Treasury a Bright Light Tomorrow permanent fund without fiscal year limitation to award prizes under paragraphs (1), (2), and (3) of subsection (b).

(2) SOURCES OF FUNDING.—The fund established under paragraph (1) shall accept—

(A) fiscal year appropriations; and

(B) private contributions authorized under subsection (c).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 214. SENSE OF SENATE CONCERNING EFFICIENT LIGHTING STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) there are approximately 4,000,000,000 screw-based sockets in the United States that contain traditional, energy-inefficient, incandescent light bulbs;

(2) incandescent light bulbs are based on technology that is more than 125 years old;

(3) there are radically more efficient lighting alternatives in the market, with the promise of even more choices over the next several years;

(4) national policy can support a rapid substitution of new, energy-efficient light bulbs for the less efficient products in widespread use; and,

(5) transforming the United States market to use of more efficient lighting technologies can—

(A) reduce electric costs in the United States by more than $18,000,000,000 annually;

(B) save the equivalent electricity that is produced by 80 base load coal-fired power plants; and

(C) reduce fossil fuel related emissions by approximately 158,000,000 tons each year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should—

(1) pass a set of mandatory, technology-neutral standards to establish firm energy efficiency performance targets for lighting products;

(2) ensure that the standards become effective within the next 10 years; and

(3) in developing the standards—

(A) establish the efficiency requirements to ensure that replacement lamps will provide consumers with the same quantity of light while using significantly less energy;

(B) ensure that consumers will continue to have multiple product choices, including energy-saving halogen, incandescent, compact fluorescent, and LED light bulbs; and

(C) work with industry and key stakeholders on measures that can assist consumers and businesses in making the important transition to more efficient lighting.

SEC. 215. RENEWABLE ENERGY CONSTRUCTION GRANTS.

(a) DEFINITIONS.—In this section:

(1) ALASKA SMALL HYDROELECTRIC POWER.—The term ''Alaska small hydroelectric power'' means power that—

(A) is generated—

(i) in the State of Alaska;

(ii) without the use of a dam or impoundment of water; and

(iii) through the use of—

(I) a lake tap (but not a perched alpine lake); or

(II) a run-of-river screened at the point of diversion; and

(B) has a nameplate capacity rating of a wattage that is not more than 15 megawatts.

(2) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means any—

(A) governmental entity;

(B) private utility;

(C) public utility;

(D) municipal utility;

(E) cooperative utility;

(F) Indian tribes; and

(G) Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(3) OCEAN ENERGY.—

(A) INCLUSIONS.—The term ''ocean energy'' includes current, wave, and tidal energy.

(B) EXCLUSION.—The term ''ocean energy'' excludes thermal energy.

(4) RENEWABLE ENERGY PROJECT.—The term ''renewable energy project'' means a project—

(A) for the commercial generation of electricity; and

(B) that generates electricity from—

(i) solar, wind, or geothermal energy or ocean energy;

(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)));

(iii) landfill gas; or

(iv) Alaska small hydroelectric power.

(b) RENEWABLE ENERGY CONSTRUCTION GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts appropriated under this section to make grants for use in carrying out renewable energy projects.

(2) CRITERIA.—Not later than 180 days after the date of enactment of this Act, the Secretary shall set forth criteria for use in awarding grants under this section.

(3) APPLICATION.—To receive a grant from the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(4) NON-FEDERAL SHARE.—Each eligible applicant that receives a grant under this subsection shall contribute to the total cost of the renewable energy project constructed by the eligible applicant an amount not less than 50 percent of the total cost of the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

Subtitle B—Expediting New Energy Efficiency Standards

SEC. 221. DEFINITION OF ENERGY CONSERVATION STANDARD.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by striking paragraph (6) and inserting the following:

''(6) ENERGY CONSERVATION STANDARD.—

''(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that prescribe a minimum level of energy efficiency or a maximum quantity of energy use and, in the case of a showerhead, faucet, water closet, urinal, clothes washer, and dishwasher, water use, for a covered product, determined in accordance with test procedures prescribed under section 323.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes—

''(i) 1 or more design requirements, as part of a consensus agreement under section 325(hh); and

''(ii) any other requirements that the Secretary may prescribe under subsections (o) and (r) of section 325.

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product.''.

SEC. 222. REGIONAL EFFICIENCY STANDARDS FOR HEATING AND COOLING PRODUCTS.

(a) IN GENERAL.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following:

''(e) REGIONAL EFFICIENCY STANDARDS FOR HEATING AND COOLING PRODUCTS.—

''(1) IN GENERAL.—

''(A) DETERMINATION.—The Secretary may determine, after notice and comment, that more stringent Federal energy conservation standards are appropriate for furnaces, boilers, or central air conditioning equipment than applicable Federal energy conservation standards.

''(B) FINDING.—The Secretary may determine that more stringent standards are appropriate for up to 2 different regions only after finding that the regional standards—

''(i) would contribute to energy savings that are substantially greater than that of a single national energy standard; and

''(ii) are economically justified.

''(C) REGIONS.—On making a determination described in subparagraph (B), the Secretary shall establish the regions so that the more stringent standards would achieve the maximum level of energy savings that is technologically feasible and economically justified.

''(D) FACTORS.—In determining the appropriateness of 1 or more regional standards for furnaces, boilers, and central and commercial air conditioning equipment, the Secretary shall consider all of the factors described in paragraphs (1) through (4) of section 325(o).

''(2) STATE PETITION.—After a determination made by the Secretary under paragraph (1), a State may petition the Secretary requesting a rule that a State regulation that establishes a standard for furnaces, boilers, or central air conditioners become effective

at a level determined by the Secretary to be appropriate for the region that includes the State.

''(3) RULE.—Subject to paragraphs (4) through (7), the Secretary may issue the rule during the period described in paragraph (4) and after consideration of the petition and the comments of interested persons.

''(4) PROCEDURE.—

''(A) NOTICE.—The Secretary shall provide notice of any petition filed under paragraph (2) and afford interested persons a reasonable opportunity to make written comments, including rebuttal comments, on the petition.

''(B) DECISION.—Except as provided in subparagraph (C), during the 180-day period beginning on the date on which the petition is filed, the Secretary shall issue the requested rule or deny the petition.

''(C) EXTENSION.—The Secretary may publish in the Federal Register a notice—

''(i) extending the period to a specified date, but not longer than 1 year after the date on which the petition is filed; and

''(ii) describing the reasons for the delay.

''(D) DENIALS.—If the Secretary denies a petition under this subsection, the Secretary shall publish in the Federal Register notice of, and the reasons for, the denial.

''(5) FINDING OF SIGNIFICANT BURDEN ON MANUFACTURING, MARKETING, DISTRIBUTION, SALE, OR SERVICING OF COVERED PRODUCT ON NATIONAL BASIS.—

''(A) IN GENERAL.—The Secretary may not issue a rule under this subsection if the Secretary finds (and publishes the finding) that interested persons have established, by a preponderance of the evidence, that the State regulation will significantly burden manufacturing, marketing, distribution, sale, or servicing of a covered product on a national basis.

''(B) FACTORS.—In determining whether to make a finding described in subparagraph (A), the Secretary shall evaluate all relevant factors, including—

''(i) the extent to which the State regulation will increase manufacturing or distribution costs of manufacturers, distributors, and others;

''(ii) the extent to which the State regulation will disadvantage smaller manufacturers, distributors, or dealers or lessen competition in the sale of the covered product in the State; and

''(iii) the extent to which the State regulation would cause a burden to manufacturers to redesign and produce the covered product type (or class), taking into consideration the extent to which the regulation would result in a reduction—

''(I) in the current models, or in the projected availability of models, that could be shipped on the effective date of the regulation to the State and within the United States; or

''(II) in the current or projected sales volume of the covered product type (or class) in the State and the United States.

''(6) APPLICATION.—No State regulation shall become effective under this subsection with respect to any covered product manufactured before the date specified in the determination made by the Secretary under paragraph (1).

''(7) PETITION TO WITHDRAW FEDERAL RULE FOLLOWING AMENDMENT OF FEDERAL STANDARD.—

''(A) IN GENERAL.—If a State has issued a rule under paragraph (3) with respect to a covered product and subsequently a Federal energy conservation standard concerning the product is amended pursuant to section 325, any person subject to the State regulation may file a petition with the Secretary requesting the Secretary to withdraw the rule issued under paragraph (3) with respect to the product in the State.

''(B) BURDEN OF PROOF.—The Secretary shall consider the petition in accordance with paragraph (5) and the burden shall be on the petitioner to show by a preponderance of the evidence that the rule received by the State under paragraph (3) should be withdrawn as a result of the amendment to the Federal standard.

''(C) WITHDRAWAL.—If the Secretary determines that the petitioner has shown that the rule issued by the Secretary under paragraph (3) should be withdrawn in accordance with subparagraph (B), the Secretary shall withdraw the rule.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking ''subsection (e)'' and inserting ''subsection (f)''; and

(ii) in paragraph (3)—

(I) by striking ''subsection (f)(1)'' and inserting ''subsection (g)(1)''; and

(II) by striking ''subsection (f)(2)'' and inserting ''subsection (g)(2)''; and

(B) in subsection (c)(3), by striking ''subsection (f)(3)'' and inserting ''subsection (g)(3)''.

(2) Section 345(b)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(2)) is amended by adding at the end the following:

''(E) RELATIONSHIP TO CERTAIN STATE REGULATIONS.—Notwithstanding subparagraph (A), a standard prescribed or established under section 342(a) with respect to the equipment specified in subparagraphs (B), (C), (D), (H), (I), and (J) of section 340 shall not supersede a State regulation that is effective under the terms, conditions, criteria, procedures, and other requirements of section 327(e).''.

SEC. 223. FURNACE FAN RULEMAKING.

Section 325(f)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(3)) is amended by adding at the end the following:

''(E) FINAL RULE.—

''(i) IN GENERAL.—The Secretary shall publish a final rule to carry out this subsection not later than December 31, 2014.

''(ii) CRITERIA.—The standards shall meet the criteria established under subsection (o).''.

SEC. 224. EXPEDITED RULEMAKINGS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

''(hh) EXPEDITED RULEMAKING FOR CONSENSUS STANDARDS.—

''(1) IN GENERAL.—The Secretary shall conduct an expedited rulemaking based on an energy conservation standard or test procedure recommended by interested persons, if—

''(A) the interested persons (demonstrating significant and broad support from manufacturers of a covered product, States, utilities, and environmental, energy efficiency, and consumer advocates) submit a joint comment or petition recommending a consensus energy conservation standard or test procedure; and

''(B) the Secretary determines that the joint comment or petition includes evidence that (assuming no other evidence were considered) provides an adequate basis for determining that the proposed consensus energy conservation standard or test procedure proposed in the joint comment or petition complies with the provisions and criteria of this Act (including subsection (o)) that apply to the type or class of covered products covered by the joint comment or petition.

''(2) PROCEDURE.—

''(A) IN GENERAL.—Notwithstanding subsection (p) or section 336(a), if the Secretary receives a joint comment or petition that meets the criteria described in paragraph (1), the Secretary shall conduct an expedited rulemaking with respect to the standard or test procedure proposed in the joint comment or petition in accordance with this paragraph.

''(B) ADVANCED NOTICE OF PROPOSED RULEMAKING.—If no advanced notice of proposed rulemaking has been issued under subsection (p)(1) with respect to the rulemaking covered by the joint comment or petition, the requirements of subsection (p) with respect to the issuance of an advanced notice of proposed rulemaking shall not apply.

''(C) PUBLICATION OF DETERMINATION.—Not later than 60 days after receipt of a joint comment or petition described in paragraph (1)(A), the Secretary shall publish a description of a determination as to whether the proposed standard or test procedure covered by the joint comment or petition meets the criteria described in paragraph (1).

''(D) PROPOSED RULE.—

''(i) PUBLICATION.—If the Secretary determines that the proposed consensus standard or test procedure covered by the joint comment or petition meets the criteria described in paragraph (1), not later than 30 days after the determination, the Secretary shall publish a proposed rule proposing the consensus standard or test procedure covered by the joint comment or petition.

''(ii) PUBLIC COMMENT PERIOD.—Notwithstanding paragraphs (2) and (3) of subsection (p), the public comment period for the proposed rule shall be the 30–day period beginning on the date of the publication of the proposed rule in the Federal Register.

''(iii) PUBLIC HEARING.—Notwithstanding section 336(a), the Secretary may waive the holding of a public hearing with respect to the proposed rule.

''(E) FINAL RULE.—Notwithstanding subsection (p)(4), the Secretary—

''(i) may publish a final rule at any time after the 60-day period beginning on the date of publication of the proposed rule in the Federal Register; and

''(ii) shall publish a final rule not later than 120 days after the date of publication of the proposed rule in the Federal Register.''.

SEC. 225. PERIODIC REVIEWS.

(a) TEST PROCEDURES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by striking ''(1)'' and all that follows through the end of the paragraph and inserting the following:

''(1) TEST PROCEDURES.—

''(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

''(i) amend test procedures with respect to any covered product, if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3); or

''(ii) publish notice in the Federal Register of any determination not to amend a test procedure.''.

(b) ENERGY CONSERVATION STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by striking subsection (m) and inserting the following:

''(m) FURTHER RULEMAKING.—

''(1) IN GENERAL.—After issuance of the last final rules required for a product under this part, the Secretary shall, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, publish a final rule to determine whether standards for the product should be amended based on the criteria described in subsection (n)(2).

''(2) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a

notice of availability describing the analysis of the Department and provide opportunity for written comment.

''(3) FINAL RULE.—Not later than 3 years after a positive determination under paragraph (1), the Secretary shall publish a final rule amending the standard for the product.

''(4) APPLICATION OF AMENDMENT.—An amendment prescribed under this subsection shall apply to a product manufactured after a date that is 5 years after—

''(A) the effective date of the previous amendment made pursuant to this part; or

''(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years after publication of the final rule establishing a standard.''.

(c) STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking paragraph (6) and inserting the following:

''(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

''(A) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, packaged terminal central and commercial air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

''(B) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in subparagraph (A), the Secretary shall establish an amended uniform national standard for the product at the minimum level for the applicable effective date specified in the amended ASHRAE/IES Standard 90.1.

''(ii) MORE STRINGENT STANDARD.—Clause (i) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

''(C) RULE.—If the Secretary makes a determination described in subparagraph (B)(ii) for a product described in subparagraph (A), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.

''(D) AMENDMENT OF STANDARDS.—

''(i) IN GENERAL.—After issuance of the most recent final rule for a product under this subsection, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, the Secretary shall publish a final rule to determine whether standards for the product should be amended based on the criteria described in subparagraph (A).

''(ii) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

''(iii) FINAL RULE.—Not later than 3 years after a positive determination under clause (i), the Secretary shall publish a final rule amending the standard for the product.''.

(d) TEST PROCEDURES.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking ''(a)'' and all that follows through the end of paragraph (1) and inserting the following:

''(a) PRESCRIPTION BY SECRETARY; REQUIREMENTS.—

''(1) TEST PROCEDURES.—

''(A) AMENDMENT.—At least once every 7 years, the Secretary shall conduct an evaluation of each class of covered equipment and—

''(i) if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraphs (2) and (3), shall prescribe test procedures for the class in accordance with this section; or

''(ii) shall publish notice in the Federal Register of any determination not to amend a test procedure.''.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) take effect on January 1, 2012.

SEC. 226. ENERGY EFFICIENCY LABELING FOR CONSUMER PRODUCTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act or not later than 18 months after test procedures have been developed for a consumer electronics product category described in subsection (b), whichever is later, the Federal Trade Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency shall promulgate regulations, in accordance with the Energy Star program and in a manner that minimizes, to the maximum extent practicable, duplication with respect to the requirements of that program and other national and international energy labeling programs, to add the consumer electronics product categories described in subsection (b) to the Energy Guide labeling program of the Commission.

(b) CONSUMER ELECTRONICS PRODUCT CATEGORIES.—The consumer electronics product categories referred to in subsection (a) are the following:

(1) Televisions.

(2) Personal computers.

(3) Cable or satellite set-top boxes.

(4) Stand-alone digital video recorder boxes.

(5) Computer monitors.

(c) LABEL PLACEMENT.—The regulations shall include specific requirements for each product on the placement of Energy Guide labels.

(d) DEADLINE FOR LABELING.—Not later than 1 year after the date of promulgation of regulations under subsection (a), the Commission shall require labeling electronic products described in subsection (b) in accordance with this section (including the regulations).

(e) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may add additional product categories to the Energy Guide labeling program if the product categories include products, as determined by the Commission—

(1) that have an annual energy use in excess of 100 kilowatt hours per year; and

(2) for which there is a significant difference in energy use between the most and least efficient products.

SEC. 227. RESIDENTIAL BOILER EFFICIENCY STANDARDS.

Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended—

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

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

''(3) BOILERS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), boilers manufactured on or after September 1, 2012, shall meet the following requirements: ″

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

''(B) PILOTS.—The manufacturer shall not equip gas hot water or steam boilers with constant-burning pilot lights.

''(C) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

''(i) IN GENERAL.—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with tankless domestic water heating coils) with an automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

''(ii) CERTAIN BOILERS.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

''(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clauses (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

''(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.''.

SEC. 228. TECHNICAL CORRECTIONS.

(a) DEFINITION OF FLUORESCENT LAMP.—Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking ''82'' and inserting ''87''.

(b) STANDARDS FOR COMMERCIAL PACKAGE AIR CONDITIONING AND HEATING EQUIPMENT.—Section 342(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(1)) is amended in the matter preceding subparagraph (A) by striking ''but before January 1, 2010,''.

(c) MERCURY VAPOR LAMP BALLASTS.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 212(a)(2)) is amended—

(A) in paragraph (46)(A)—

(i) in clause (i), by striking ''bulb'' and inserting ''the arc tube''; and

(ii) in clause (ii), by striking ''has a bulb'' and inserting ''wall loading is'';

(B) in paragraph (47)(A), by striking ''operating at a partial'' and inserting ''typically operating at a partial vapor'';

(C) in paragraph (48), by inserting ''intended for general illumination'' after ''lamps''; and

(D) by adding at the end the following:

''(56) The term 'specialty application mercury vapor lamp ballast' means a mercury vapor lamp ballast that—

''(A) is designed and marketed for medical use, optical comparators, quality inspection, industrial processing, or scientific use, including fluorescent microscopy, ultraviolet curing, and the manufacture of microchips, liquid crystal displays, and printed circuit boards; and

''(B) in the case of a specialty application mercury vapor lamp ballast, is labeled as a specialty application mercury vapor lamp ballast.''.

(2) STANDARD SETTING AUTHORITY.—Section 325(ee) of the Energy Policy and Conservation Act (42 U.S.C. 6295(ee)) is amended by inserting ''(other than specialty application mercury vapor lamp ballasts)'' after ''ballasts''.

SEC. 229. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended by striking subparagraph (A) and inserting the following:

''(A)(i) The term 'electric motor' means—

''(I) a general purpose electric motor—subtype I; and

''(II) a general purpose electric motor—subtype II.

''(ii) The term 'general purpose electric motor—subtype I' means any motor that is considered a general purpose motor under section 431.12 of title 10, Code of Federal Regulations (or successor regulations).

''(iii) The term 'general purpose electric motor—subtype II' means a motor that, in addition to the design elements for a general purpose electric motor—subtype I, incorporates the design elements (as established in National Electrical Manufacturers Association MG–1 (2006)) for any of the following:

''(I) A U–Frame Motor.

''(II) A Design C Motor.

''(III) A close-coupled pump motor.

''(IV) A footless motor.

''(V) A vertical solid shaft normal thrust (tested in a horizontal configuration).

''(VI) An 8-pole motor.

''(VII) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts).''.

(b) STANDARDS.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(13)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) GENERAL PURPOSE ELECTRIC MOTORS—SUBTYPE I.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, a general purpose electric motor—subtype I with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12–12 of National Electrical Manufacturers Association (referred to in this paragraph as 'NEMA') MG–1 (2006).

''(ii) FIRE PUMP MOTORS.—A fire pump motor shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).

''(B) GENERAL PURPOSE ELECTRIC MOTORS—SUBTYPE II.—A general purpose electric motor—subtype II with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).

''(C) DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—A NEMA Design B, general purpose electric motor with a power rating of not less than 201, and not more than 500, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of the enactment of this subparagraph shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 230. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321(6)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(A)) is amended by striking ''or, in the case of'' and inserting ''and, in the case of residential clothes washers, residential dishwashers,''.

(b) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

''(4) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014, and including any amended standards.''.

(c) RESIDENTIAL CLOTHES WASHERS AND DISHWASHERS.—Section 325(g)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(4)) is amended by adding at the end the following:

''(D) CLOTHES WASHERS.—

''(i) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—A residential clothes washer manufactured on or after January 1, 2011, shall have—

''(I) a modified energy factor of at least 1.26; and

''(II) a water factor of not more than 9.5.

''(ii) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2012.—Not later than January 1, 2012, the Secretary shall publish a final rule determining whether to amend the standards in effect for residential clothes washers manufactured on or after January 1, 2012, and including any amended standards.

''(E) DISHWASHERS.—

''(i) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—A dishwasher manufactured on or after January 1, 2010, shall use not more than—

''(I) in the case of a standard-size dishwasher, 355 kWh per year or 6.5 gallons of water per cycle; and

''(II) in the case of a compact-size dishwasher, 260 kWh per year or 4.5 gallons of water per cycle.

''(ii) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 1, 2018, and including any amended standards.''.

(d) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended—

(1) in paragraph (1), by inserting ''and before October 1, 2012,'' after ''2007,''; and

(2) by striking paragraph (2) and inserting the following:

''(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:''

Product Capacity (pints/day):	Minimum Energy Factor liters/kWh
Up to 35.00	1.35
35.01–45.00	1.50
45.01–54.00	1.60
54.01–75.00	1.70
Greater than 75.00	2.5.''

(e) ENERGY STAR PROGRAM.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking ''2010'' and inserting ''2009''.

SEC. 231. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold climates, including combined heat and power units and increased use of renewable resources, including fuel.''.

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting '', or products with improved energy efficiency in cold climates,'' after ''residential Energy Star products''; and

(2) in subsection (e), by inserting ''or product with improved energy efficiency in a cold climate'' after ''residential Energy Star product'' each place it appears.

SEC. 232. DEPLOYMENT OF NEW TECHNOLOGIES FOR HIGH-EFFICIENCY CONSUMER PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) ENERGY SAVINGS.—The term ''energy savings'' means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under the energy efficiency standard applicable to the product.

(2) HIGH-EFFICIENCY CONSUMER PRODUCT.—The term ''high-efficiency consumer product'' means a product that exceeds the energy efficiency of comparable products available in the market by a percentage determined by the Secretary to be an appropriate benchmark for the consumer product category competing for an award under this section.

(b) FINANCIAL INCENTIVES PROGRAM.—Effective beginning October 1, 2007, the Secretary shall competitively award financial incentives under this section for the manufacture of high-efficiency consumer products.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall make awards under this section to manufacturers of high-efficiency consumer products, based on the bid of each manufacturer in terms of dollars per megawatt-hour or million British thermal units saved.

(2) ACCEPTANCE OF BIDS.—In making awards under this section, the Secretary shall—

(A) solicit bids for reverse auction from appropriate manufacturers, as determined by the Secretary; and

(B) award financial incentives to the manufacturers that submit the lowest bids that meet the requirements established by the Secretary.

(d) FORMS OF AWARDS.—An award for a high-efficiency consumer product under this section shall be in the form of a lump sum payment in an amount equal to the product obtained by multiplying—

(1) the amount of the bid by the manufacturer of the high-efficiency consumer product; and

(2) the energy savings during the projected useful life of the high-efficiency consumer product, not to exceed 10 years, as determined under regulations issued by the Secretary.

SEC. 233. INDUSTRIAL EFFICIENCY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term eligible entity means—

(A) an institution of higher education under contract or in partnership with a nonprofit or for-profit private entity acting on behalf of an industrial or commercial sector or subsector;

(B) a nonprofit or for-profit private entity acting on behalf on an industrial or commercial sector or subsector; or

(C) a consortia of entities acting on behalf of an industrial or commercial sector or subsector.

(2) ENERGY-INTENSIVE COMMERCIAL APPLICATIONS.—The term ''energy-intensive commercial applications'' means processes and facilities that use significant quantities of energy as part of the primary economic activities of the processes and facilities, including—

(A) information technology data centers;

(B) product manufacturing; and

(C) food processing.

(3) FEEDSTOCK.—The term ''feedstock'' means the raw material supplied for use in manufacturing, chemical, and biological processes.

(4) MATERIALS MANUFACTURERS.—The term ''materials manufacturers'' means the energy-intensive primary manufacturing industries, including the aluminum, chemicals, forest and paper products, glass, metal casting, and steel industries.

(5) PARTNERSHIP.—The term ''partnership'' means an energy efficiency and utilization partnership established under subsection (c)(1)(A).

(6) PROGRAM.—The term ''program'' means the industrial efficiency program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary, in cooperation with materials manufacturers, companies engaged in energy-intensive commercial applications, and national industry trade associations representing the manufactures and companies, shall support, develop, and promote the use of new materials manufacturing and industrial and commercial processes, technologies, and techniques to optimize energy efficiency and the economic competitiveness of the United States.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—As part of the program, the Secretary shall—

(A) establish energy efficiency and utilization partnerships between the Secretary and eligible entities to conduct research on, develop, and demonstrate new processes, technologies, and operating practices and techniques to significantly improve energy efficiency and utilization by materials manufacturers and in energy-intensive commercial applications, including the conduct of activities to—

(i) increase the energy efficiency of industrial and commercial processes and facilities in energy-intensive commercial application sectors;

(ii) research, develop, and demonstrate advanced technologies capable of energy intensity reductions and increased environmental performance in energy-intensive commercial application sectors; and

(iii) promote the use of the processes, technologies, and techniques described in clauses (i) and (ii); and

(B) pay the Federal share of the cost of any eligible partnership activities for which a proposal has been submitted and approved in accordance with paragraph (3)(B).

(2) ELIGIBLE ACTIVITIES.—Partnership activities eligible for financial assistance under this subsection include—

(A) feedstock and recycling research, development, and demonstration activities to identify and promote—

(i) opportunities for meeting manufacturing feedstock requirements with more energy efficient and flexible sources of feedstock or energy supply;

(ii) strategies to develop and deploy technologies that improve the quality and quantity of feedstocks recovered from process and waste streams; and

(iii) other methods using recycling, reuse, and improved industrial materials;

(B) industrial and commercial energy efficiency and sustainability assessments to—

(i) assist individual industrial and commercial sectors in developing tools, techniques, and methodologies to assess—

(I) the unique processes and facilities of the sectors;

(II) the energy utilization requirements of the sectors; and

(III) the application of new, more energy efficient technologies; and

(ii) conduct energy savings assessments;

(C) the incorporation of technologies and innovations that would significantly improve the energy efficiency and utilization of energy-intensive commercial applications; and

(D) any other activities that the Secretary determines to be appropriate.

(3) PROPOSALS.—

(A) IN GENERAL.—To be eligible for financial assistance under this subsection, a partnership shall submit to the Secretary a proposal that describes the proposed research, development, or demonstration activity to be conducted by the partnership.

(B) REVIEW.—After reviewing the scientific, technical, and commercial merit of a proposals submitted under subparagraph (A), the Secretary shall approve or disapprove the proposal.

(C) COMPETITIVE AWARDS.—The provision of financial assistance under this subsection shall be on a competitive basis.

(4) COST-SHARING REQUIREMENT.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $184,000,000 for fiscal year 2008;

(B) $190,000,000 for fiscal year 2009;

(C) $196,000,000 for fiscal year 2010;

(D) $202,000,000 for fiscal year 2011;

(E) $208,000,000 for fiscal year 2012; and

(F) such sums as are necessary for fiscal year 2013 and each fiscal year thereafter.

(2) PARTNERSHIP ACTIVITIES.—Of the amounts made available under paragraph (1), not less than 50 percent shall be used to pay the Federal share of partnership activities under subsection (c).

Subtitle C—Promoting High Efficiency Vehicles, Advanced Batteries, and Energy Storage

SEC. 241. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety; and

(2) the cost of lightweight materials (such as steel alloys, fiberglass, and carbon composites) required for the construction of lighter-weight vehicles may be reduced.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2007 through 2012.

SEC. 242. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE PARTS MANUFACTURERS.

(a) IN GENERAL.—Section 712(a) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)) is amended in the second sentence by striking ''grants to automobile manufacturers'' and inserting ''grants and loan guarantees under section 1703 to automobile manufacturers and suppliers''.

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by striking paragraph (8) and inserting the following:

''(8) Production facilities for the manufacture of fuel efficient vehicles or parts of those vehicles, including electric drive transportation technology and advanced diesel vehicles.''.

SEC. 243. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADJUSTED AVERAGE FUEL ECONOMY.—The term ''adjusted average fuel economy'' means the average fuel economy of a manufacturer for all light duty vehicles produced by the manufacturer, adjusted such that the fuel economy of each vehicle that qualifies for an award shall be considered to be equal to the average fuel economy for vehicles of a similar footprint for model year 2005.

(2) ADVANCED TECHNOLOGY VEHICLE.—The term ''advanced technology vehicle'' means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy, calculated on an energy-equivalent basis, for vehicles of a substantially similar footprint.

(3) COMBINED FUEL ECONOMY.—The term ''combined fuel economy'' means—

(A) the combined city/highway miles per gallon values, as reported in accordance with section 32908 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration or a similar practice recommended by the Secretary, using a petroleum equivalence factor for the off-board electricity (as defined in section 474 of title 10, Code of Federal Regulations).

(4) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing new tooling and equipment for production facilities that produce qualifying components or advanced technology vehicles.

(5) QUALIFYING COMPONENTS.—The term ''qualifying components'' means components that the Secretary determines to be—

(A) specially designed for advanced technology vehicles; and

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(b) ADVANCED VEHICLES MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(1) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2017; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2017.

(d) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award under this section during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty vehicles of the manufacturer for model year 2005.

SEC. 244. ENERGY STORAGE COMPETITIVENESS.

(a) SHORT TITLE.—This section may be cited as the ''United States Energy Storage Competitiveness Act of 2007''.

(b) ENERGY STORAGE SYSTEMS FOR MOTOR TRANSPORTATION AND ELECTRICITY TRANSMISSION AND DISTRIBUTION.—

(1) DEFINITIONS.—In this subsection:

(A) COUNCIL.—The term ''Council'' means the Energy Storage Advisory Council established under paragraph (3).

(B) COMPRESSED AIR ENERGY STORAGE.—The term ''compressed air energy storage'' means, in the case of an electricity grid application, the storage of energy through the compression of air.

(C) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(D) FLYWHEEL.—The term ''flywheel'' means, in the case of an electricity grid application, a device used to store rotational kinetic energy.

(E) ULTRACAPACITOR.—The term ''ultracapacitor'' means an energy storage device that has a power density comparable to conventional capacitors but capable of exceeding the energy density of conventional capacitors by several orders of magnitude.

(2) PROGRAM.—The Secretary shall carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(3) ENERGY STORAGE ADVISORY COUNCIL.—

(A) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an Energy Storage Advisory Council.

(B) COMPOSITION.—

(i) IN GENERAL.—Subject to clause (ii), the Council shall consist of not less than 15 individuals appointed by the Secretary, based on recommendations of the National Academy of Sciences.

(ii) ENERGY STORAGE INDUSTRY.—The Council shall consist primarily of representatives of the energy storage industry of the United States.

(iii) CHAIRPERSON.—The Secretary shall select a Chairperson for the Council from among the members appointed under clause (i)

(C) MEETINGS.—

(i) IN GENERAL.—The Council shall meet not less than once a year.

(ii) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to a meeting of the Council.

(D) PLANS.—No later than 1 year after the date of enactment of this Act, in conjunction with the Secretary, the Council shall develop 5-year plans for integrating basic and applied research so that the United States retains a globally competitive domestic energy storage industry for motor transportation and electricity transmission and distribution.

(E) REVIEW.—The Council shall—

(i) assess the performance of the Department in meeting the goals of the plans developed under subparagraph (D); and

(ii) make specific recommendations to the Secretary on programs or activities that should be established or terminated to meet those goals.

(4) BASIC RESEARCH PROGRAM.—

(A) BASIC RESEARCH.—The Secretary shall conduct a basic research program on energy storage systems to support motor transportation and electricity transmission and distribution, including—

(i) materials design;

(ii) materials synthesis and characterization;

(iii) electrolytes, including bioelectrolytes;

(iv) surface and interface dynamics; and

(v) modeling and simulation.

(B) NANOSCIENCE CENTERS.—The Secretary shall ensure that the nanoscience centers of the Department—

(i) support research in the areas described in subparagraph (A), as part of the mission of the centers; and

(ii) coordinate activities of the centers with activities of the Council.

(5) APPLIED RESEARCH PROGRAM.—The Secretary shall conduct an applied research program on energy storage systems to support motor transportation and electricity transmission and distribution technologies, including—

(A) ultracapacitors;

(B) flywheels;

(C) batteries;

(D) compressed air energy systems;

(E) power conditioning electronics; and

(F) manufacturing technologies for energy storage systems.

(6) ENERGY STORAGE RESEARCH CENTERS.—

(A) IN GENERAL.—The Secretary shall establish, through competitive bids, 4 energy storage research centers to translate basic research into applied technologies to advance the capability of the United States to maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

(B) PROGRAM MANAGEMENT.—The centers shall be jointly managed by the Under Secretary for Science and the Under Secretary of Energy of the Department.

(C) PARTICIPATION AGREEMENTS.—As a condition of participating in a center, a participant shall enter into a participation agreement with the center that requires that activities conducted by the participant for the center promote the goal of enabling the United States to compete successfully in global energy storage markets.

(D) PLANS.—A center shall conduct activities that promote the achievement of the goals of the plans of the Council under paragraph (3)(D).

(E) COST SHARING.—In carrying out this paragraph, the Secretary shall require cost-sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(F) NATIONAL LABORATORIES.—A national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) may participate in a center established under this paragraph, including a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

(G) INTELLECTUAL PROPERTY.—A participant shall be provided appropriate intellectual property rights commensurate with the nature of the participation agreement of the participant.

(7) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—Not later than 5 years after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences to assess the performance of the Department in making the United States globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out—

(A) the basic research program under paragraph (4) $50,000,000 for each of fiscal years 2008 through 2017;

(B) the applied research program under paragraph (5) $80,000,000 for each of fiscal years 2008 through 2017; and;

(C) the energy storage research center program under paragraph (6) $100,000,000 for each of fiscal years 2008 through 2017.

SEC. 245. ADVANCED TRANSPORTATION TECHNOLOGY PROGRAM.

(a) ELECTRIC DRIVE VEHICLE DEMONSTRATION PROGRAM.—

(1) DEFINITION OF ELECTRIC DRIVE VEHICLE.—In this subsection, the term ''electric drive vehicle'' means a precommercial vehicle that—

(A) draws motive power from a battery with at least 4 kilowatt-hours of electricity;

(B) can be recharged from an external source of electricity for motive power; and

(C) is a light-, medium-, or heavy-duty onroad or nonroad vehicle.

(2) PROGRAM.—The Secretary shall establish a competitive program to provide grants for demonstrations of electric drive vehicles.

(3) ELIGIBILITY.—A State government, local government, metropolitan transportation authority, air pollution control district, private entity, and nonprofit entity shall be eligible to receive a grant under this subsection.

(4) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to proposals that—

(A) are likely to contribute to the commercialization and production of electric drive vehicles in the United States; and

(B) reduce petroleum usage.

(5) SCOPE OF DEMONSTRATIONS.—The Secretary shall ensure, to the extent practicable, that the program established under

this subsection includes a variety of applications, manufacturers, and end-uses.

(6) REPORTING.—The Secretary shall require a grant recipient under this subsection to submit to the Secretary, on an annual basis, data relating to vehicle, performance, life cycle costs, and emissions of vehicles demonstrated under the grant, including emissions of greenhouse gases.

(7) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(8) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $60,000,000 for each of fiscal years 2008 through 2012, of which not less than $20,000,000 shall be available each fiscal year only to make grants local and municipal governments.

(b) NEAR-TERM OIL SAVING TRANSPORTATION DEPLOYMENT PROGRAM.—

(1) DEFINITION OF QUALIFIED TRANSPORTATION PROJECT.—In this subsection, the term ''qualified transportation project'' means—

(A) a project that simultaneously reduces emissions of criteria pollutants, greenhouse gas emissions, and petroleum usage by at least 40 percent as compared to commercially available, petroleum-based technologies used in nonroad vehicles; and

(B) an electrification project involving onroad commercial trucks, rail transportation, or ships, and any associated infrastructure (including any panel upgrades, battery chargers, trenching, and alternative fuel infrastructure).

(2) PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall establish a program to provide grants to eligible entities for the conduct of qualified transportation projects.

(3) PRIORITY.—In providing grants under this subsection, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(4) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry this subsection $90,000,000 for each of fiscal years 2008 through 2013.

Subtitle D—Setting Energy Efficiency Goals

SEC. 251. NATIONAL GOALS FOR ENERGY SAVINGS IN TRANSPORTATION.

(a) GOALS.—The goals of the United States are to reduce gasoline usage in the United States from the levels projected under subsection (b) by—

(1) 20 percent by calendar year 2017;

(2) 35 percent by calendar year 2025; and

(3) 45 percent by calendar year 2030.

(b) MEASUREMENT.—For purposes of subsection (a), reduction in gasoline usage shall be measured from the estimates for each year in subsection (a) contained in the reference case in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2007''.

(c) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for reduction in gasoline usage established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public comment.

(d) PLAN CONTENTS.—The strategic plan shall—

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(e) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) to the maximum extent practicable, verify energy savings resulting from the policies.

(f) REPORT TO CONGRESS AND PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (c) and each updated plan.

SEC. 252. NATIONAL ENERGY EFFICIENCY IMPROVEMENT GOALS.

(a) GOALS.—The goals of the United States are—

(1) to achieve an improvement in the overall energy productivity of the United States (measured in gross domestic product per unit of energy input) of at least 2.5 percent per year by the year 2012; and

(2) to maintain that annual rate of improvement each year through 2030.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for improvement in energy productivity established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public input and comment.

(c) PLAN CONTENTS.—The strategic plan shall—

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(d) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) verify, to the maximum extent practicable, energy savings resulting from the policies.

(e) REPORT TO CONGRESS AND PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (b) and each updated plan.

SEC. 253. NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the ''Secretary''), shall develop and conduct a national media campaign—

(1) to increase energy efficiency throughout the economy of the United States over the next decade;

(2) to promote the national security benefits associated with increased energy efficiency; and

(3) to decrease oil consumption in the United States over the next decade.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for the following:

(A) ADVERTISING COSTS.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(B) ADMINISTRATIVE COSTS.—Operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

(2) DECREASED OIL CONSUMPTION.—The Secretary shall use not less than 50 percent of the amount that is made available under this section for each fiscal year to develop and conduct a national media campaign to decrease oil consumption in the United States over the next decade.

SEC. 254. MODERNIZATION OF ELECTRICITY GRID SYSTEM.

(a) STATEMENT OF POLICY.—It is the policy of the United States that developing and deploying advanced technology to modernize and increase the efficiency of the electricity grid system of the United States is essential to maintain a reliable and secure electricity transmission and distribution infrastructure that can meet future demand growth.

(b) PROGRAMS.—The Secretary, the Federal Energy Regulatory Commission, and other Federal agencies, as appropriate, shall carry out programs to support the use, development, and demonstration of advanced transmission and distribution technologies, including real-time monitoring and analytical software—

(1) to maximize the capacity and efficiency of electricity networks;

(2) to enhance grid reliability;

(3) to reduce line losses;

(4) to facilitate the transition to real-time electricity pricing;

(5) to allow grid incorporation of more on-site renewable energy generators;

(6) to enable electricity to displace a portion of the petroleum used to power the national transportation system of the United States; and

(7) to enable broad deployment of distributed generation and demand side management technology.

Subtitle E—Promoting Federal Leadership in Energy Efficiency and Renewable Energy

SEC. 261. FEDERAL FLEET CONSERVATION REQUIREMENTS.

(a) FEDERAL FLEET CONSERVATION REQUIREMENTS.—

(1) IN GENERAL.—Part J of title III of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

''SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

''(a) MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—The Secretary shall issue regulations (including provisions for waivers from the requirements of this section) for Federal fleets subject to section 400AA requiring that not later than October 1, 2015, each Federal agency achieve at least a 20 percent reduction in petroleum consumption, and that each Federal agency increase alternative fuel consumption by 10 percent annually, as calculated from the baseline established by the Secretary for fiscal year 2005.

''(2) PLAN.—

''(A) REQUIREMENT.—The regulations shall require each Federal agency to develop a plan to meet the required petroleum reduction levels and the alternative fuel consumption increases.

''(B) MEASURES.—The plan may allow an agency to meet the required petroleum reduction level through—

''(i) the use of alternative fuels;

''(ii) the acquisition of vehicles with higher fuel economy, including hybrid vehicles, neighborhood electric vehicles, electric vehicles, and plug–in hybrid vehicles if the vehicles are commercially available;

''(iii) the substitution of cars for light trucks;

''(iv) an increase in vehicle load factors;

''(v) a decrease in vehicle miles traveled;

''(vi) a decrease in fleet size; and

''(vii) other measures.

''(b) FEDERAL EMPLOYEE INCENTIVE PROGRAMS FOR REDUCING PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—Each Federal agency shall actively promote incentive programs that encourage Federal employees and contractors to reduce petroleum usage through the use of practices such as—

''(A) telecommuting;

''(B) public transit;

''(C) carpooling; and

''(D) bicycling.

''(2) MONITORING AND SUPPORT FOR INCENTIVE PROGRAMS.—The Administrator of General Services, the Director of the Office of Personnel Management, and the Secretary of Energy shall monitor and provide appropriate support to agency programs described in paragraph (1).

''(3) RECOGNITION.—The Secretary may establish a program under which the Secretary recognizes private sector employers and State and local governments for outstanding programs to reduce petroleum usage through practices described in paragraph (1).

''(c) REPLACEMENT TIRES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the regulations issued under subsection (a)(1) shall include a requirement that, to the maximum extent practicable, each Federal agency purchase energy-efficient replacement tires for the respective fleet vehicles of the agency.

''(2) EXCEPTIONS.—This section does not apply to—

''(A) law enforcement motor vehicles;

''(B) emergency motor vehicles; or

''(C) motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary must be exempt for national security reasons.

''(d) ANNUAL REPORTS ON COMPLIANCE.—The Secretary shall submit to Congress an annual report that summarizes actions taken by Federal agencies to comply with this section.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part J of title III the following:

''Sec. 400FF. Federal fleet conservation requirements.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the amendment made by this section $10,000,000 for the period of fiscal years 2008 through 2013.

SEC. 262. FEDERAL REQUIREMENT TO PURCHASE ELECTRICITY GENERATED BY RENEWABLE ENERGY.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—The President, acting through the Secretary, shall require that, to the extent economically feasible and technically practicable, of the total quantity of domestic electric energy the Federal Government consumes during any fiscal year, the following percentages shall be renewable energy from facilities placed in service after January 1, 1999:

''(A) Not less than 10 percent in fiscal year 2010.

''(B) Not less than 15 percent in fiscal year 2015.

''(2) CAPITOL COMPLEX.—The Architect of the Capitol, in consultation with the Secretary, shall ensure that, of the total quantity of electric energy the Capitol complex consumes during any fiscal year, the percentages prescribed in paragraph (1) shall be renewable energy.

''(3) WAIVER AUTHORITY.—The President may reduce or waive the requirement under paragraph (1) on a fiscal-year basis if the President determines that complying with paragraph (1) for a fiscal year would result in—

''(A) a negative impact on military training or readiness activities conducted by the Department of Defense;

''(B) a negative impact on domestic preparedness activities conducted by the Department of Homeland Security; or

''(C) a requirement that a Federal agency provide emergency response services in the event of a natural disaster or terrorist attack.''; and

(2) by adding at the end the following:

''(e) CONTRACTS FOR RENEWABLE ENERGY FROM PUBLIC UTILITY SERVICES.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract for renewable energy from a public utility service may be made for a period of not more than 50 years.''.

SEC. 263. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) RETENTION OF SAVINGS.—Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

(b) SUNSET AND REPORTING REQUIREMENTS.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

(c) DEFINITION OF ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking ''means a reduction'' and inserting ''means—

''(A) a reduction'';

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(B) the increased efficient use of an existing energy source by cogeneration or heat recovery, and installation of renewable energy systems;

''(C) if otherwise authorized by Federal or State law (including regulations), the sale or transfer of electrical or thermal energy generated on-site from renewable energy sources or cogeneration, but in excess of Federal needs, to utilities or non-Federal energy users; and

''(D) the increased efficient use of existing water sources in interior or exterior applications.''.

(d) NOTIFICATION.—

(1) AUTHORITY TO ENTER INTO CONTRACTS.—Section 801(a)(2)(D) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)) is amended—

(A) in clause (ii), by inserting ''and'' after the semicolon at the end;

(B) by striking clause (iii); and

(C) by redesignating clause (iv) as clause (iii).

(2) REPORTS.—Section 548(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)(2)) is amended by inserting ''and any termination penalty exposure'' after ''the energy and cost savings that have resulted from such contracts''.

(3) CONFORMING AMENDMENT.—Section 2913 of title 10, United States Code, is amended by striking subsection (e).

(e) ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.—

(1) DEFINITIONS.—In this subsection:

(A) NONBUILDING APPLICATION.—The term ''nonbuilding application'' means—

(i) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(I) that transportation; or

(II) maintaining a controlled environment within the vehicle, device, or equipment; and

(ii) any federally-owned equipment used to generate electricity or transport water.

(B) SECONDARY SAVINGS.—

(i) IN GENERAL.—The term ''secondary savings'' means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(ii) INCLUSIONS.—The term ''secondary savings'' includes—

(I) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(II) personnel cost savings and environmental benefits; and

(III) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(2) STUDY.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(B) REQUIREMENTS.—The study under this subsection shall include—

(i) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(ii) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to such use; and

(iii) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

SEC. 264. ENERGY MANAGEMENT REQUIREMENTS FOR FEDERAL BUILDINGS.

Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking the table and inserting the following:

''Fiscal Year	Percentage reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30.''.

SEC. 265. COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

''(f) COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Secretary, in consultation with the Administrator of General Services and the Secretary of Defense, shall identify Federal sites that could achieve significant cost-effective energy savings through the use of combined heat and power or district energy installations.

''(2) INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary shall provide agencies with information and technical assistance that will enable the agencies to take advantage of the energy savings described in paragraph (1).

''(3) ENERGY PERFORMANCE REQUIREMENTS.—Any energy savings from the installations described in paragraph (1) may be applied to meet the energy performance requirements for an agency under subsection (a)(1).''.

SEC. 266. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''this paragraph'' and by inserting ''the Energy Efficiency Promotion Act of 2007''; and

(2) in clause (i)—

(A) in subclause (I), by striking ''and'' at the end;

(B) by redesignating subclause (II) as subclause (III); and

(C) by inserting after subclause (I) the following:

''(II) the buildings be designed, to the extent economically feasible and technically practicable, so that the fossil fuel-generated energy consumption of the buildings is reduced, as compared with the fossil fuel-generated energy consumption by a similar Federal building in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency), by the percentage specified in the following table:

Fiscal Year	Percentage Reduction
2007	50
2010	60
2015	70
2020	80
2025	90
2030	100;

and''.

SEC. 267. APPLICATION OF INTERNATIONAL ENERGY CONSERVATION CODE TO PUBLIC AND ASSISTED HOUSING.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)(1)(C), by striking, '', where such standards are determined to be cost effective by the Secretary of Housing and Urban Development'';

(2) in subsection (a)(2)—

(A) by striking ''the Council of American Building Officials Model Energy Code, 1992'' and inserting ''2006 International Energy Conservation Code''; and

(B) by striking '', and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(3) in subsection (b)—

(A) in the heading, by striking ''MODEL ENERGY CODE.—'' and inserting ''INTERNATIONAL ENERGY CONSERVATION CODE.—'';

(B) after ''all new construction'' in the first sentence insert ''and rehabilitation''; and

(C) by striking '', and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(4) in subsection (c)—

(A) in the heading, by striking ''MODEL ENERGY CODE AND''; and

(B) by striking '', or, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(5) by adding at the end the following:

''(d) FAILURE TO AMEND THE STANDARDS.—If the Secretaries have not, within 1 year after the requirements of the 2006 IECC or the ASHRAE Standard 90.1–2004 are revised, amended the standards or made a determination under subsection (c) of this section, and if the Secretary of Energy has made a determination under section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) that the revised code or standard would improve energy efficiency, all new construction and rehabilitation of housing specified in subsection (a) shall meet the requirements of the revised code or standard.'';

(6) by striking ''CABO Model Energy Code, 1992'' each place it appears and inserting ''the 2006 IECC''; and

(7) by striking ''1989'' each place it appears and inserting ''2004''.

SEC. 268. ENERGY EFFICIENT COMMERCIAL BUILDINGS INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term ''consortium'' means a working group that is comprised of—

(A) individuals representing—

(i) 1 or more businesses engaged in—

(I) commercial building development;

(II) construction; or

(III) real estate;

(ii) financial institutions;

(iii) academic or research institutions;

(iv) State or utility energy efficiency programs;

(v) nongovernmental energy efficiency organizations; and

(vi) the Federal Government;

(B) 1 or more building designers; and

(C) 1 or more individuals who own or operate 1 or more buildings.

(2) ENERGY EFFICIENT COMMERCIAL BUILDING.—The term ''energy efficient commercial building'' means a commercial building that is designed, constructed, and operated—

(A) to require a greatly reduced quantity of energy;

(B) to meet, on an annual basis, the balance of energy needs of the commercial building from renewable sources of energy; and

(C) to be economically viable.

(3) INITIATIVE.—The term ''initiative'' means the Energy Efficient Commercial Buildings Initiative.

(b) INITIATIVE.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the consortium to develop and carry out the initiative—

(A) to reduce the quantity of energy consumed by commercial buildings located in the United States; and

(B) to achieve the development of energy efficient commercial buildings in the United States.

(2) GOAL OF INITIATIVE.—The goal of the initiative shall be to develop technologies and practices and implement policies that lead to energy efficient commercial buildings for—

(A) any commercial building newly constructed in the United States by 2030;

(B) 50 percent of the commercial building stock of the United States by 2040; and

(C) all commercial buildings in the United States by 2050.

(3) COMPONENTS.—In carrying out the initiative, the Secretary, in collaboration with the consortium, may—

(A) conduct research and development on building design, materials, equipment and controls, operation and other practices, integration, energy use measurement and benchmarking, and policies;

(B) conduct demonstration projects to evaluate replicable approaches to achieving energy efficient commercial buildings for a variety of building types in a variety of climate zones;

(C) conduct deployment activities to disseminate information on, and encourage widespread adoption of, technologies, practices, and policies to achieve energy efficient commercial buildings; and

(D) conduct any other activity necessary to achieve any goal of the initiative, as determined by the Secretary, in collaboration with the consortium.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) ADDITIONAL FUNDING.—In addition to amounts authorized to be appropriated under paragraph (1), the Secretary may allocate funds from other appropriations to the initiative without changing the purpose for which the funds are appropriated.

Subtitle F—Assisting State and Local Governments in Energy Efficiency

SEC. 271. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''$700,000,000 for fiscal year 2008'' and inserting ''$750,000,000 for each of fiscal years 2008 through 2012''.

SEC. 272. STATE ENERGY CONSERVATION PLANS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''fiscal year 2008'' and inserting ''each of fiscal years 2008 through 2012''.

SEC. 273. UTILITY ENERGY EFFICIENCY PROGRAMS.

(a) ELECTRIC UTILITIES.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(16) INTEGRATED RESOURCE PLANNING.—Each electric utility shall—

''(A) integrate energy efficiency resources into utility, State, and regional plans; and

''(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

''(17) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by any electric utility shall—

''(i) align utility incentives with the delivery of cost-effective energy efficiency; and

''(ii) promote energy efficiency investments.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

''(ii) providing utility incentives for the successful management of energy efficiency programs;

''(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

''(iv) adopting rate designs that encourage energy efficiency for each customer class; and

''(v) allowing timely recovery of energy efficiency-related costs.''.

(b) NATURAL GAS UTILITIES.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 3203(b)) is amended by adding at the end the following:

''(5) ENERGY EFFICIENCY.—Each natural gas utility shall—

''(A) integrate energy efficiency resources into the plans and planning processes of the natural gas utility; and

''(B) adopt policies that establish energy efficiency as a priority resource in the plans and planning processes of the natural gas utility.

''(6) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by a natural gas utility shall align utility incentives with the deployment of cost-effective energy efficiency.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) separating fixed-cost revenue recovery from the volume of transportation or sales service provided to the customer;

''(ii) providing to utilities incentives for the successful management of energy efficiency programs, such as allowing utilities to retain a portion of the cost-reducing benefits accruing from the programs;

''(iii) promoting the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives; and

''(iv) adopting rate designs that encourage energy efficiency for each customer class.''.

SEC. 274. ENERGY EFFICIENCY AND DEMAND RESPONSE PROGRAM ASSISTANCE.

The Secretary shall provide technical assistance regarding the design and implementation of the energy efficiency and demand response programs established under this title, and the amendments made by this title, to State energy offices, public utility regulatory commissions, and nonregulated utilities through the appropriate national laboratories of the Department of Energy.

SEC. 275. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following:

''SEC. 123. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

''(a) DEFINITIONS.—In this section

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an eligible unit of local government within a State; and

''(C) an Indian tribe.

''(2) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term 'eligible unit of local government' means—

''(A) a city with a population—

''(i) of at least 35,000; or

''(ii) that causes the city to be 1 of the top 10 most populous cities of the State in which the city is located; and

''(B) a county with a population—

''(i) of at least 200,000; or

''(ii) that causes the county to be 1 of the top 10 most populous counties of the State in which the county is located.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(4) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico; and

''(D) any other territory or possession of the United States.

''(b) PURPOSE.—The purpose of this section is to assist State and local governments in implementing strategies—

''(1) to reduce fossil fuel emissions created as a result of activities within the boundaries of the States or units of local government;

''(2) to reduce the total energy use of the States and units of local government; and

''(3) to improve energy efficiency in the transportation sector, building sector, and any other appropriate sectors.

''(c) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall provide to eligible entities block grants to carry out eligible activities (as specified under paragraph (2)) relating to the implementation of environmentally beneficial energy strategies.

''(2) ELIGIBLE ACTIVITIES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Secretary of Housing and Urban Development, shall establish a list of activities that are eligible for assistance under the grant program.

''(3) ALLOCATION TO STATES AND ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

''(A) IN GENERAL.—Of the amounts made available to provide grants under this subsection, the Secretary shall allocate—

''(i) 70 percent to eligible units of local government; and

''(ii) 30 percent to States.

''(B) DISTRIBUTION TO ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

''(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(i) to eligible units of local government, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible units of local government.

''(ii) CRITERIA.—Amounts shall be distributed to eligible units of local government under clause (i) only if the eligible units of local government meet the criteria for distribution established by the Secretary for units of local government.

''(C) DISTRIBUTION TO STATES.—

''(i) IN GENERAL.—Of the amounts provided to States under subparagraph (A)(ii), the Secretary shall distribute—

''(I) at least 1.25 percent to each State; and

''(II) the remainder among the States, based on a formula, to be determined by the Secretary, that takes into account the population of the States and any other criteria that the Secretary determines to be appropriate.

''(ii) CRITERIA.—Amounts shall be distributed to States under clause (i) only if the States meet the criteria for distribution established by the Secretary for States.

''(iii) LIMITATION ON USE OF STATE FUNDS.—At least 40 percent of the amounts distributed to States under this subparagraph shall be used by the States for the conduct of eligible activities in nonentitlement areas in the States, in accordance with any criteria established by the Secretary.

''(4) REPORT.—Not later than 2 years after the date on which an eligible entity first receives a grant under this section, and every 2 years thereafter, the eligible entity shall submit to the Secretary a report that describes any eligible activities carried out using assistance provided under this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

''(d) ENVIRONMENTALLY BENEFICIAL ENERGY STRATEGIES SUPPLEMENTAL GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall provide to each eligible entity that meets the applicable criteria under subparagraph (B)(ii) or (C)(ii) of subsection (c)(3) a supplemental grant to pay the Federal share of the total costs of carrying out an activity relating to the implementation of an environmentally beneficial energy strategy.

''(2) REQUIREMENTS.—To be eligible for a grant under paragraph (1), an eligible entity shall—

''(A) demonstrate to the satisfaction of the Secretary that the eligible entity meets the applicable criteria under subparagraph (B)(ii) or (C)(ii) of subsection (c)(3); and

''(B) submit to the Secretary for approval a plan that describes the activities to be funded by the grant.

''(3) COST-SHARING REQUIREMENT.—

''(A) FEDERAL SHARE.—The Federal share of the cost of carrying out any activities under this subsection shall be 75 percent.

''(B) NON-FEDERAL SHARE.—

''(i) FORM.—Not more than 50 percent of the non-Federal share may be in the form of in-kind contributions.

''(ii) LIMITATION.—Amounts provided to an eligible entity under subsection (c) shall not be used toward the non-Federal share.

''(4) MAINTENANCE OF EFFORT.—An eligible entity shall provide assurances to the Secretary that funds provided to the eligible entity under this subsection will be used only to supplement, not to supplant, the amount of Federal, State, and local funds otherwise expended by the eligible entity for eligible activities under this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

''(e) GRANTS TO OTHER STATES AND COMMUNITIES.—

''(1) IN GENERAL.—Of the total amount of funds that are made available each fiscal year to carry out this section, the Secretary shall use 2 percent of the amount to make competitive grants under this section to States and units of local government that are not eligible entities or to consortia of such units of local government.

''(2) APPLICATIONS.—To be eligible for a grant under this subsection, a State, unit of local government, or consortia described in paragraph (1) shall apply to the Secretary for a grant to carry out an activity that would otherwise be eligible for a grant under subsection (c) or (d).

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to—

''(A) States with populations of less than 2,000,000; and

''(B) projects that would result in significant energy efficiency improvements, reductions in fossil fuel use, or capital improvements.''.

SEC. 276. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

Part G of title III of the Energy Policy and Conservation Act is amended by inserting after section 399 (42 U.S.C. 371h) the following:

''SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

''(a) DEFINITIONS.—In this section:

''(1) ENERGY SUSTAINABILITY.—The term 'energy sustainability' includes using a renewable energy resource and a highly efficient technology for electricity generation, transportation, heating, or cooling.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

''(b) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT.—

''(1) IN GENERAL.—The Secretary shall award not more than 100 grants to institutions of higher education to carry out projects to improve energy efficiency on the grounds and facilities of the institution of higher education, including not less than 1 grant to an institution of higher education in each State.

''(2) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to—

''(A) implement a public awareness campaign concerning the project in the community in which the institution of higher education is located; and

''(B) submit to the Secretary, and make available to the public, reports on any efficiency improvements, energy cost savings, and environmental benefits achieved as part of a project carried out under paragraph (1).

''(c) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

''(1) IN GENERAL.—The Secretary shall award not more than 250 grants to institutions of higher education to engage in innovative energy sustainability projects, including not less than 2 grants to institutions of higher education in each State.

''(2) INNOVATION PROJECTS.—An innovation project carried out with a grant under this subsection shall—

''(A) involve—

''(i) an innovative technology that is not yet commercially available; or

''(ii) available technology in an innovative application that maximizes energy efficiency and sustainability;

''(B) have the greatest potential for testing or demonstrating new technologies or processes; and

''(C) ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of the project.

''(3) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out under paragraph (1).

''(d) AWARDING OF GRANTS.—

''(1) APPLICATION.—An institution of higher education that seeks to receive a grant under this section may submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

''(2) SELECTION.—The Secretary shall establish a committee to assist in the selection of grant recipients under this section.

''(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—Of the amount of grants provided for a fiscal year under this section, the Secretary shall provide not less 50 percent of the amount to institutions of higher education that have an endowment of not more than $100,000,000, with 50 percent of the allocation set aside for institutions of higher education that have an endowment of not more than $50,000,000.

''(f) GRANT AMOUNTS.—The maximum amount of grants for a project under this section shall not exceed—

''(1) in the case of grants for energy efficiency improvement under subsection (b), $1,000,000; or

''(2) in the case of grants for innovation in energy sustainability under subsection (c), $500,000.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.''.

SEC. 277. WORKFORCE TRAINING.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) WORKFORCE TRAINING.—

''(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Labor, shall promulgate regulations to implement a program to provide workforce training to meet the high demand for workers skilled in the energy efficiency and renewable energy industries.

''(2) CONSULTATION.—In carrying out this subsection, the Secretary shall consult with representatives of the energy efficiency and renewable energy industries concerning skills that are needed in those industries.''.

SEC. 278. ASSISTANCE TO STATES TO REDUCE SCHOOL BUS IDLING.

(a) STATEMENT OF POLICY.—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, working in coordination with the Secretary of Education, $5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

TITLE III—CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION

SEC. 301. SHORT TITLE.

This title may be cited as the ''Carbon Capture and Sequestration Act of 2007''.

SEC. 302. CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(1) in the section heading, by striking ''**RESEARCH AND DEVELOPMENT**'' and inserting ''**AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION**'';

(2) in subsection (a)—

(A) by striking ''research and development'' and inserting ''and storage research, development, and demonstration''; and

(B) by striking ''capture technologies on combustion-based systems'' and inserting ''capture and storage technologies related to energy systems'';

(3) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) to expedite and carry out large-scale testing of carbon sequestration systems in a range of geological formations that will provide information on the cost and feasibility of deployment of sequestration technologies.''; and

(4) by striking subsection (c) and inserting the following:

''(c) PROGRAMMATIC ACTIVITIES.—

''(1) ENERGY RESEARCH AND DEVELOPMENT UNDERLYING CARBON CAPTURE AND STORAGE TECHNOLOGIES AND CARBON USE ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall carry out fundamental science and engineering research (including laboratory-scale experiments, numeric modeling, and simulations) to develop and document the performance of new approaches to capture and store, recycle, or reuse carbon dioxide.

''(B) PROGRAM INTEGRATION.—The Secretary shall ensure that fundamental research carried out under this paragraph is appropriately applied to energy technology development activities, the field testing of carbon sequestration, and carbon use activities, including—

''(i) development of new or improved technologies for the capture of carbon dioxide;

''(ii) development of new or improved technologies that reduce the cost and increase the efficacy of the compression of carbon dioxide required for the storage of carbon dioxide;

''(iii) modeling and simulation of geological sequestration field demonstrations;

''(iv) quantitative assessment of risks relating to specific field sites for testing of sequestration technologies; and

''(v) research and development of new and improved technologies for carbon use, including recycling and reuse of carbon dioxide.

''(2) CARBON CAPTURE DEMONSTRATION PROJECT.—

''(A) IN GENERAL.—The Secretary shall carry out a demonstration of large-scale carbon dioxide capture from an appropriate gasification facility selected by the Secretary.

''(B) LINK TO STORAGE ACTIVITIES.—The Secretary may require the use of carbon dioxide from the project carried out under subparagraph (A) in a field testing validation activity under this section.

''(3) FIELD VALIDATION TESTING ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall promote, to the maximum extent practicable, regional carbon sequestration partnerships to conduct geologic sequestration tests involving carbon dioxide injection and monitoring, mitigation, and verification operations in a variety of candidate geological settings, including—

''(i) operating oil and gas fields;

''(ii) depleted oil and gas fields;

''(iii) unmineable coal seams;

''(iv) deep saline formations;

''(v) deep geological systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity; and

''(vi) deep geologic systems containing basalt formations.

''(B) OBJECTIVES.—The objectives of tests conducted under this paragraph shall be—

''(i) to develop and validate geophysical tools, analysis, and modeling to monitor, predict, and verify carbon dioxide containment;

''(ii) to validate modeling of geological formations;

''(iii) to refine storage capacity estimated for particular geological formations;

''(iv) to determine the fate of carbon dioxide concurrent with and following injection into geological formations;

''(v) to develop and implement best practices for operations relating to, and monitoring of, injection and storage of carbon dioxide in geologic formations;

''(vi) to assess and ensure the safety of operations related to geological storage of carbon dioxide; and

''(vii) to allow the Secretary to promulgate policies, procedures, requirements, and guidance to ensure that the objectives of this subparagraph are met in large-scale testing and deployment activities for carbon capture and storage that are funded by the Department of Energy.

''(4) LARGE-SCALE TESTING AND DEPLOYMENT.—

''(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-volume sequestration tests for geological containment of carbon dioxide (at least 1 of which shall be international in scope) to validate information on the cost and feasibility of commercial deployment of technologies for geological containment of carbon dioxide.

''(B) DIVERSITY OF FORMATIONS TO BE STUDIED.—In selecting formations for study under this paragraph, the Secretary shall consider a variety of geological formations across the United States, and require characterization and modeling of candidate formations, as determined by the Secretary.

''(5) PREFERENCE IN PROJECT SELECTION FROM MERITORIOUS PROPOSALS.—In making competitive awards under this subsection, subject to the requirements of section 989, the Secretary shall give preference to proposals from partnerships among industrial, academic, and government entities.

''(6) COST SHARING.—Activities under this subsection shall be considered research and development activities that are subject to the cost-sharing requirements of section 988(b).

''(7) PROGRAM REVIEW AND REPORT.—During fiscal year 2011, the Secretary shall—

''(A) conduct a review of programmatic activities carried out under this subsection; and

''(B) make recommendations with respect to continuation of the activities.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $150,000,000 for fiscal year 2008;

''(2) $200,000,000 for fiscal year 2009;

''(3) $200,000,000 for fiscal year 2010;

''(4) $180,000,000 for fiscal year 2011; and

''(5) $165,000,000 for fiscal year 2012.''.

SEC. 303. CARBON DIOXIDE STORAGE CAPACITY ASSESSMENT.

(a) DEFINITIONS.—In this section

(1) ASSESSMENT.—The term ''assessment'' means the national assessment of capacity for carbon dioxide completed under subsection (f).

(2) CAPACITY.—The term ''capacity'' means the portion of a storage formation that can retain carbon dioxide in accordance with the requirements (including physical, geological, and economic requirements) established under the methodology developed under subsection (b).

(3) ENGINEERED HAZARD.—The term ''engineered hazard'' includes the location and completion history of any well that could affect potential storage.

(4) RISK.—The term ''risk'' includes any risk posed by geomechanical, geochemical, hydrogeological, structural, and engineered hazards.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(6) STORAGE FORMATION.—The term ''storage formation'' means a deep saline formation, unmineable coal seam, or oil or gas reservoir that is capable of accommodating a volume of industrial carbon dioxide.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting an assessment under subsection (f), taking into consideration—

(1) the geographical extent of all potential storage formations in all States;

(2) the capacity of the potential storage formations;

(3) the injectivity of the potential storage formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and storage of industrial carbon dioxide in potential storage formations;

(5) the risk associated with the potential storage formations; and

(6) the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department of Energy in April 2006.

(c) COORDINATION.—

(1) FEDERAL COORDINATION.—

(A) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on issues of data sharing, format, development of the methodology, and content of the assessment required under this title to ensure the maximum usefulness and success of the assessment.

(B) COOPERATION.—The Secretary of Energy and the Administrator shall cooperate with the Secretary to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(2) STATE COORDINATION.—The Secretary shall consult with State geological surveys and other relevant entities to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(d) EXTERNAL REVIEW AND PUBLICATION.—On completion of the methodology under subsection (b), the Secretary shall—

(1) publish the methodology and solicit comments from the public and the heads of affected Federal and State agencies;

(2) establish a panel of individuals with expertise in the matters described in paragraphs (1) through (5) of subsection (b) composed, as appropriate, of representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international geoscience organizations to review the methodology and comments received under paragraph (1); and

(3) on completion of the review under paragraph (2), publish in the Federal Register the revised final methodology.

(e) PERIODIC UPDATES.—The methodology developed under this section shall be updated periodically (including at least once every 5 years) to incorporate new data as the data becomes available.

(f) NATIONAL ASSESSMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of publication of the methodology under subsection (d)(1), the Secretary, in consultation with the Secretary of Energy and State geological surveys, shall complete a national assessment of capacity for carbon dioxide in accordance with the methodology.

(2) GEOLOGICAL VERIFICATION.—As part of the assessment under this subsection, the Secretary shall carry out a drilling program to supplement the geological data relevant to determining storage capacity of carbon dioxide in geological storage formations, including—

(A) well log data;

(B) core data; and

(C) fluid sample data.

(3) PARTNERSHIP WITH OTHER DRILLING PROGRAMS.—As part of the drilling program under paragraph (2), the Secretary shall enter, as appropriate, into partnerships with other entities to collect and integrate data from other drilling programs relevant to the storage of carbon dioxide in geologic formations.

(4) INCORPORATION INTO NATCARB.—

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy shall incorporate the results of the assessment using the NatCarb database, to the maximum extent practicable.

(B) RANKING.—The database shall include the data necessary to rank potential storage sites for capacity and risk, across the United States, within each State, by formation, and within each basin.

(5) REPORT.—Not later than 180 days after the date on which the assessment is completed, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings under the assessment.

(6) PERIODIC UPDATES.—The national assessment developed under this section shall be updated periodically (including at least once every 5 years) to support public and private sector decisionmaking.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for the period of fiscal years 2008 through 2012.

SEC. 304. CARBON CAPTURE AND STORAGE INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL SOURCES OF CARBON DIOXIDE.—The term ''industrial sources of carbon dioxide'' means one or more facilities to—

(A) generate electric energy from fossil fuels;

(B) refine petroleum;

(C) manufacture iron or steel;

(D) manufacture cement or cement clinker;

(E) manufacture commodity chemicals (including from coal gasification); or

(F) manufacture transportation fuels from coal.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) PROGRAM ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a program to demonstrate technologies for the large-scale capture of carbon dioxide from industrial sources of carbon dioxide.

(2) SCOPE OF AWARD.—An award under this section shall be only for the portion of the project that carries out the large-scale capture (including purification and compression) of carbon dioxide, as well as the cost of transportation and injection of carbon dioxide.

(3) QUALIFICATIONS FOR AWARD.—To be eligible for an award under this section, a project proposal must include the following:

(A) CAPACITY.—The capture of not less than eighty-five percent of the produced carbon dioxide at the facility, and not less than 500,000 short tons of carbon dioxide per year.

(B) STORAGE AGREEMENT.—A binding agreement for the storage of all of the captured carbon dioxide in—

(i) a field testing validation activity under section 963 of the Energy Policy Act of 2005, as amended by this Act; or

(ii) other geological storage projects approved by the Secretary.

(C) PURITY LEVEL.—A purity level of at least 95 percent for the captured carbon dioxide delivered for storage.

(D) COMMITMENT TO CONTINUED OPERATION OF SUCCESSFUL UNIT.—If the project successfully demonstrates capture and storage of carbon dioxide, a commitment to continued capture and storage of carbon dioxide after the conclusion of the demonstration.

(4) COST-SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 shall apply to this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $100,000,000 per year for fiscal years 2009 through 2013.

TITLE IV—PUBLIC BUILDINGS COST REDUCTION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Public Buildings Cost Reduction Act of 2007''.

SEC. 402. COST-EFFECTIVE TECHNOLOGY ACCELERATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator of General Services (referred to in this section as the ''Administrator'') shall establish a program to accelerate the use of more cost-effective technologies and practices at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants in order to achieve the goals identified in subsection (c)(2)(A); and

(C) establish methods to track the success of departments and agencies with respect to the goals identified in subsection (c)(2)(A).

(b) ACCELERATED USE OF COST-EFFECTIVE LIGHTING TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this subsection, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) identify, in consultation with the Environmental Protection Agency, cost-effective lighting technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this subsection, not later than 180 days after the date of enactment of this Act, the Administrator shall establish a cost-effective lighting technology acceleration program to achieve maximum feasible replacement of existing lighting technologies with more cost-effective lighting technologies in each GSA facility using available appropriations.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable including milestones for specific activities needed to replace existing lighting technologies with more cost-effective lighting technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing lighting technologies with more cost-effective lighting technologies by not later than the date that is 5 years after the date of enactment of this Act.

(c) GSA FACILITY COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of cost-effective technologies and practices is designated for each GSA facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) identifies the specific activities needed to achieve a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(B) describes activities required and carried out to estimate the funds necessary to achieve the reduction described in subparagraph (A);

(C) describes the status of the implementation of cost-effective technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this title; and

(ii) the status of funding requests and appropriations for those programs;

(D) identifies within the planning, budgeting, and construction process all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies and practices;

(E) recommends language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices;

(F) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of cost-effective technologies and practices; and

(ii) identifying short- and long-term cost savings that accrue from cost-effective technologies and practices;

(G) achieves cost savings through the application of cost-effective technologies and practices sufficient to pay the incremental additional costs of installing the cost-effective technologies and practices by not later than the date that is 5 years after the date of installation; and

(H) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 403. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

(A) to deploy cost-effective technologies and practices; and

(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

(B) WAIVER OF NON-FEDERAL SHARE.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.

(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

(b) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—

(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

(e) REPORTS.—

(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.

SEC. 404. DEFINITIONS.

In this title:

(1) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term ''cost-effective lighting technology'' means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95–619 (42 U.S.C. 8259b); and

(II) Federal acquisition regulation 23–203.

(B) INCLUSIONS.—The term ''cost-effective lighting technology'' includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(2) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term ''cost-effective technologies and practices'' means a technology or practice that—

(A) will result in substantial operational cost savings by reducing utility costs; and

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203.

(3) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term ''operational cost savings'' means a reduction in end-use operational costs through the application of cost-effective technologies and practices, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 403(b), that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices by not later than the date that is 5 years after the date of installation.

(B) INCLUSIONS.—The term ''operational cost savings'' includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term ''operational cost savings'' does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(4) GSA FACILITY.—

(A) IN GENERAL.—The term ''GSA facility'' means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term ''GSA facility'' includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of ''GSA facility'' under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES, MEDIUM-DUTY TRUCKS, AND HEAVY DUTY TRUCKS.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''**Non-Passenger Automobiles**.—'' in subsection (a) and inserting ''**Prescription of Standards by Regulation**.—'';

(2) by striking ''automobiles (except passenger automobiles)'' in subsection (a) and inserting ''automobiles, medium-duty trucks, and heavy-duty trucks''; and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES, MEDIUM-DUTY TRUCKS, AND HEAVY-DUTY TRUCKS.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for automobiles, medium-duty trucks, and heavy-duty trucks manufactured by a manufacturer in each model year beginning with model year 2011 in accordance with subsection (c).

''(2) ANNUAL INCREASES IN FUEL ECONOMY STANDARDS.—

''(A) BASELINE AVERAGE FUEL ECONOMY STANDARDS FOR MEDIUM- AND HEAVY-DUTY TRUCKS.—For the first 2 model years beginning after the submission to Congress of the initial report by the National Academy of Sciences required by section 510 of the Ten-in-Ten Fuel Economy Act, the average fuel economy required to be attained for each attribute class of medium-duty trucks and heavy-duty trucks shall be the average combined highway and city miles-per-gallon performance of all vehicles within that class in the model year immediately preceding the first of those 2 model years (rounded to the nearest 1/10 mile per gallon).

''(B) MEDIUM- AND HEAVY-DUTY TRUCK FUEL ECONOMY AVERAGE AFTER BASELINE MODEL YEAR.—For each model year beginning after the 2 model years specified in subparagraph (A), the average fuel economy required to be attained by the fleet of medium-duty trucks and heavy-duty trucks manufactured in the United States shall be at least 4 percent greater than the average fuel economy required to be attained for the fleet in the previous model year (rounded to the nearest 1/10 mile per gallon). Standards shall be issued for medium-duty trucks and heavy-duty trucks for 20 model years.

''(3) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) BASELINE AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy standard for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be at least 4 percent greater than the average fuel economy standard required to be attained for the fleet in the previous model year (rounded to the nearest 1/10 mile per gallon).''.

(b) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES.—The authority of the Secretary to prescribe by regulation average fuel economy standards for automobiles, medium-duty trucks, and heavy-duty trucks under this section includes the authority—

''(A) to prescribe standards based on vehicle attributes and to express the standards in the form of a mathematical function; and

''(B) to issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(A) may prescribe a standard higher than that required under subsection (b); or

''(B) may prescribe an average fuel economy standard for a class of automobiles, medium-duty trucks, or heavy-duty trucks that is the maximum feasible level for the model

year, despite being lower than the standard required under subsection (b), if the Secretary, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for that class of vehicles in that model year is shown not to be cost-effective.

''(2) REQUIREMENTS FOR LOWER STANDARD.—Before adopting an average fuel economy standard for a class of automobiles, medium-duty trucks, or heavy-duty trucks in a model year under paragraph (1)(B), the Secretary of Transportation shall do the following:

''(A) NOTICE OF PROPOSED RULE.—Except for standards to be promulgated by 2011, at least 30 months before the model year for which the standard is to apply, the Secretary shall post a notice of proposed rulemaking for the proposed standard. The notice shall include a detailed analysis of the basis for the Secretary's determination under paragraph (1)(B).

''(B) FINAL RULE.—At least 18 months before the model year for which the standard is to apply, the Secretary shall promulgate a final rule establishing the standard.

''(C) REPORT.—The Secretary shall submit a report to Congress that outlines the steps that need to be taken to avoid further reductions in average fuel economy standards.

''(3) MAXIMUM FEASIBLE STANDARD.—An average fuel economy standard prescribed for a class of automobiles, medium-duty trucks, or heavy-duty trucks in a model year under paragraph (1) shall be the maximum feasible standard.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

''(A) is technologically achievable;

''(B) can be achieved without materially reducing the overall safety of automobiles, medium-duty trucks, and heavy-duty trucks manufactured or sold in the United States;

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) DETERMINING COST-EFFECTIVENESS.—

''(A) IN GENERAL.—In determining cost effectiveness under paragraph (2)(D), the Secretary shall take into account the total value to the United States of reduced fuel use, including the monetary value of the reduced fuel use over the life of the vehicle.

''(B) ADDITIONAL FACTORS FOR CONSIDERATION BY SECRETARY.—The Secretary shall consider in the analysis the following factors:

''(i) Economic security.

''(ii) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(iii) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(iv) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(v) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

''(vi) Such additional factors as the Secretary deems relevant.

''(4) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the value of the gasoline prices projected by the Energy Information Administration for the period covered by the standard beginning in the year following the year in which the standards are established.

''(5) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the total value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the total cost to the United States of such standard. Notwithstanding this definition, the Secretary shall not base the level of any standard on any technology whose cost to the United States is substantially more than the value to the United States of the reduction in fuel use attributable to that technology.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting:

''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 10 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

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

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways (except a vehicle operated only on a rail line), and rated at not more than 10,000 pounds gross vehicle weight.'';

(2) by inserting after paragraph (10) the following:

''(10) 'heavy-duty truck' means a truck (as defined in section 30127) with a gross vehicle weight in excess of 26,000 pounds.'';

(3) by inserting after paragraph (13) the following:

''(13) 'medium-duty truck' means a truck (as defined in section 30127) with a gross vehicle weight of at least 10,000 pounds but not more than 26,000 pounds.''; and

(4) by striking paragraph (16).

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of the enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that automobiles (as defined in section 32901 of title 49, United States Code) are safe.

(b) VEHICLE SAFETY.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility and aggressivity reduction standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility and aggressivity. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(c) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2010; and

(B) a final rule under such section not later than December 31, 2012.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2013.

(d) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility and aggressivity reduction standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsections (a)(1) and (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking ''3 model years'' in subsection (b)(2) and inserting ''5 model years''; and

(6) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile, medium-duty truck, or heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive, medium-duty truck, or heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. ENSURING AVAILABILITY OF FLEXIBLE FUEL AUTOMOBILES.

(a) AMENDMENT.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

''§ 32902A. Requirement to manufacture flexible fuel automobiles

''(a) IN GENERAL.—For each model year, each manufacturer of new automobiles described in subsection (b) shall ensure that the percentage of such automobiles manufactured in a particular model year that are flexible fuel vehicles shall be not less than the percentage set forth for that model year in the following table:

''If the model year is:	The percentage of flexible fuel automobiles shall be:
2012	50 percent
2013	60 percent
2014	70 percent
2015	80 percent

''(b) AUTOMOBILES TO WHICH SECTION APPLIES.—An automobile is described in this subsection if it—

''(1) is capable of operating on gasoline or diesel fuel;

''(2) is distributed in interstate commerce for sale in the United States; and

''(3) does not contain certain engines that the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, may temporarily exclude from the definition because it is technologically infeasible for the engines to have flexible fuel capability at any time during a period that the Secretaries and the Administrator are engaged in an active research program with the vehicle manufacturers to develop that capability for the engines.''.

(2) DEFINITION OF FLEXIBLE FUEL AUTOMOBILE.—Section 32901(a) of title 49, United States Code, is amended by inserting after paragraph (8), the following:

''(8) 'flexible fuel automobile' means an automobile described in paragraph (8)(A).''.

(3) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

''Sec. 32902A. Requirement to manufacture flexible fuel automobiles''.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out the amendments made by subsection (a).

(2) HARDSHIP EXEMPTION.—The regulations issued pursuant to paragraph (1) shall include a process by which a manufacturer may be exempted from the requirement under section 32902A(a) upon demonstrating that such requirement would create a substantial economic hardship for the manufacturer.

SEC. 512. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Transportation shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

''(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

''(B) to include information in the owner's manual of each such automobile information that describes—

''(i) the capability of the automobile to operate using alternative fuel;

''(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

''(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

''(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

''(A) the renewable nature of alternative fuel; and

''(B) the environmental benefits of using alternative fuel.''.

SEC. 513. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 514. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

''§ 30123A. Tire fuel efficiency consumer information

''(a) RULEMAKING.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

''(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

''(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

''(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

''(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

''(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

''(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

''(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

''(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

''(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

''(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the folllowing:

''30123A. Tire fuel efficiency consumer information''.

SEC. 515. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Transportation shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology needs relevant to electric drive technology;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 516. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President, in consultation with the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Administration, shall promulgate standards for biodiesel blend sold or introduced into commerce in the United States.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term ''biodiesel'' includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term ''biodiesel blend'' means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as ''B5''); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as ''B20'').

SEC. 517. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 518(a) of the Ten-in-Ten Fuel Economy Act.

''SEC. 118. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

''(a) ESTABLISHMENT OF FUND.—

''(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the 'Energy Security Fund' (referred to in this section as the 'Fund'), consisting of—

''(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

''(B) amounts credited to the Fund under paragraph (2)(C).''

(1) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(2) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(3) ALTERNATIVE FUELS GRANT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(4) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(5) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(6) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

TITLE VI—PRICE GOUGING

SEC. 601. SHORT TITLE.

This title may be cited as the ''Petroleum Consumer Price Gouging Protection Act''.

SEC. 602. DEFINITIONS.

In this title:

(1) AFFECTED AREA.—The term ''affected area'' means an area covered by a Presidential declaration of energy emergency.

(2) SUPPLIER.—The term ''supplier'' means any person engaged in the trade or business of selling or reselling, at retail or wholesale, or distributing crude oil, gasoline, or petroleum distillates.

(3) PRICE GOUGING.—The term ''price gouging'' means the charging of an unconscionably excessive price by a supplier in an affected area.

(4) UNCONSCIONABLY EXCESSIVE PRICE.—The term ''unconscionably excessive price'' means a price charged in an affected area for crude oil, gasoline, or petroleum distillates that—

(A)(i) represents a gross disparity between the price at which it was offered for sale in the usual course of the supplier's business immediately prior to the President's declaration of an energy emergency;

(ii) grossly exceeds the price at which the same or similar crude oil, gasoline, or petroleum distillate was readily obtainable by other purchasers in the affected area; or

(iii) represents an exercise of unfair leverage or unconscionable means on the part of the supplier, during a period of declared energy emergency; and

(B) is not attributable to increased wholesale or operational costs outside the control of the supplier, incurred in connection with the sale of crude oil, gasoline, or petroleum distillates.

(5) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

SEC. 603. PROHIBITION ON PRICE GOUGING DURING ENERGY EMERGENCIES.

(a) IN GENERAL.—During any energy emergency declared by the President under section 606 of this title, it is unlawful for any supplier to sell, or offer to sell, crude oil, gasoline, or petroleum distillates in, or for use in, the area to which that declaration applies at an unconscionably excessive price.

(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, the price that would reasonably equate supply and demand in a competitive and freely functioning market.

SEC. 604. PROHIBITION ON MARKET MANIPULATION.

It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil, gasoline, or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. 605. PROHIBITION ON FALSE INFORMATION.

(a) IN GENERAL.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, or petroleum distillates to the Commission if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by the Commission for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 606. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, or petroleum distillates due to a disruption in the national distribution system for crude oil, gasoline, or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), or significant pricing anomalies in national energy markets for crude oil, gasoline, or petroleum distillates, the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The emergency declaration shall specify—

(1) the period, not to exceed 30 days, for which the declaration applies;

(2) the circumstance or condition necessitating the declaration; and

(3) the area or region to which it applies, which, for the 48 contiguous states may not be limited to a single State.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 30 days; and

(2) extend such a declaration more than once.

SEC. 607. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT.—This title shall be enforced by the Federal Trade Commission. In enforcing section 603 of this title, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) COMMISSION ACTIONS.—Following the declaration of an energy emergency by the President under section 606 of this title, the Commission shall—

(1) establish within the Commission—

(A) a toll-free hotline that a consumer may call to report an incident of price gouging in the affected area; and

(B) a program to develop and distribute to the public informational materials to assist residents of the affected area in detecting and avoiding price gouging;

(2) consult with the Attorney General, the United States Attorney for the districts in which a disaster occurred (if the declaration is related to a major disaster), and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for crude oil, gasoline, or petroleum distillates in the affected area; and

(3) conduct an investigation to determine whether any supplier in the affected area has violated section 603 of this title, and upon such finding, take any action the Commission determines to be appropriate to remedy the violation.

SEC. 608. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 603 of this title, or to impose the civil penalties authorized by section 609

for violations of section 603, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a supplier engaged in the sale or resale, at retail or wholesale, or distribution of crude oil, gasoline, or petroleum distillates in violation of section 603 of this title.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating the action. The notice shall include a copy of the complaint to be filed to initiate the civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting the civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in the civil action and, upon intervening—

(1) may be heard on all matters arising in such civil action; and

(2) may file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the Attorney General by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this title, a State attorney general, or official or agency of a State, may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this title alleged in the Commission's civil or administrative action.

(g) NO PREEMPTION.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of that State.

SEC. 609. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act, any supplier—

(A) that violates section 604 or section 605 of this title is punishable by a civil penalty of not more than $1,000,000; and

(B) that violates section 603 of this title is punishable by a civil penalty of—

(i) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c))); and

(ii) not more than $5,000,000 in the case of any other supplier.

(2) METHOD OF ASSESSMENT.—The penalties provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—Violation of section 603 of this title is punishable by a fine of not more than $5,000,000, imprisonment for not more than 5 years, or both.

SEC. 610. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF THE COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

TITLE VII—ENERGY DIPLOMACY AND SECURITY

SEC. 701. SHORT TITLE.

This title may be cited as the ''Energy Diplomacy and Security Act of 2007''.

SEC. 702. DEFINITIONS.

In this title:

(1) MAJOR ENERGY PRODUCER.—The term ''major energy producer'' means a country that—

(A) had crude oil, oil sands, or natural gas to liquids production of 1,000,000 barrels per day or greater average in the previous year;

(B) has crude oil, shale oil, or oil sands reserves of 6,000,000,000 barrels or greater, as recognized by the Department of Energy;

(C) had natural gas production of 30,000,000,000 cubic meters or greater in the previous year;

(D) has natural gas reserves of 1,250,000,000,000 cubic meters or greater, as recognized by the Department of Energy; or

(E) is a direct supplier of natural gas or liquefied natural gas to the United States.

(2) MAJOR ENERGY CONSUMER.—The term ''major energy consumer'' means a country that—

(A) had an oil consumption average of 1,000,000 barrels per day or greater in the previous year;

(B) had an oil consumption growth rate of 8 percent or greater in the previous year;

(C) had a natural gas consumption of 30,000,000,000 cubic meters or greater in the previous year; or

(D) had a natural gas consumption growth rate of 15 percent or greater in the previous year.

SEC. 703. SENSE OF CONGRESS ON ENERGY DIPLOMACY AND SECURITY.

(a) FINDINGS.—Congress makes the following findings:

(1) It is imperative to the national security and prosperity of the United States to have reliable, affordable, clean, sufficient, and sustainable sources of energy.

(2) United States dependence on oil imports causes tremendous costs to the United States national security, economy, foreign policy, military, and environmental sustainability.

(3) Energy security is a priority for the governments of many foreign countries and increasingly plays a central role in the relations of the United States Government with foreign governments. Global reserves of oil and natural gas are concentrated in a small number of countries. Access to these oil and natural gas supplies depends on the political will of these producing states. Competition between governments for access to oil and natural gas reserves can lead to economic, political, and armed conflict. Oil exporting states have received dramatically increased revenues due to high global prices, enhancing the ability of some of these states to act in a manner threatening to global stability.

(4) Efforts to combat poverty and protect the environment are hindered by the continued predominance of oil and natural gas in meeting global energy needs. Development of renewable energy through sustainable practices will help lead to a reduction in greenhouse gas emissions and enhance international development.

(5) Cooperation on energy issues between the United States Government and the governments of foreign countries is critical for securing the strategic and economic interests of the United States and of partner governments. In the current global energy situation, the energy policies and activities of the governments of foreign countries can have dramatic impacts on United States energy security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States national security requires that the United States Government have an energy policy that pursues the strategic goal of achieving energy security through access to clean, affordable, sufficient, reliable, and sustainable sources of energy;

(2) achieving energy security is a priority for United States foreign policy and requires continued and enhanced engagement with foreign governments and entities in a variety of areas, including activities relating to the promotion of alternative and renewable fuels, trade and investment in oil, coal, and natural gas, energy efficiency, climate and environmental protection, data transparency, advanced scientific research, public-private partnerships, and energy activities in international development;

(3) the President should ensure that the international energy activities of the United States Government are given clear focus to support the national security needs of the United States, and to this end, there should be established a mechanism to coordinate the implementation of United States international energy policy among the Federal agencies engaged in relevant agreements and activities; and

(4) the Secretary of State should ensure that energy security is integrated into the core mission of the Department of State, and to this end, there should be established within the Office of the Secretary of State a Coordinator for International Energy Affairs with responsibility for—

(A) developing United States international energy policy in coordination with the Department of Energy and other relevant Federal agencies;

(B) working with appropriate United States Government officials to develop and update analyses of the national security implications of global energy developments;

(C) incorporating energy security priorities into the activities of the Department;

(D) coordinating activities with relevant Federal agencies; and

(E) coordinating energy security and other relevant functions currently undertaken by offices within the Bureau of Economic, Business, and Agricultural Affairs, the Bureau of Democracy and Global Affairs, and other offices within the Department of State.

SEC. 704. STRATEGIC ENERGY PARTNERSHIPS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States Government partnership with foreign governments and entities, including partnership with the private sector, for securing reliable and sustainable energy is imperative to ensuring United States security and economic interests, promoting international peace and security, expanding international development, supporting democratic reform, fostering economic growth, and safeguarding the environment.

(2) Democracy and freedom should be promoted globally by partnership with foreign governments, including in particular governments of emerging democracies such as those of Ukraine and Georgia, in their efforts to reduce their dependency on oil and natural gas imports.

(3) The United States Government and the governments of foreign countries have common needs for adequate, reliable, affordable, clean, and sustainable energy in order to ensure national security, economic growth, and high standards of living in their countries. Cooperation by the United States Government with foreign governments on meeting energy security needs is mutually beneficial. United States Government partnership with foreign governments should include cooperation with major energy consuming countries, major energy producing countries, and other governments seeking to advance global energy security through reliable and sustainable means.

(4) The United States Government participates in hundreds of bilateral and multilateral energy agreements and activities with foreign governments and entities. These agreements and activities should reflect the strategic need for energy security.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to advance global energy security through cooperation with foreign governments and entities;

(2) to promote reliable, diverse, and sustainable sources of all types of energy;

(3) to increase global availability of renewable and clean sources of energy;

(4) to decrease global dependence on oil and natural gas energy sources; and

(5) to engage in energy cooperation to strengthen strategic partnerships that advance peace, security, and democratic prosperity.

(c) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish and expand strategic energy partnerships with the governments of major energy producers and major energy consumers, and with governments of other countries (but excluding any countries that are ineligible to receive United States economic or military assistance).

(d) PURPOSES.—The purposes of the strategic energy partnerships established pursuant to subsection (c) are—

(1) to strengthen global relationships to promote international peace and security through fostering cooperation in the energy sector on a mutually beneficial basis in accordance with respective national energy policies;

(2) to promote the policy set forth in subsection (b), including activities to advance—

(A) the mutual understanding of each country's energy needs, priorities, and policies, including interparliamentary understanding;

(B) measures to respond to acute energy supply disruptions, particularly in regard to petroleum and natural gas resources;

(C) long-term reliability and sustainability in energy supply;

(D) the safeguarding and safe handling of nuclear fuel;

(E) human and environmental protection;

(F) renewable energy production;

(G) access to reliable and affordable energy for underdeveloped areas, in particular energy access for the poor;

(H) appropriate commercial cooperation;

(I) information reliability and transparency; and

(J) research and training collaboration;

(3) to advance the national security priority of developing sustainable and clean energy sources, including through research and development related to, and deployment of—

(A) renewable electrical energy sources, including biomass, wind, and solar;

(B) renewable transportation fuels, including biofuels;

(C) clean coal technologies;

(D) carbon sequestration, including in conjunction with power generation, agriculture, and forestry; and

(E) energy and fuel efficiency, including hybrids and plug-in hybrids, flexible fuel, advanced composites, hydrogen, and other transportation technologies; and

(4) to provide strategic focus for current and future United States Government activities in energy cooperation to meet the global need for energy security.

(e) DETERMINATION OF AGENDAS.—In general, the specific agenda with respect to a particular strategic energy partnership, and the Federal agencies designated to implement related activities, shall be determined by the Secretary of State and the Secretary of Energy.

(f) USE OF CURRENT AGREEMENTS TO ESTABLISH PARTNERSHIPS.—Some or all of the purposes of the strategic energy partnerships established under subsection (c) may be pursued through existing bilateral or multilateral agreements and activities. Such agreements and activities shall be subject to the reporting requirements in subsection (g).

(g) REPORTS REQUIRED.—

(1) INITIAL PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on progress made in developing the strategic energy partnerships authorized under this section.

(2) ANNUAL PROGRESS REPORTS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 20 years, the Secretary of State shall submit to the appropriate congressional committees an annual report on agreements entered into and activities undertaken pursuant to this section, including international environment activities.

(B) CONTENT.—Each report submitted under this paragraph shall include details on—

(i) agreements and activities pursued by the United States Government with foreign governments and entities, the implementation plans for such agreements and progress measurement benchmarks, United States Government resources used in pursuit of such agreements and activities, and legislative changes recommended for improved partnership; and

(ii) polices and actions in the energy sector of partnership countries pertinent to United States economic, security, and environmental interests.

SEC. 705. INTERNATIONAL ENERGY CRISIS RESPONSE MECHANISMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Cooperation between the United States Government and governments of other countries during energy crises promotes the national security of the United States.

(2) The participation of the United States in the International Energy Program established under the Agreement on an International Energy Program, done at Paris November 18, 1974 (27 UST 1685), including in the coordination of national strategic petroleum reserves, is a national security asset that—

(A) protects the consumers and the economy of the United States in the event of a major disruption in petroleum supply;

(B) maximizes the effectiveness of the United States strategic petroleum reserve through cooperation in accessing global reserves of various petroleum products;

(C) provides market reassurance in countries that are members of the International Energy Program; and

(D) strengthens United States Government relationships with members of the International Energy Program.

(3) The International Energy Agency projects that the largest growth in demand for petroleum products, other than demand from the United States, will come from China and India, which are not members of the International Energy Program. The Governments of China and India vigorously pursue access to global oil reserves and are attempting to develop national petroleum reserves. Participation of the Governments of China and India in an international petroleum reserve mechanism would promote global energy security, but such participation should be conditional on the Governments of China and India abiding by customary petroleum reserve management practices.

(4) In the Western Hemisphere, only the United States and Canada are members of the International Energy Program. The vulnerability of most Western Hemisphere countries to supply disruptions from political, natural, or terrorism causes may introduce instability in the hemisphere and can be a source of conflict, despite the existence of major oil reserves in the hemisphere.

(5) Countries that are not members of the International Energy Program and are unable to maintain their own national strategic reserves are vulnerable to petroleum supply disruption. Disruption in petroleum supply and spikes in petroleum costs could devastate the economies of developing countries and could cause internal or interstate conflict.

(6) The involvement of the United States Government in the extension of international mechanisms to coordinate strategic petroleum reserves and the extension of other emergency preparedness measures should strengthen the current International Energy Program.

(b) ENERGY CRISIS RESPONSE MECHANISMS WITH INDIA AND CHINA.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a petroleum crisis response mechanism or mechanisms with the Governments of China and India.

(2) SCOPE.—The mechanism or mechanisms established under paragraph (1) should include—

(A) technical assistance in the development and management of national strategic petroleum reserves;

(B) agreements for coordinating drawdowns of strategic petroleum reserves with the United States, conditional upon reserve holdings and management conditions established by the Secretary of Energy;

(C) emergency demand restraint measures;

(D) fuel switching preparedness and alternative fuel production capacity; and

(E) ongoing demand intensity reduction programs.

(3) USE OF EXISTING AGREEMENTS TO ESTABLISH MECHANISM.—The Secretary may, after consultation with Congress and in accordance with existing international agreements, including the International Energy Program,

include China and India in a petroleum crisis response mechanism through existing or new agreements.

(c) ENERGY CRISIS RESPONSE MECHANISM FOR THE WESTERN HEMISPHERE.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a Western Hemisphere energy crisis response mechanism.

(2) SCOPE.—The mechanism established under paragraph (1) should include—

(A) an information sharing and coordinating mechanism in case of energy supply emergencies;

(B) technical assistance in the development and management of national strategic petroleum reserves within countries of the Western Hemisphere;

(C) technical assistance in developing national programs to meet the requirements of membership in a future international energy application procedure as described in subsection (d);

(D) emergency demand restraint measures;

(E) energy switching preparedness and alternative energy production capacity; and

(F) ongoing demand intensity reduction programs.

(3) MEMBERSHIP.—The Secretary should seek to include in the Western Hemisphere energy crisis response mechanism membership for each major energy producer and major energy consumer in the Western Hemisphere and other members of the Hemisphere Energy Cooperation Forum authorized under section 706.

(d) INTERNATIONAL ENERGY PROGRAM APPLICATION PROCEDURE.—

(1) AUTHORITY.—The President should place on the agenda for discussion at the Governing Board of the International Energy Agency, as soon as practicable, the merits of establishing an international energy program application procedure.

(2) PURPOSE.—The purpose of such procedure is to allow countries that are not members of the International Energy Program to apply to the Governing Board of the International Energy Agency for allocation of petroleum reserve stocks in times of emergency on a grant or loan basis. Such countries should also receive technical assistance for, and be subject to, conditions requiring development and management of national programs for energy emergency preparedness, including demand restraint, fuel switching preparedness, and development of alternative fuels production capacity.

(e) REPORTS REQUIRED.—

(1) PETROLEUM RESERVES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report that evaluates the options for adapting the United States national strategic petroleum reserve and the international petroleum reserve coordinating mechanism in order to carry out this section.

(2) CRISIS RESPONSE MECHANISMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Energy, shall submit to the appropriate congressional committees a report on the status of the establishment of the international petroleum crisis response mechanisms described in subsections (b) and (c). The report shall include recommendations of the Secretary of State and the Secretary of Energy for any legislation necessary to establish or carry out such mechanisms.

(3) EMERGENCY APPLICATION PROCEDURE.—Not later than 60 days after a discussion by the Governing Board of the International Energy Agency of the application procedure described under subsection (d), the President should submit to Congress a report that describes—

(A) the actions the United States Government has taken pursuant to such subsection; and

(B) a summary of the debate on the matter before the Governing Board of the International Energy Agency, including any decision that has been reached by the Governing Board with respect to the matter.

SEC. 706. HEMISPHERE ENERGY COOPERATION FORUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The engagement of the United States Government with governments of countries in the Western Hemisphere is a strategic priority for reducing the potential for tension over energy resources, maintaining and expanding reliable energy supplies, expanding use of renewable energy, and reducing the detrimental effects of energy import dependence within the hemisphere. Current energy dialogues should be expanded and refocused as needed to meet this challenge.

(2) Countries of the Western Hemisphere can most effectively meet their common needs for energy security and sustainability through partnership and cooperation. Cooperation between governments on energy issues will enhance bilateral relationships among countries of the hemisphere. The Western Hemisphere is rich in natural resources, including biomass, oil, natural gas, coal, and has significant opportunity for production of renewable hydro, solar, wind, and other energies. Countries of the Western Hemisphere can provide convenient and reliable markets for trade in energy goods and services.

(3) Development of sustainable energy alternatives in the countries of the Western Hemisphere can improve energy security, balance of trade, and environmental quality and provide markets for energy technology and agricultural products. Brazil and the United States have led the world in the production of ethanol, and deeper cooperation on biofuels with other countries of the hemisphere would extend economic and security benefits.

(4) Private sector partnership and investment in all sources of energy is critical to providing energy security in the Western Hemisphere.

(b) HEMISPHERE ENERGY COOPERATION FORUM.—

(1) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a regional-based ministerial forum to be known as the Hemisphere Energy Cooperation Forum.

(2) PURPOSES.—The Hemisphere Energy Cooperation Forum should seek—

(A) to strengthen relationships between the United States and other countries of the Western Hemisphere through cooperation on energy issues;

(B) to enhance cooperation between major energy producers and major energy consumers in the Western Hemisphere, particularly among the governments of Brazil, Canada, Mexico, the United States, and Venezuela;

(C) to ensure that energy contributes to the economic, social, and environmental enhancement of the countries of the Western Hemisphere;

(D) to provide an opportunity for open dialogue and joint commitments between member governments and with private industry; and

(E) to provide participating countries the flexibility necessary to cooperatively address broad challenges posed to the energy supply of the Western Hemisphere that are practical in policy terms and politically acceptable.

(3) ACTIVITIES.—The Hemisphere Energy Cooperation Forum should implement the following activities:

(A) An Energy Crisis Initiative that will establish measures to respond to temporary energy supply disruptions, including through—

(i) strengthening sea-lane and infrastructure security;

(ii) implementing a real-time emergency information sharing system;

(iii) encouraging members to have emergency mechanisms and contingency plans in place; and

(iv) establishing a Western Hemisphere energy crisis response mechanism as authorized under section 705(c).

(B) An Energy Sustainability Initiative to facilitate long-term supply security through fostering reliable supply sources of fuels, including development, deployment, and commercialization of technologies for sustainable renewable fuels within the region, including activities that—

(i) promote production and trade in sustainable energy, including energy from biomass;

(ii) facilitate investment, trade, and technology cooperation in energy infrastructure, petroleum products, natural gas (including liquefied natural gas), energy efficiency (including automotive efficiency), clean fossil energy, renewable energy, and carbon sequestration;

(iii) promote regional infrastructure and market integration;

(iv) develop effective and stable regulatory frameworks;

(v) develop renewable fuels standards and renewable portfolio standards;

(vi) establish educational training and exchange programs between member countries; and

(vii) identify and remove barriers to trade in technology, services, and commodities.

(C) An Energy for Development Initiative to promote energy access for underdeveloped areas through energy policy and infrastructure development, including activities that—

(i) increase access to energy services for the poor;

(ii) improve energy sector market conditions;

(iii) promote rural development though biomass energy production and use;

(iv) increase transparency of, and participation in, energy infrastructure projects;

(v) promote development and deployment of technology for clean and sustainable energy development, including biofuel and clean coal technologies; and

(vi) facilitate use of carbon sequestration methods in agriculture and forestry and linking greenhouse gas emissions reduction programs to international carbon markets.

(c) HEMISPHERE ENERGY INDUSTRY GROUP.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Commerce and the Secretary of Energy, should approach the governments of other countries in the Western Hemisphere to seek cooperation in establishing a Hemisphere Energy Industry Group, to be coordinated by the United States Government, involving industry representatives and government representatives from the Western Hemisphere.

(2) PURPOSE.—The purpose of the forum should be to increase public-private partnerships, foster private investment, and enable countries of the Western Hemisphere to devise energy agendas compatible with industry capacity and cognizant of industry goals.

(3) TOPICS OF DIALOGUES.—Topics for the forum should include—

(A) promotion of a secure investment climate;

(B) development and deployment of biofuels and other alternative fuels and clean electrical production facilities, including clean coal and carbon sequestration;

(C) development and deployment of energy efficient technologies and practices, including in the industrial, residential, and transportation sectors;

(D) investment in oil and natural gas production and distribution;

(E) transparency of energy production and reserves data;

(F) research promotion; and

(G) training and education exchange programs.

(d) ANNUAL REPORT.—The Secretary of State, in coordination with the Secretary of Energy, shall submit to the appropriate congressional committees an annual report on the implementation of this section, including the strategy and benchmarks for measurement of progress developed under this section.

SEC. 707. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 1420. A bill to amend title XIX of the Social Security Act to require staff working with developmentally disabled individuals to call emergency services in the event of a life-threatening situation; to the Committee on Finance.

Mr. MENENDEZ. Mr. President, I rise today with my good friend Senator LAUTENBERG to reintroduce Danielle's Act, an important piece of legislation that I know will save countless lives. I would also like to recognize Representative RUSH HOLT, who has championed the bill in the House and has been a tireless advocate for individuals with disabilities. This bill is named in memory of a young woman from New Jersey, Danielle Gruskowski, whose life was cut tragically short by a failure to call 9–1–1. The great State of New Jersey has already passed Danielle's Law, and it is time for Congress to act as well.

In order to understand the importance of this legislation, I would like to share Danielle's story. She was born December 6, 1969, to Diane and Doug Gruskowski and raised in Carteret, NJ. Danielle was developmentally disabled and diagnosed with Rett Syndrome, a neurological disorder that causes a delay or regression in development, including speech, hand skills, and coordination. While Danielle needed help with daily activities, she managed to lead a full and active life. As a young adult, Danielle moved to a group home to experience the positive benefits of independent living. Tragically, on November 5, 2002, Danielle passed away at the age of 32 because no one in the group home called 9–1–1 when she was clearly in need of emergency medical attention.

So that no other mother would lose her child in such a tragic circumstance, Danielle's mother and her aunt, Robin Turner, developed a strong coalition of supporters and worked with their State representatives to develop and pass what we know as Danielle's Law. Like the New Jersey law, my bill will require staff working with individuals who have a developmental disability or traumatic brain injury to call emergency services in the event of a life-threatening situation. The legislation would raise the standard of care by improving staff training and ensuring that individuals with developmental disabilities get emergency care when they need it.

All Americans deserve an advocate, and today I am speaking for those who often cannot speak for themselves. I am proud to be an advocate for individuals with disabilities, and I am proud to be an advocate for the families in New Jersey who are counting on safe, secure, and healthy independent living environments for their loved ones with disabilities. I also would like to recognize the hard-working caregivers and staff who help provide for the needs of those with disabilities. They show their compassion every day when they show up for work, performing one of the most difficult but rewarding jobs in our society—caring for someone's mother, father, son, or daughter. These caregivers play such a critical role in our society and their contributions are to be commended. By raising awareness and education about Danielle's Law, my hope is that more caregivers will realize how important it is to call 9–1–1 for all life-threatening situations and that better training and support will be provided to staff across the country.

I am reintroducing this legislation to remember Danielle and to make sure no other family or community experiences the pain and suffering of losing a loved one to an avoidable death. I hope my colleagues will join me in supporting this important bill.

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. 1420

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 ''Danielle's Act''.

SEC. 2. REQUIREMENT OF STAFF WORKING WITH DEVELOPMENTALLY DISABLED INDIVIDUALS TO CALL EMERGENCY SERVICES IN THE EVENT OF A LIFE-THREATENING SITUATION.

(a) REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (69), by striking ''and'' at the end;

(2) in paragraph (70), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (70) the following new paragraph:

''(71) provide, in accordance with regulations of the Secretary, that direct care staff providing health-related services to a individual with a developmental disability or traumatic brain injury are required to call the 911 emergency telephone service or equivalent emergency management service for assistance in the event of a life-threatening emergency to such individual and to report such call to the appropriate State agency or department.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on January 1, 2008.

By Mr. AKAKA:

S. 1421. A bill to provide for the maintenance, management, and availability for research of assets of Air Force Health Study; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I am introducing legislation intended to ensure that valuable biological specimens and data from a seminal Air Force Health Study will be properly maintained and safeguarded for future research opportunities.

In 1979, the U.S. Air Force began a study that lasted over 20 years to evaluate the health outcomes of occupational exposure to agent orange among the men who were members of Operation Ranch Hand during the Vietnam War. That study is now completed.

During six cycles of examinations—1982, 1985, 1987, 1992, 1997, and 2002—in which 2,758 members of the Air Force participated, data and specimens were gathered. No other epidemiological data set of Vietnam veterans contains as detailed information over as long a time period. Analysis of this data has contributed to a greater understanding of the long-term health effects of exposure to agent orange. Approximately $143 million was spent on this study.

An amendment I authored last year, which was included in the 2006 National Defense Authorization Act, resulted in transferring Ranch Hand Study materials from the Air Force to the Medical Follow-Up Agency of the Institute of Medicine for preservation and future use. In order to make the most effective use of this material, the Medical Follow-Up Agency requires small amounts of funding for several years to ensure that the specimens and data are properly maintained in a useful format and made available for further research.

My bill is consistent with the recommendations of the Institute of Medicine's report on the disposition of the study. I urge my colleagues to support this legislation.

By Mr. LUGAR:

S. 1422. A bill to direct the Secretary of Agriculture to establish a program to provide to agricultural operators and producers a reserve to assist in the stabilization of farm income during low-revenue years, to assist operators and producers to invest in value-added farms, to promote higher levels of environmental stewardship, and for other purposes; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise to introduce the Farm Risk Management Act for the 21st Century. This bill is a

blueprint on how to transition away from the farm programs linked to the Great Depression into a new market driven system. We have also suggested how Congress could utilize achieved savings to improve our farm economy, our environment, alleviate hunger, promote renewable energy, and reduce our Federal deficit.

Current Federal Farm Programs target payments to a relatively narrow sector of American farmers and provide direct payments regardless of commodity prices. The bulk of these payments are made to growers of just 5 crops. Cotton, rice, corn, wheat, and soybean farmers receive about 85 percent of the annual payments provided by U.S. taxpayers. Notably, about 70 percent of these payments go to only 10 percent of our nation's farmers.

The current farm subsidy system is inequitable, inefficient, and disconnected from the core goal of maintaining a family farm safety net. It is also self-perpetuating, in that it stimulates over-production and stagnant prices that produce calls for greater Government support. I believe that what we need is a true safety net that would embrace all farmers, avoid incentives to overproduce commodities when market signals do not exist, and lower costs for taxpayers.

On my farm in Marion County, IN, we have 604 acres of corn, soybeans, and trees. This farm currently qualifies and receives direct payments as well as counter-cyclical and loan deficiency payments when prices dictate. Under this new plan we would continue to receive these payments for one year. After that year the farm will receive direct payments that decline over the next 5 years, and most of those payments would be deposited in an individual risk management account held in conjunction with the Secretary of Agriculture at a lending institution of our choice. We would be able to use funds from this risk management account to purchase crop or revenue insurance, to invest in enterprises that add value to the crops we produce, or to cover losses not covered by crop or revenue insurance compared to the 5 year revenue average of our operation. This legislation would also provide incentives for employing environmentally responsible farming techniques and other conservation practices.

In addition to being a more market oriented approach, the plan also has the added advantage of saving Federal resources, which will be invested in conservation activities, domestic and international nutrition programs, bioenergy research and deployment, and deficit reduction.

By Mr. PRYOR (for himself, Ms. COLLINS, and Mr. WARNER):

S. 1425. A bill to enhance the defense nanotechnology research and development program; to the Committee on Armed Services.

Mr. PRYOR. Mr. President, I rise today with my colleagues Senator COLLINS from Maine and Senator WARNER from Virginia to introduce legislation to strengthen the Department of Defense nanotechnology initiative. I greatly appreciate their strong leadership on this issue and their understanding of the importance of how the development of nanotechnology will impact our armed forces in the future.

This bill, the Defense Nanotechnology Research and Development Act of 2007, sustains the Department's nanotechnology research and development program while at the same time transitioning the technologies developed into products that can enhance the United States military capability.

The Department of Defense has done a tremendous job conducting nanotechnology research and development. Examples of this nanotechnology research include improved energy absorbing body armor, lightweight batteries, and novel chemical and biological sensor. I believe now is the time to start the transition of this research into new technologies and products to protect our military personnel and enhance our war fighting capability.

The Department of Defense has a long history of successfully supporting innovative nanotechnology research efforts for the future advancement of the war fighter and battle systems. Congress established the defense nanotechnology research program Section 246 of the Bob Stump National Defense Authorization Act for fiscal year 2003, Public Law 107–314, which this bill updates and enhances. Section 246 requires the Secretary of Defense to carry out a defense nanotechnology research and development program in coordination with other Federal agencies performing nanotechnology research and development activities established by the 21st Century Nanotechnology Research and Development Act, Public Law 108–153. The investment strategy described in the National Nanotechnology Initiative, or NNI, Strategic Plan identifies and defines 7 major subject categories, or program component areas, relating to areas of investment that are critical to accomplishing the overall goals of the NNI. The Department of Defense has organized its nanotechnology research to align with these 7 program component areas and each year since 2004 has submitted to Congress an annual report on the nanotechnology programs within the Department of Defense.

This bill requires the Secretary of Defense to act through the Under Secretary for Acquisition, Technology and Logistics, who shall supervise the planning, management, and coordination of the program. We believe this office can best achieve the goals of maintaining a state-of-the-art research and development program while simultaneously accomplishing technology transition. The bill directs the Department to coordinate all nanoscale research and development within the Department of Defense with other departments and agencies of the United States that are involved in the NNI and with the National Nanotechnology Coordination Office, NNCO, including providing appropriate funds to support the NNCO. The bill also directs the Department to develop a strategic plan for defense nanotechnology research and development that integrates with the NNI strategic plan, issue policy guidance each year to the defense agencies and services that prioritizes the Program's research initiatives, state a clear strategy for transitioning the research into products needed by the Department of Defense, and develop a plan to transition nanoscale research and development within the Department of Defense, including the Small Business Innovative Research and Small Business Technology Transfer Research programs, to the Department of Defense Manufacturing Technology program.

Finally, the bill requires the Department to submit a biennial report to the congressional defense committees describing the Department's coordination with the other departments and agencies participating in the NNI, a review of the findings relating to the Department by the NNI triennial external review, an assessment of the Department's technology transition from research to enhanced war fighting capability, an evaluation of nanotechnology used in foreign defense systems, and an appraisal of the defense nanotechnology manufacturing and industrial base. Because there is a need for metrics and goals to ensure that the Department's nanotechnology program is well structured and successfully developing needed defense technologies, the bill requires a review by the Government Accountability Office of the overall Department nanotechnology program.

Nanotechnology is one of the next great scientific frontiers with the potential to enable novel applications that can enhance war fighting and battle system capabilities. I am proud to say that in Arkansas several universities including the University of Arkansas, the University of Arkansas at Little Rock, and Arkansas State University are performing research and technology development in support of the Department of Defense nanotechnology program. One example of particular note is the Center for Ferroelectric Electronic-Photonic Nanodevices that is developing new nanomagnetic devices for high performance information and communication technology. Our Arkansas small businesses are also contributing to the defense nanotechnology industrial base by developing novel nanoscale materials, devices, and products.

I am very excited by the future nanotechnology holds for Arkansas and the United States. As a member of the Senate Armed Services Committee I look forward to working to strengthen the Department of Defense nanotechnology program.

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. 1425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENHANCEMENT OF DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) PROGRAM PURPOSES.—Subsection (b) of section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2500; 10 U.S.C. 2358 note) is amended—

(1) in paragraph (2), by striking ''in nanoscale research and development'' and inserting ''in the National Nanotechnology Initiative and with the National Nanotechnology Coordination Office under section 3 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7502)''; and

(2) in paragraph (3), by striking ''portfolio of fundamental and applied nanoscience and engineering research initiatives'' and inserting ''portfolio of nanotechnology research and development initiatives''.

(b) PROGRAM ADMINISTRATION.—

(1) ADMINISTRATION THROUGH UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Subsection (c) of such section is amended—

(A) by striking ''the Director of Defense Research and Engineering'' and inserting ''the Under Secretary of Defense for Acquisition, Technology, and Logistics''; and

(B) by striking ''The Director'' and inserting ''The Under Secretary''.

(2) OTHER ADMINISTRATIVE MATTERS.—Such subsection is further amended—

(A) in paragraph (2), by striking ''the Department's increased investment in nanotechnology and the National Nanotechnology Initiative; and'' and inserting ''investments by the Department and other departments and agencies participating in the National Nanotechnology Initiative in nanotechnology research and development;'';

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) oversee interagency coordination of the program with other departments and agencies participating in the National Nanotechnology Initiative, including providing appropriate funds to support the National Nanotechnology Coordination Office.''.

(c) PROGRAM ACTIVITIES.—Such section is further amended—

(1) by striking subsection (d); and

(2) by adding at the end the following new subsection (d):

''(d) ACTIVITIES.—Activities under the program shall include the following:

''(1) The development of a strategic plan for defense nanotechnology research and development that is integrated with the strategic plan for the National Nanotechnology Initiative.

''(2) The issuance on an annual basis of policy guidance to the military departments and the Defense Agencies that—

''(A) establishes research priorities under the program;

''(B) provides for the determination and documentation of the benefits to the Department of Defense of research under the program; and

''(C) sets forth a clear strategy for transitioning the research into products needed by the Department.

''(3) Advocating for the transition of nanotechnologies in defense acquisition programs, including the development of nanomanufacturing capabilities and a nanotechnology defense industrial base.''.

(d) REPORTS.—Such section is further amended by adding at the end the following new subsection:

''(e) REPORTS.—(1) Not later than March 1 of each of 2009, 2011, and 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the program.

''(2) Each report under paragraph (1) shall include the following:

''(A) A review of—

''(i) the long-term challenges and specific technical goals of the program; and

''(ii) the progress made toward meeting such challenges and achieving such goals.

''(B) An assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support program activities.

''(C) A review of the coordination of activities under the program within the Department of Defense, with other departments and agencies of the United States, and with the National Nanotechnology Initiative.

''(D) A review and analysis of the findings and recommendations relating to the Department of Defense of the most recent triennial external review of the National Nanotechnology Program under section 5 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 1704), and a description of initiatives of the Department to implement such recommendations.

''(E) An assessment of technology transition from nanotechnology research and development to enhanced warfighting capabilities, including contributions from the Department of Defense Small Business Innovative Research and Small Business Technology Transfer Research programs, and the Department of Defense Manufacturing Technology program, and an identification of acquisition programs and deployed defense systems that are incorporating nanotechnologies.

''(F) An assessment of global nanotechnology research and development in areas of interest to the Department, including an identification of the use of nanotechnologies in any foreign defense systems.

''(G) An assessment of the defense nanotechnology manufacturing and industrial base and its capability to meet the near and far term requirements of the Department.

''(H) Such recommendations for additional activities under the program to meet emerging national security requirements as the Under Secretary considers appropriate.

''(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.''.

(e) COMPTROLLER GENERAL REPORT ON PROGRAM.—Not later than March 31, 2010, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General of the progress made by the Department of Defense in achieving the purposes of the defense nanotechnology research and development program required by section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (as amended by this section).

By Mrs. CLINTON (for herself, Mrs. BOXER, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. LEAHY, Ms. LANDRIEU, and Mr. AKAKA):

S. 1427. A bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. CLINTON. Mr. President, today I am introducing legislation to remove the Federal Emergency Management Agency, FEMA, from the Department of Homeland Security and restore it as an independent, cabinet-level agency.

In the days after Hurricanes Katrina and Rita, Americans witnessed incompetence on the part of FEMA, the Department of Homeland Security, and the Administration in responding to a catastrophe of this magnitude. Countless Americans who were left behind were failed by their government when they needed help the most.

Sadly, the tragedy continues for the more than 80,000 people still living in trailers and for the cities and towns still struggling to rebuild. In the years since the catastrophes of Katrina and Rita, FEMA's failures have continued.

The Inspector General for the Department of Homeland Security found that FEMA awarded $3.6 billion in contracts to maintain trailers for hurricane victims to companies with no ties to the Gulf Coast region and bad paperwork.

In the aftermath of Hurricanes Katrina and Rita, FEMA wasted $1 billion in improper payments to individuals. FEMA spent $900 million on trailers that could not be used in flood zones. And FEMA paid $1.8 billion for hotel rooms and cruise ship cabins that were more expensive than apartments.

It was reported recently that more than $40 million worth of stockpiled food for the 2006 hurricane season spoiled due to FEMA's lack of preparation.

FEMA also disclosed in recent days that it will not have a new national response plan ready in time for the start of this year's hurricane season.

It is past time to restore competence and accountability, and to reestablish FEMA as an independent agency outside the Department of Homeland Security.

In the Clinton administration, the head of FEMA reported directly to the President of the United States and that direct communication meant the buck stopped with the President, instead of being lost in the bureaucracy.

The Government Accountability Office says that managing the transformation of an agency of the size and complexity of the Department of Homeland Security will likely span a number of years. Unfortunately with regard to preparing and recovering from a disaster, we cannot wait years for the Department of Homeland Security to live up to its intended mission. When the next disaster or catastrophe happens, we cannot afford to say that we'll be ready next time.

Under my legislation, the Director of FEMA reports directly to the President

and would have full authority to coordinate with all agencies and to take the necessary action to ensure resources and recovery personnel are deployed quickly in an emergency to impacted areas.

When we created the Department of Homeland Security, in the Homeland Security Act of 2002, I said then that I was deeply concerned about moving FEMA under the Department of Homeland Security because when it operated as an independent agency, especially on September 11 and in the response thereafter, it was highly-functioning, and well-run.

I remarked then that moving FEMA under the Department of Homeland Security must not force a highly-functioning and competent agency into a bureaucracy that will challenge integration and diminish FEMA's effectiveness in responding to crises of all kinds. Unfortunately, that seems to be exactly what has happened and that is exactly what we must fix.

The bureaucracy created by moving FEMA under the Department of Homeland Security is clearly not working and we must ensure that FEMA has the ability and the authority to respond to a disaster or catastrophe. I thank all of my colleagues who have cosponsored this legislation and I hope that every Senator in this chamber will cosponsor this legislation.

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. 1427

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 ''Federal Emergency Management Improvement Act of 2007''.

TITLE I—FEDERAL EMERGENCY MANAGEMENT AGENCY

SEC. 101. DEFINITIONS.

In this title—

(1) the term ''catastrophic incident'' means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

(2) the term ''Director'' means the Director of the Federal Emergency Management Agency ;

(3) the term ''Federal coordinating officer'' means a Federal coordinating officer as described in section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);

(4) the term ''interoperable'' has the meaning given the term ''interoperable communications'' under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1));

(5) the term ''National Advisory Council'' means the National Advisory Council established under section 508 of the Homeland Security Act of 2002;

(6) the term ''National Incident Management System'' means a system to enable effective, efficient, and collaborative incident management;

(7) the term ''National Response Plan'' means the National Response Plan or any successor plan prepared under section 104(b)(6);

(8) the term ''Nuclear Incident Response Team'' means a resource that includes—

(A) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

(B) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions; and

(9) the term ''tribal government'' means the government of any entity described under section 2(10)(B) of the Homeland Security Act of 2002 (6 U.S.C. 101).

SEC. 102. ESTABLISHMENT OF AGENCY AND DIRECTOR AND DEPUTY DIRECTOR.

(a) ESTABLISHMENT.—The Federal Emergency Management Agency is established as an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall be the head of the Federal Emergency Management Agency. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the President.

(2) QUALIFICATIONS.—The Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

''Director of the Federal Emergency Management Agency.''.

(4) PRINCIPAL ADVISOR ON EMERGENCY MANAGEMENT.—

(A) IN GENERAL.—The Director of the Federal Emergency Management Agency is the principal advisor to the President, the Homeland Security Council, and the Secretary of Homeland Security for all matters relating to emergency management in the United States.

(B) ADVICE AND RECOMMENDATIONS.—

(i) IN GENERAL.—In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary of Homeland Security, the Director of the Federal Emergency Management Agency shall, as the Director considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency preparedness, protection, response, recovery, and mitigation options with respect to that matter.

(ii) ADVICE ON REQUEST.—The Director of the Federal Emergency Management Agency, as the principal advisor on emergency management, shall provide advice to the President, the Homeland Security Council, or the Secretary of Homeland Security on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.

(iii) RECOMMENDATIONS TO CONGRESS.—After informing the President, the Director of the Federal Emergency Management Agency may make such recommendations to Congress relating to emergency management as the Director considers appropriate.

(5) CABINET STATUS.—The President shall designate the Administrator to serve as a member of the Cabinet in the event of natural disasters, acts of terrorism, or other man-made disasters.

(c) DEPUTY DIRECTOR.—

(1) IN GENERAL.—The Deputy Director of the Federal Emergency Management Agency shall assist the Director of the Federal Emergency Management Agency. The Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Deputy Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5313 of title 5, United States Code, is amended—

(A) by striking the following:

''Administrator of the Federal Emergency Management Agency.''; and

(B) by adding at the end the following:

''Deputy Director of the Federal Emergency Management Agency.''.

SEC. 103. MISSION.

(a) PRIMARY MISSION.—The primary mission of the Federal Emergency Management Agency is to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

(b) SPECIFIC ACTIVITIES.—In support of the primary mission of the Federal Emergency Management Agency, the Director shall—

(1) lead the Nation's efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(2) partner with State, local, and tribal governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(3) develop a Federal response capability that, when necessary and appropriate, can act effectively and rapidly to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural disaster, act of terrorism, or other man-made disaster;

(4) integrate the Federal Emergency Management Agency's emergency preparedness, protection, response, recovery, and mitigation responsibilities to confront effectively the challenges of a natural disaster, act of terrorism, or other man-made disaster;

(5) develop and maintain robust Regional Offices that will work with State, local, and tribal governments, emergency response providers, and other appropriate entities to identify and address regional priorities;

(6) coordinate with the Secretary of Homeland Security, the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, the National Operations Center, and other agencies and offices

in the Department of Homeland Security to take full advantage of the substantial range of resources in that Department;

(7) provide funding, training, exercises, technical assistance, planning, and other assistance to build tribal, local, State, regional, and national capabilities (including communications capabilities), necessary to respond to a natural disaster, act of terrorism, or other man-made disaster; and

(8) develop and coordinate the implementation of a risk-based, all-hazards strategy for preparedness that builds those common capabilities necessary to respond to natural disasters, acts of terrorism, and other man-made disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation.

SEC. 104. AUTHORITY AND RESPONSIBILITIES.

(a) IN GENERAL.—The Director of the Federal Emergency Management Agency shall provide Federal leadership necessary to prepare for, protect against, respond to, recover from, or mitigate against a natural disaster, act of terrorism, or other man-made disaster, including—

(1) helping to ensure the effectiveness of emergency response providers to terrorist attacks, major disasters, and other emergencies;

(2) with respect to the Nuclear Incident Response Team, regardless of whether it is operating as an organizational unit of the Department of Homeland Security, and in consultation with the Secretary of Homeland Security—

(A) establishing standards and certifying when those standards have been met;

(B) conducting joint and other exercises and training and evaluating performance; and

(C) providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment;

(3) providing the Federal Government's response to terrorist attacks and major disasters, including—

(A) managing such response;

(B) directing the Domestic Emergency Support Team, the National Disaster Medical System, and, in consultation with the Secretary of Homeland Security, the Nuclear Incident Response Team (when that team is operating as an organizational unit of the Department of Homeland Security);

(C) overseeing the Metropolitan Medical Response System; and

(D) coordinating other Federal response resources, including requiring deployment of the Strategic National Stockpile, in the event of a terrorist attack or major disaster;

(4) aiding the recovery from terrorist attacks and major disasters;

(5) building a comprehensive national incident management system with Federal, State, and local government personnel, agencies, and authorities, to respond to such attacks and disasters;

(6) consolidating existing Federal Government emergency response plans into a single, coordinated national response plan;

(7) helping ensure the acquisition of operable and interoperable communications capabilities by Federal, State, local, and tribal governments and emergency response providers;

(8) assisting the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and carrying out all functions and authorities given to the Director under that Act;

(9) carrying out the mission of the Federal Emergency Management Agency to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a risk-based, comprehensive emergency management system of—

(A) mitigation, by taking sustained actions to reduce or eliminate long-term risks to people and property from hazards and their effects;

(B) preparedness, by planning, training, and building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;

(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment, personnel, and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services; and

(D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards;

(10) increasing efficiencies, by coordinating efforts relating to preparedness, protection, response, recovery, and mitigation;

(11) helping to ensure the effectiveness of emergency response providers in responding to a natural disaster, act of terrorism, or other man-made disaster;

(12) supervising grant programs administered by the Federal Emergency Management Agency;

(13) administering and ensuring the implementation of the National Response Plan, including coordinating and ensuring the readiness of each emergency support function under the National Response Plan;

(14) coordinating with the National Advisory Council established under section 508 of the Homeland Security Act of 2002;

(15) preparing and implementing the plans and programs of the Federal Government for—

(A) continuity of operations;

(B) continuity of government; and

(C) continuity of plans;

(16) minimizing, to the extent practicable, overlapping planning and reporting requirements applicable to State, local, and tribal governments and the private sector;

(17) maintaining and operating within the Federal Emergency Management Agency the National Response Coordination Center or its successor;

(18) developing a national emergency management system that is capable of preparing for, protecting against, responding to, recovering from, and mitigating against catastrophic incidents;

(19) assisting the President in carrying out the functions under the national preparedness goal and the national preparedness system and carrying out all functions and authorities of the Director under the national preparedness System;

(20) carrying out all authorities of the Federal Emergency Management Agency; and

(21) otherwise carrying out the mission of the Federal Emergency Management Agency as described in section 103.

(b) ALL-HAZARDS APPROACH.—In carrying out the responsibilities under this section, the Director shall coordinate the implementation of a risk-based, all-hazards strategy that builds those common capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against natural disasters, acts of terrorism, and other man-made disasters, while also building the unique capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against the risks of specific types of incidents that pose the greatest risk to the Nation.

(c) CONFLICT OF AUTHORITIES.—If the Director determines that there is a conflict between any authority of the Director under this Act, the amendments made by this Act, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and any authority of another Federal officer, the Director shall request that the President make such determinations as may be necessary regarding such authorities.

SEC. 105. REGIONAL OFFICES.

(a) IN GENERAL.—There are in the Federal Emergency Management Agency 10 regional offices, as identified by the Director of the Federal Emergency Management Agency.

(b) MANAGEMENT OF REGIONAL OFFICES.—

(1) REGIONAL ADMINISTRATOR.—Each Regional Office shall be headed by a Regional Administrator who shall be appointed by the Director, after consulting with State, local, and tribal government officials in the region. Each Regional Administrator shall report directly to the Director and be in the Senior Executive Service.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Each Regional Administrator shall be appointed from among individuals who have a demonstrated ability in and knowledge of emergency management and homeland security.

(B) CONSIDERATIONS.—In selecting a Regional Administrator for a Regional Office, the Director shall consider the familiarity of an individual with the geographical area and demographic characteristics of the population served by such Regional Office.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Regional Administrator shall work in partnership with State, local, and tribal governments, emergency managers, emergency response providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities of a Regional Administrator under this section.

(2) RESPONSIBILITIES.—The responsibilities of a Regional Administrator include—

(A) ensuring effective, coordinated, and integrated regional preparedness, protection, response, recovery, and mitigation activities and programs for natural disasters, acts of terrorism, and other man-made disasters (including planning, training, exercises, and professional development);

(B) assisting in the development of regional capabilities needed for a national catastrophic response system;

(C) coordinating the establishment of effective regional operable and interoperable emergency communications capabilities;

(D) staffing and overseeing 1 or more strike teams within the region under subsection (f), to serve as the focal point of the Federal Government's initial response efforts for natural disasters, acts of terrorism, and other man-made disasters within that region, and otherwise building Federal response capabilities to respond to natural disasters, acts of terrorism, and other man-made disasters within that region;

(E) designating an individual responsible for the development of strategic and operational regional plans in support of the National Response Plan;

(F) fostering the development of mutual aid and other cooperative agreements;

(G) identifying critical gaps in regional capabilities to respond to populations with special needs;

(H) maintaining and operating a Regional Response Coordination Center or its successor; and

(I) performing such other duties relating to such responsibilities as the Director may require.

(3) TRAINING AND EXERCISE REQUIREMENTS.—

(A) TRAINING.—The Director shall require each Regional Administrator to undergo specific training periodically to complement the qualifications of the Regional Administrator. Such training, as appropriate, shall include training with respect to the National Incident Management System, the National Response Plan, and such other subjects as determined by the Director.

(B) EXERCISES.—The Director shall require each Regional Administrator to participate as appropriate in regional and national exercises.

(d) AREA OFFICES.—

(1) IN GENERAL.—There is an Area Office for the Pacific and an Area Office for the Caribbean, as components in the appropriate Regional Offices.

(2) ALASKA.—The Director shall establish an Area Office in Alaska, as a component in the appropriate Regional Office.

(e) REGIONAL ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Each Regional Administrator shall establish a Regional Advisory Council.

(2) NOMINATIONS.—A State, local, or tribal government located within the geographic area served by the Regional Office may nominate officials, including Adjutants General and emergency managers, to serve as members of the Regional Advisory Council for that region.

(3) RESPONSIBILITIES.—Each Regional Advisory Council shall—

(A) advise the Regional Administrator on emergency management issues specific to that region;

(B) identify any geographic, demographic, or other characteristics peculiar to any State, local, or tribal government within the region that might make preparedness, protection, response, recovery, or mitigation more complicated or difficult; and

(C) advise the Regional Administrator of any weaknesses or deficiencies in preparedness, protection, response, recovery, and mitigation for any State, local, and tribal government within the region of which the Regional Advisory Council is aware.

(f) REGIONAL OFFICE STRIKE TEAMS.—

(1) IN GENERAL.—In coordination with other relevant Federal agencies, each Regional Administrator shall oversee multi-agency strike teams authorized under section 303 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5144) that shall consist of—

(A) a designated Federal coordinating officer;

(B) personnel trained in incident management;

(C) public affairs, response and recovery, and communications support personnel;

(D) a defense coordinating officer;

(E) liaisons to other Federal agencies;

(F) such other personnel as the Director or Regional Administrator determines appropriate; and

(G) individuals from the agencies with primary responsibility for each of the emergency support functions in the National Response Plan.

(2) OTHER DUTIES.—The duties of an individual assigned to a Regional Office strike team from another relevant agency when such individual is not functioning as a member of the strike team shall be consistent with the emergency preparedness activities of the agency that employs such individual.

(3) LOCATION OF MEMBERS.—The members of each Regional Office strike team, including representatives from agencies other than the Department, shall be based primarily within the region that corresponds to that strike team.

(4) COORDINATION.—Each Regional Office strike team shall coordinate the training and exercises of that strike team with the State, local, and tribal governments and private sector and nongovernmental entities which the strike team shall support when a natural disaster, act of terrorism, or other man-made disaster occurs.

(5) PREPAREDNESS.—Each Regional Office strike team shall be trained as a unit on a regular basis and equipped and staffed to be well prepared to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

(6) AUTHORITIES.—If the Director determines that statutory authority is inadequate for the preparedness and deployment of individuals in strike teams under this subsection, the Director shall report to Congress regarding the additional statutory authorities that the Director determines are necessary.

SEC. 106. NATIONAL INTEGRATION CENTER.

(a) IN GENERAL.—There is established in the Federal Emergency Management Agency a National Integration Center.

(b) RESPONSIBILITIES.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency, through the National Integration Center, and in consultation with other Federal departments and agencies and the National Advisory Council, shall ensure ongoing management and maintenance of the National Incident Management System, the National Response Plan, and any successor to such system or plan.

(2) SPECIFIC RESPONSIBILITIES.—The National Integration Center shall periodically review, and revise as appropriate, the National Incident Management System and the National Response Plan, including—

(A) establishing, in consultation with the Director of the Corporation for National and Community Service, a process to better use volunteers and donations;

(B) improving the use of Federal, State, local, and tribal resources and ensuring the effective use of emergency response providers at emergency scenes; and

(C) revising the Catastrophic Incident Annex, finalizing and releasing the Catastrophic Incident Supplement to the National Response Plan, and ensuring that both effectively address response requirements in the event of a catastrophic incident.

(c) INCIDENT MANAGEMENT.—

(1) IN GENERAL.—

(A) NATIONAL RESPONSE PLAN.—The Director of the Federal Emergency Management Agency, in consultation with the Secretary, shall ensure that the National Response Plan provides for a clear chain of command to lead and coordinate the Federal response to any natural disaster, act of terrorism, or other man-made disaster.

(B) DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.—The chain of the command specified in the National Response Plan shall—

(i) provide for a role for the Director of the Federal Emergency Management Agency consistent with the role of the Director under this Act and the amendments made by this Act; and

(ii) provide for a role for the Federal Coordinating Officer consistent with the responsibilities under section 302(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(b)).

(2) PRINCIPAL FEDERAL OFFICIAL.—The Principal Federal Official (or the successor thereto) shall not—

(A) direct or replace the incident command structure established at the incident; or

(B) have directive authority over the Senior Federal Law Enforcement Official, Federal Coordinating Officer, or other Federal and State officials.

SEC. 107. CREDENTIALING AND TYPING.

The Director of the Federal Emergency Management Agency shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, and organizations that represent emergency response providers, to collaborate on developing standards for deployment capabilities, including credentialing of personnel and typing of resources likely needed to respond to natural disasters, acts of terrorism, and other man-made disasters.

SEC. 108. DISABILITY COORDINATOR.

(a) IN GENERAL.—After consultation with organizations representing individuals with disabilities, the National Council on Disabilities, and the Interagency Coordinating Council on Preparedness and Individuals with Disabilities, established under Executive Order No. 13347 (6 U.S.C. 312 note), the Director of the Federal Emergency Management Agency shall appoint a Disability Coordinator. The Disability Coordinator shall report directly to the Director, in order to ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief.

(b) RESPONSIBILITIES.—The Disability Coordinator shall be responsible for—

(1) providing guidance and coordination on matters related to individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

(2) interacting with the staff of the Federal Emergency Management Agency, the National Council on Disabilities, the Interagency Coordinating Council on Preparedness and Individuals with Disabilities established under Executive Order No. 13347 (6 U.S.C. 312 note), other agencies of the Federal Government, and State, local, and tribal government authorities regarding the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

(3) consulting with organizations that represent the interests and rights of individuals with disabilities about the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

(4) ensuring the coordination and dissemination of best practices and model evacuation plans for individuals with disabilities;

(5) ensuring the development of training materials and a curriculum for training of emergency response providers, State, local, and tribal government officials, and others on the needs of individuals with disabilities;

(6) promoting the accessibility of telephone hotlines and websites regarding emergency preparedness, evacuations, and disaster relief;

(7) working to ensure that video programming distributors, including broadcasters, cable operators, and satellite television services, make emergency information accessible to individuals with hearing and vision disabilities;

(8) ensuring the availability of accessible transportation options for individuals with disabilities in the event of an evacuation;

(9) providing guidance and implementing policies to ensure that the rights and wishes of individuals with disabilities regarding post-evacuation residency and relocation are respected;

(10) ensuring that meeting the needs of individuals with disabilities are included in

the components of the national preparedness system established under section 644 of the Post-Katrina Emergency Management Reform Act of 2006; and

(11) any other duties as assigned by the Director of the Federal Emergency Management Agency.

SEC. 109. NATIONAL OPERATIONS CENTER.

(a) DEFINITION.—In this section, the term ''situational awareness'' means information gathered from a variety of sources that, when communicated to emergency managers and decision makers, can form the basis for incident management decisionmaking.

(b) ESTABLISHMENT.—The National Operations Center is the principal operations center for the Federal Emergency Management Agency and shall—

(1) provide situational awareness and a common operating picture for the entire Federal Government, and for State, local, and tribal governments as appropriate, in the event of a natural disaster, act of terrorism, or other man-made disaster; and

(2) ensure that critical terrorism and disaster-related information reaches government decision-makers.

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS.

(1) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

(A) in section 501, by striking all after ''In this title'' and inserting ''the term 'tribal government' means the government of any entity described under section 2(10)(B).'';

(B) by striking sections 503 through 507, 509, 510, 513, and 515;

(C) in section 508—

(i) by striking ''Administrator'' each place that term appears and inserting ''Director of Federal Emergency Management Agency''; and

(ii) in subsection (c)—

(I) in paragraph (1), by inserting ''in consultation with the Secretary,'' before ''and shall, to the extent practicable''; and

(II) in paragraph (3), by inserting '', in consultation with the Secretary,'' before ''shall designate'';

(D) in section 512(c), by striking ''Administrator'' each place that term appears and inserting ''Secretary''; and

(E) in section 514—

(i) by striking subsection (a); and

(ii) redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(2) TABLE OF CONTENTS.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by striking the items relating to sections 503 through 510, 513 and 515.

SEC. 111. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to detract from the Department of Homeland Security's primary mission to secure the homeland from terrorist attacks.

TITLE II—TRANSFER AND SAVINGS PROVISIONS

SEC. 201. DEFINITIONS.

In this title, unless otherwise provided or indicated by the context—

(1) the term ''Federal agency'' has the meaning given to the term ''agency'' by section 551(1) of title 5, United States Code;

(2) the term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term ''office'' includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

SEC. 202. TRANSFER OF FUNCTIONS.

There are transferred to the Federal Emergency Management Agency established under section 101 of this Act all functions which the Director of the Federal Emergency Management Agency of the Department of Homeland Security exercised before the date of the enactment of this title, including all the functions described under section 505 of the Homeland Security Act of 2002 (before the repeal of that section under section 104 of this Act).

SEC. 203. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The Director of the Federal Emergency Management Agency may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Director of the Federal Emergency Management Agency may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Director of the Federal Emergency Management Agency may pay experts and consultants who are serving away from their homes or regular place of business, travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 204. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Director of the Federal Emergency Management Agency may delegate any of the functions transferred to the Director of the Federal Emergency Management Agency by this title and any function transferred or granted to such Director after the effective date of this title to such officers and employees of the Federal Emergency Management Agency as the Director may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Director of the Federal Emergency Management Agency under this section or under any other provision of this title shall relieve such Director of responsibility for the administration of such functions.

SEC. 205. REORGANIZATION.

The Director of the Federal Emergency Management Agency is authorized to allocate or reallocate any function transferred under section 202 among the officers of the Federal Emergency Management Agency, and to establish, consolidate, alter, or discontinue such organizational entities in the Federal Emergency Management Agency as may be necessary or appropriate.

SEC. 206. RULES.

The Director of the Federal Emergency Management Agency is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions of the Federal Emergency Management Agency.

SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Federal Emergency Management Agency. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 208. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 209. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Federal Emergency Management Agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

SEC. 210. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Federal Emergency Management Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Federal Emergency Management Agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued

in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Federal Emergency Management Agency, or by or against any individual in the official capacity of such individual as an officer of the Federal Emergency Management Agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Federal Emergency Management Agency relating to a function transferred under this title may be continued by the Federal Emergency Management Agency with the same effect as if this title had not been enacted.

SEC. 211. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 212. TRANSITION.

The Director of the Federal Emergency Management Agency is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Federal Emergency Management Agency with respect to functions transferred by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 213. REFERENCES.

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this title—

(1) to the head of such department, agency, or office is deemed to refer to the head of the department, agency, or office to which such function is transferred; or

(2) to such department, agency, or office is deemed to refer to the department, agency, or office to which such function is transferred.

SEC. 214. ADDITIONAL CONFORMING AMENDMENTS.

(a) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the Director of the Federal Emergency Management Agency shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this Act.

(b) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this title, the Director of the Federal Emergency Management Agency shall submit the recommended legislation referred to under subsection (a).

By Mr. HATCH (for himself and Mr. CONRAD):

S. 1428. A bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program; to the Committee on Finance.

Mr. HATCH. Mr. President, I am pleased to join Senators CONRAD and ROBERTS in introducing the Medicare Durable Medical Equipment Access Act of 2007.

Some background on why this bill is necessary might be useful.

Among the provisions of the Medicare Modernization Act, MMA, was a provision that instituted a bidding process for durable medical equipment. It was a good concept—we have all seen the advantages to Medicare beneficiaries and to the Federal Government of competitive bidding in Medicare Part D. The government and beneficiaries are paying lower prices for prescription drugs as a result of fair competition.

At the time of the passage of the MMA, it was known that Medicare was overpaying substantially for certain durable medical equipment. The MMA instituted a bidding process for durable medical equipment in order to bring market discipline to the purchasing process. It also directed the Secretary of Health and Human Services, HHS, to establish badly needed quality standards for Medicare's suppliers of durable medical equipment and related services.

The purpose of S. 1428, the Medicare Durable Equipment Access Act, is to correct problems arising from provisions in the MMA that apply to rural areas and urban areas of low population density. The bill seeks to protect the access of Medicare beneficiaries in these areas to homecare equipment and services. It also will allow small businesses to participate in the program, but only if they meet the quality standards established in this legislation and can meet the competitively bid price.

The bill protects Medicare beneficiaries in three ways.

First, the MMA permits the HHS Secretary to exempt from the bidding process rural areas and areas with low population density that are not competitive unless there is a significant national market through mail order for a particular item or service. The law also permits suppliers in rural areas to be exempted from the program's quality standards. Medicare patients must be assured that they are dealing with qualified suppliers and our bill assures them that they will be.

Second, the MMA allows the Secretary of HHS to exempt rural areas and sparsely populated urban areas from the bidding process if they lack health care infrastructure, a vague and subjective judgment. This bill defines areas eligible for exemption as metropolitan service areas with fewer than 500,000 people.

Finally, the MMA established a Program Advisory and Oversight Committee to advise the Secretary on implementation of the program. The MMA exempted the Program Advisory and Oversight Committee from The Federal Advisory Committee Act, FACA. FACA was enacted by Congress in 1972. Its purpose is to ensure that committees that advise the executive branch be accessible to the public and objective in their judgments. This bill places this program under FACA.

This legislation also provides important protection to small businesses. The MMA provides that there shall be no administrative or judicial review for businesses participating in competitive bidding. Our bill provides for judicial appeal rights, giving legal recourse to businesses that participate in the competitive bidding process.

The MMA also directs the HHS Secretary to take appropriate steps to ensure that small suppliers have an opportunity to participate. Our bill specifies that such appropriate steps shall include permitting suppliers that are classified as small businesses under the Small Business Act to continue to participate at the single payment amount, so long as they submit bids at less than the fee schedule amount.

In addition, the MMA permits the HHS Secretary to use competitive acquisition bid rates from one region to determine payment rates in another noncompetitive acquisition area. Our bill requires the HHS Secretary to complete a comparability analysis to ensure that payments in non-competitive areas are fair. It requires the Secretary to publish the analysis in the Federal Register.

Finally, the purpose of the competitive bidding process is to save the Medicare program and its beneficiaries' money from the purchase of durable medical equipment, but a new bureaucracy must be created to implement the program. Our bill requires the HHS Secretary to exempt from competitive acquisition requirements any items and services not likely to result in savings of at least 10 percent.

Twenty-five small suppliers of durable medical equipment in Utah have banded together to support this legislation and I believe they speak for hundreds of small suppliers around the United States. They support the establishment of quality standards for all suppliers of durable medical equipment to Medicare. They are willing to price their products competitively. They are used to providing personal services to their customers in small Utah towns. Their customers are also their neighbors. They all fear that their businesses, which are built on personal service, may be sacrificed to large suppliers from distant cities who cannot educate Medicare beneficiaries. A flyer in the mail may not be enough to teach a disabled diabetic how to use a walker.

I urge my colleagues to support this legislation which permits the potential savings from competitive bidding, mandates quality standards for all of Medicare's durable medical equipment suppliers, and protects small businesses and Medicare beneficiaries in rural areas and in low density urban areas.

Mr. CONRAD. Mr. President, today I am pleased to join my colleague, Senator HATCH, in reintroducing the Medicare Durable Medical Equipment, DME, Access Act. This bill will help protect rural DME providers from the negative consequences of competitive bidding and ensure that seniors have access to the highest quality of DME supplies. It will also help to rid the system of fraudulent suppliers who are filing improper and illegal claims.

As many of my colleagues know, the Medicare Modernization Act, MMA, required Medicare to replace the current DME payment methodology for certain items with a competitive acquisition process, which is currently underway. In fact, the first round of bids are due on July 13. Our bill would address several issues that could negatively impact the ability of rural suppliers to compete and ensure that seniors are getting high-quality products.

Specifically, our bill would strengthen language in the MMA that allows the Secretary to exempt rural areas by requiring the Secretary to exempt metropolitan statistical areas with fewer than 500,000 people. In addition, the legislation would require that the Centers for Medicare and Medicaid Services, CMS, include the attainment of quality standards as a factor in computing the winning bid to ensure that patients receive both high-quality and low-cost equipment. Third, the Medicare Durable Medical Equipment Access Act would allow small businesses to continue providing DME in Medicare at the acquisition bid rate, even if the businesses didn't have the winning bid. Finally, the bill would take additional steps to ensure that competitive acquisition results in savings, that providers have access to administrative and judicial review, and that any meetings of the newly created CMS Program Advisory and Oversight Committee on competitive bidding be open to the public.

Many argue that there is fraudulent activity in the Medicare DME benefit and that is why competitive bidding is necessary. I agree that it is far too easy to obtain a supplier number and start filing improper and illegal claims. That is why I applaud the efforts of CMS and others who are cracking down on the inappropriate behavior. However, it is also imperative that we ensure sufficient access to quality DME care in the program and protect those suppliers who are acting appropriately. I believe this bill achieves the appropriate balance between these two goals. I urge all of my colleagues to support this important legislation.

By Mr. OBAMA (for himself and Mr. BROWNBACK):

S. 1430. A bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. OBAMA. I rise today, along with Senator BROWNBACK, to introduce the Iran Sanctions Enabling Act of 2007. Before proceeding, I want to commend Chairman FRANK for introducing similar legislation on the House side—he is a major force behind this legislation and should be recognized for his work on this issue.

This bill will enable citizens, institutional investors, and State and local governments to ensure that their money is not being used by companies that help develop Iran's oil and gas industry. This would place additional economic pressure on the Iranian regime with the goal of changing Iranian policies.

The Obama-Brownback legislation does this in three ways:

First, this legislation requires the U.S. government, every 6 months, to publish a list of companies that are investing more than $20 million in Iran's energy sector. This sunshine provision accomplishes two important objectives. It provides investors with the knowledge they need to make informed decisions about the consequences of their investments. And, since it is already illegal for U.S. companies to make such investments, it provides a powerful incentive for foreign companies to discontinue investments in Iran.

Second, this legislation authorizes State and local governments to divest the assets of their pension funds and other funds under their control from any company on the list. Several states, such as Florida and Missouri, have already taken actions to achieve these ends. But the States' authority to undertake these measures is unclear, so an explicit authorization from Congress, contained in this bill, will resolve this issue.

Third, this legislation seeks to give fund managers safe harbor and also provide investors with more choices. For fund managers who divest from companies on this list, the Obama-Brownback bill helps protect these managers from lawsuits brought by unhappy investors. The bill also expresses the sense of Congress that the government's own 401(k) fund, the Thrift Savings Plan, should create a ''terror-free'' and ''genocide-free'' investment options for government employees.

We need this bill, as Iranian actions have been well-documented. Iran's pursuit of a nuclear program, and its unwillingness to allow comprehensive international oversight, pose unacceptable risks to the United States and our allies. The international community has voiced its opposition to Iran's nuclear ambitions. For example, the U.N. Security Council passed resolutions last December, and again in March of this year, increasing sanctions on Iran for its failure to suspend uranium enrichment.

The Iranian regime has been actively sowing the seeds of instability and violence in Iraq, with deadly consequences for American soldiers. Beyond Iraq's borders, Iranian leaders are exporting militancy, sectarianism, and rejectionism throughout the Middle East. Fueled by the billions of dollars it earns from oil and gas exports, Iran has been pumping money into radical Islamist terror groups like Hezbollah and Hamas. Every bit as worrying is the rhetoric of President Mahmoud Ahmadinejad publicly calling to ''wipe Israel off the map.''

It is quite a list. But in the midst of all of this, there are signs that some Iranians understand the impact their regime's behavior is having on Iran's national interests. Conservatives in Iran look where the radicals are trying to take the country—more confrontation and more radicalism, and they are worried.

We should send a message that, if Iran wishes to benefit from the international system, it must play by international rules. If it chooses to flout those rules, then the world will turn its back on Iran. Pressuring companies to cut their financial ties with Iran is an important piece of that process, and we should allow pension funds to do so.

For all of its bluster, Iran is not a strong country. Its oil infrastructure is weak and badly in need of investment. The economy lurches under the weight of quasi-state run industries, and billions of dollars in Iranian cash sit offshore because Iranians have so little faith in their government's management of the economy. This is precisely why we need legislation along the lines of what I am introducing here today.

In general, we need to think carefully about allowing divestment, which is a tool that can be misused. However, I believe that Iran is a special case. And, in this case, divestment legislation can dissuade foreign companies from investing in energy operations whose profits will be used to threaten us. It is not a magic bullet—there is none in this situation—but is one of a menu of actions, each of which can help us to deter Iranian aggression.

We are currently involved in one ruinous war, and we need to avoid indiscriminate saber-rattling which could involve us in another. This administration's failure in Iraq has emboldened and empowered Iran, and the forces allied with it, including Hamas and Hezbollah. And while we should take no option, including military action, off the table, sustained and aggressive diplomacy combined with tough sanctions should be our primary means to deal with Iran. It is incumbent upon us to find and implement ways to pressure Iran short of war, ways that demonstrate our deep concern about Iran's behavior, and ways that will help us to exert leadership on this issue. This bill is one of those ways.

I have called for direct engagement with Iran over its efforts to acquire nuclear weapons. But, direct dialogue, as we conducted with the Soviet Union during the Cold War, should be part of a comprehensive diplomatic strategy to head off this unacceptable threat. So should the legislation Senator BROWNBACK and I are introducing today.

I hope my colleagues will cosponsor the Obama-Brownback legislation. On the House side, I hope my colleagues in that Chamber sign on to the Frank bill. I look forward to working with others to get this bill signed into law.

In closing, I want to thank Daniel McGlinchey and James Segel of Chairman FRANK's staff for their work on this bill. They were extraordinarily helpful in putting together this legislation, and I would be remiss I did not recognize their efforts.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 206—TO PROVIDE FOR A BUDGET POINT OF ORDER AGAINST LEGISLATION THAT INCREASES INCOME TAXES ON TAXPAYERS, INCLUDING HARDWORKING MIDDLE-INCOME FAMILIES, ENTREPRENEURS, AND COLLEGE STUDENTS

Mr. CORNYN (for himself and Mr. ALLARD) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 206

Resolved, That

SECTION 1. POINT OF ORDER AGAINST LEGISLATION THAT RAISES INCOME TAX RATES.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal income tax rate increase. In this subsection, the term ''Federal income tax rate increase'' means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SENATE RESOLUTION 207—CALLING ON THE PRESIDENT OF THE UNITED STATES IMMEDIATELY TO RECOMMEND NEW CANDIDATES FOR THE POSITIONS OF THE ATTORNEY GENERAL OF THE UNITED STATES AND THE PRESIDENT OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (COMMONLY KNOWN AS THE ''WORLD BANK'') IN ORDER TO PRESERVE THE INTEGRITY AND THE EFFICACY OF THE DEPARTMENT OF JUSTICE AND THE WORLD BANK

Mr. DODD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 207

Whereas the Department of Justice is responsible for upholding and enforcing the law throughout the United States of America;

Whereas the Attorney General, as the Nation's chief law enforcement official, must place the rule of law above partisan political gain;

Whereas Attorney General Alberto Gonzales has consistently provided misleading and incomplete testimony to Congress regarding his role in the inappropriate and politically motivated firings of at least 8 United States Attorneys, as well as refusing to acknowledge widespread concern within the Department of Justice on the legality of its domestic surveillance program;

Whereas, according to the testimony of former Deputy Attorney General James Comey, Attorney General Alberto Gonzales, while White House Counsel, attempted to pressure then-Attorney General John Ashcroft to authorize a domestic surveillance program that the Department of Justice itself had determined had ''no legal basis'', while he was in the intensive care unit of George Washington University Hospital and had relinquished the powers of the Attorney General;

Whereas the current controversies surrounding the Attorney General have undermined the effectiveness and integrity of the Department of Justice and have contributed to a reduction in morale among employees who have important work to accomplish;

Whereas the International Bank for Reconstruction and Development, in this resolution referred to as the ''World Bank'', plays a vital role in global efforts to reduce poverty, aid development, and promote good governance in all nations in which it operates;

Whereas anti-corruption efforts have been a key element of the World Bank strategy under both the current and previous Bank Presidents;

Whereas Paul D. Wolfowitz, President of the World Bank, arranged for a pay and promotion package for Shaha Ali Riza, a bank employee with whom he had a personal relationship, upon becoming President in 2005;

Whereas, on May 14, 2007, an Ethics Committee of the World Bank investigating this incident reported to the World Bank's Board of Directors that ''Mr. Wolfowitz's contract requiring that he adhere to the Code of Conduct for board officials and that he avoid any conflict of interest, real or apparent, were violated'' in arranging for a pay raise and promotion for Shaha Ali Riza, thus contravening World Bank ethical and governance rules;

Whereas, on April 26, 2007, more than 40 members of the Bank's anti-corruption unit issued a statement declaring that due to corruption allegations against Mr. Wolfowitz, ''The credibility of our front-line staff is eroding in the face of legitimate questions from our clients about the bank's ability to practice what it preaches on governance'';

Whereas several of the World Bank's largest donors, including European nations who supply a major portion of the World Bank's operating revenue, have warned that they might withhold funds for the World Bank so long as Mr. Wolfowitz remains in office; and

Whereas the actions of Attorney General Gonzales and Mr. Wolfowitz have created a crisis of confidence and credibility within two vital institutions with serious national and international consequences and merit decisive action by the President of the United States: Now, therefore, be it

Resolved, That the Senate calls on the President of the United States immediately to recommend new candidates for the positions of the Attorney General of the United States and the President of the World Bank in order to preserve the integrity and the efficacy of the Department of Justice and the World Bank.

Mr. DODD. Mr. President, I send a resolution to the desk, which next week I will ask my colleagues to consider. I do so with some reluctance, but we have reached a point where the concerns revolving around the Attorney General's Office as well as the head of the World Bank have come to a point where I think this body ought to express itself, given the concerns that are mounting about these individuals' ability to perform their functions.

Washington, DC, has always been home to controversies. We know that. But the ones currently swirling around the Department of Justice and the World Bank are simply unacceptable and I think must come to an end. The President, in my view, must assume the responsibility here.

We are focused on calling for resignations, but the Commander in Chief, the President, is where the buck stops. He bears the responsibility to replace these individuals if they have reached a point where they no longer have the ability to run these institutions, instilling the kind of confidence and global support the American public would expect.

I do not say this with any sense of glee at all, but I think we have arrived at a moment where a change of leadership in these two offices is essential.

Let me begin with Mr. Gonzales, if I may, whose saga continues to unfold, with each revelation more disturbing than the last.

The Attorney General is the chief law enforcement officer of the country. He must be above politics, and put administration of justice above partisan gain. Clearly, that is not the case here. It is now abundantly clear the Attorney General has placed his friendship and allegiance to the President above the sworn duty to defend and protect the Constitution. These are not allegations I have made alone; others have also made these points.

We heard Tuesday in the Senate Judiciary Committee hearing the shocking testimony of the former Deputy Attorney General of the United States

about Mr. Gonzales' role while White House Counsel, attempting to pressure then-Attorney General John Ashcroft to authorize domestic surveillance despite the fact that the Justice Department, under John Ashcroft, determined that would be illegal. He went to Attorney General Ashcroft's bedside when he was in critical condition to try to secure his signature to allow those practices to go forward. This is not healthy. It is hurting our country, hurting the morale of the Justice Department, and it is time for the President to step forward and appoint a new Attorney General.

Let me, if I quickly can, turn to the President of the World Bank, Mr. Wolfowitz. The World Bank, as we all know, plays a vital role in global efforts to reduce poverty, aid development, and promote good governance in all nations in which it operates. Mr. Wolfowitz in particular made fighting corruption his signature issue at the bank; yet we know of the allegations here. I don't need to go into detail about them. My colleagues know what they are; they have been widely reported. A World Bank ethics committee investigating this incident reported to the World Bank's Board of Directors:

Mr. Wolfowitz's contract requiring that he adhere to the Code of Conduct for board officials and that he avoid any conflict of interest, real or apparent, was violated.

That is their conclusion. In short, I believe Mr. Wolfowitz broke the World Bank's ethical and governance rules, and instead of combating corruption abroad, as he pledged to do, his actions brought it to the heart of the World Bank.

I point out that 40 members of the Bank's anti-corruption unit issued a statement saying this:

The credibility of our front-line staff is eroding in the face of legitimate questions from our clients about the bank's ability to practice what it preaches on governance.

These are not my words; again, these are the words of the World Bank staff. Their work is being compromised by the actions of their President.

Moreover, several of the World Bank's largest donors, including European nations who supply a major portion of the World Bank's operating revenue, have warned they might withhold these funds for the World Bank so long as Mr. Wolfowitz remains in office.

I don't take any pleasure in suggesting this. But when the Justice Department and the World Bank are under assault because of the actions of their two leaders, it is time for the American President, who has the authority to replace these individuals, to do so. I know there is reluctance on the part of my colleagues to involve themselves in some of these matters, but when institutions as important as the Justice Department and the World Bank are suffering from loss of credibility, I think it is incumbent on this body to express itself.

At an appropriate time next week I will ask for this resolution to be considered by this body. I know we have the important matter of immigration to consider, but this matter is also important.

Of course, should the President move forward and call for the resignations and replace these individuals, then this resolution would be moot. In the meantime, I intend to press forward with this idea. I urge my colleagues in both parties to support this resolution, regardless of their feelings about these individuals or their personal relationships with them—we bear a responsibility that goes beyond personalities here.

The Justice Department deserves better. The World Bank deserves better. I hope my colleagues will join in a bipartisan way to express the sense of the Senate that the President ought to replace these individuals and restore the confidence and the good feelings we all ought to have about both of these institutions.

SENATE RESOLUTION 208—ENCOURAGING THE ELIMINATION OF HARMFUL FISHING SUBSIDIES THAT CONTRIBUTE TO OVERCAPACITY IN THE WORLD'S COMMERCIAL FISHING FLEET AND LEAD TO THE OVERFISHING OF GLOBAL FISH STOCKS

Mr. STEVENS (for himself, Mr. INOUYE, Mr. COCHRAN, Ms. CANTWELL, Ms. SNOWE, Mr. LOTT, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. BOXER, Mr. SUNUNU, Ms. LANDRIEU, Ms. COLLINS, Mr. KERRY, Mr. LAUTENBERG, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 208

Whereas 2.6 billion people in the world get at least 20 percent of their total dietary animal protein intake from fish;

Whereas the Food and Agriculture Organization of the United Nations has found that 25 percent of the world's fish population are currently overexploited, depleted, or recovering from overexploitation;

Whereas scientists have estimated that populations of many large predator fish such as tuna, marlin, and swordfish have been overfished by foreign industrial fishing fleets;

Whereas the global fishing fleet capacity is estimated to be considerably greater than is needed to catch what the ocean can sustainably produce;

Whereas the United States Congress recognized the threat of overfishing to our oceans and economy and therefore included the requirement to end overfishing in United States commercial fisheries by 2011 in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479);

Whereas the United States Commission on Ocean Policy and the Pew Oceans Commission identified overcapitalization of the global commercial fishing fleets as a major contributor to the decline of economically important fish populations;

Whereas harmful foreign fishing subsidies encourage overcapitalization and overfishing, support destructive fishing practices that would not otherwise be economically viable, and amount to $10 to $15 billion annually, an amount equivalent to 20 to 25 percent of the global commercial trade in fish;

Whereas such subsidies have also been documented to support illegal, unregulated, and unreported fishing, which impacts commercial fisheries in the United States and around the world both economically and ecologically;

Whereas harmful fishing subsidies are concentrated in relatively few countries, putting other fishing countries, including the United States, at an economic disadvantage;

Whereas the United States is a world leader in advancing policies to eliminate harmful fishing subsidies that support overcapacity and promote overfishing; and

Whereas members of the World Trade Organization, as part of the Doha Development Agenda (Doha Development Round), are engaged in historic negotiations to end harmful fishing subsidies that contribute to overcapacity and overfishing: Now, therefore, be it

Resolved by the Senate, That the United States should continue to promote the elimination of harmful foreign fishing subsidies that promote overcapitalization, overfishing, and illegal, unregulated, and unreported fishing.

SENATE RESOLUTION 209—EXPRESSING SUPPORT FOR THE NEW POWER-SHARING GOVERNMENT IN NORTHERN IRELAND

Mr. KENNEDY (for himself, Mr. DODD, Mr. BIDEN, Ms. COLLINS, Mr. KERRY, Mrs. CLINTON, Mr. LEAHY, Mr. MCCAIN, Mr. SCHUMER, Mr. SMITH, and Mr. OBAMA) submitted the following resolution; which was considered and agreed to:

S. RES. 209

Whereas, on May 8, 2007, the Reverend Ian Paisley and Martin McGuinness became Northern Ireland's first minister and deputy first minister, marking the beginning of a new era of power-sharing;

Whereas Reverend Paisley, the Democratic Unionist leader, and Mr. McGuinness, the Sinn Féin negotiator, have put aside decades of conflict and moved towards historic reconciliation and unity in Northern Ireland;

Whereas, on May 8, 2007, Reverend Paisley declared, ''I believe that Northern Ireland has come to a time of peace, a time when hate will no longer rule.'';

Whereas Mr. McGuinness declared this new government to be ''a fundamental change of approach, with parties moving forward together to build a better future for the people that we represent'';

Whereas British Prime Minister Tony Blair declared that ''today marks not just the completion of the transition from conflict to peace, but also gives the most visible expression to the fundamental principle on which the peace process has been based. The acceptance that the future of Northern Ireland can only be governed successfully by both communities working together, equal before the law, equal in the mutual respect shown by all and equally committed both to sharing power and to securing peace. That is the only basis upon which true democracy can function and by which normal politics can at last after decades of violence and suffering come to this beautiful but troubled land.'';

Whereas the Taoiseach of Ireland, Bertie Ahern, declared that ''on this day, we mark the historic beginning of a new era for Northern Ireland. An era founded on peace and partnership. An era of new politics and new realities.''; and

Whereas President George W. Bush, like his predecessor President William J. Clinton, has worked tirelessly to bring the parties in Northern Ireland together in support of fulfilling the promises of the Good Friday Accords.

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States stands strongly in support of the new power-sharing government in Northern Ireland;

(2) political leaders of Northern Ireland, Prime Minister Tony Blair, and Taoiseach Bertie Ahern should be commended for acting in the best interest of the people of Northern Ireland by forming the new power-sharing government;

(3) May 8, 2007, will be remembered as an historic day and an important milestone in cementing peace and unity for Northern Ireland and a shining example for nations around the world plagued by internal conflict and violence; and

(4) the United States stands ready to support this new government and to work with the people of Northern Ireland as they achieve their goal of lasting peace for those who reside in Northern Ireland.

SENATE RESOLUTION 210—HONORING THE ACCOMPLISHMENTS OF STEPHEN JOEL TRACHTENBERG AS PRESIDENT OF THE GEORGE WASHINGTON UNIVERSITY IN WASHINGTON, D.C., IN RECOGNITION OF HIS UPCOMING RETIREMENT IN JULY 2007

Mr. LIEBERMAN (for himself, Mr. ENZI, and Mr. INOUYE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 210

Whereas Stephen Joel Trachtenberg has served since 1988 as the 15th president of The George Washington University;

Whereas Stephen Joel Trachtenberg served as the third president of the University of Hartford in Hartford, Connecticut, from 1977 to 1988;

Whereas Stephen Joel Trachtenberg, a native of Brooklyn, New York, was an accomplished author, scholar, and educator, and has earned the respect and admiration of his colleagues, peers, and students;

Whereas Stephen Joel Trachtenberg earned a bachelor of arts degree from Columbia University in 1959, a juris doctor degree from Yale University in 1962, and a master of public administration degree from Harvard University in 1966;

Whereas Stephen Joel Trachtenberg was selected as a Winston Churchill Traveling Fellow for study in Oxford, England, in 1968;

Whereas Stephen Joel Trachtenberg was celebrated by the Connecticut Region of Hadassah with the Myrtle Wreath Award in 1982, was presented with The Mt. Scopus Award from Hebrew University in Jerusalem in 1984, and received the Human Relations Award from the National Conference of Christians and Jews in 1987;

Whereas Stephen Joel Trachtenberg was honored with the Distinguished Public Service Award from the Connecticut Bar Association in 1988, and was recognized by the Hartford branch of the National Association for the Advancement of Colored People for his contributions to the education of minority students;

Whereas Stephen Joel Trachtenberg received the International Salute Award in honor of Martin Luther King, Jr. in 1992, and the Hannah G. Solomon Award from the National Council of Jewish Women;

Whereas Stephen Joel Trachtenberg was awarded the John Jay Award for Outstanding Professional Achievement in 1995 by Columbia University, the Newcomen Society Award, and the Spirit of Democracy Award from the American Jewish Congress;

Whereas Stephen Joel Trachtenberg received an honorary doctor of medicine degree from the Odessa State Medical University in Ukraine in 1996, the Distinguished Service Award from the American Association of University Administrators, and the B'nai B'rith Humanitarian Award;

Whereas Stephen Joel Trachtenberg received the Department of State Secretary's Open Forum Distinguished Public Service Award in 1997, and the Grand Cross, the highest honor of the Scottish Rite of Freemasonry;

Whereas ''Stephen Joel Trachtenberg Day'' was declared by resolution of the Council of the District of Columbia on January 22, 1998, in honor of his commitments to minority students, scholarship programs, public school partnerships, and community service;

Whereas Stephen Joel Trachtenberg was honored by Boston University in 1999, where he previously served as a vice president and as an academic dean, with an honorary doctor of humane letters degree;

Whereas Stephen Joel Trachtenberg received the Tree of Life Award from the Jewish National Fund;

Whereas Stephen Joel Trachtenberg was named a Washingtonian of the Year 2000 by Washingtonian Magazine, was decorated as a Grand Officier Du Wissam Al Alaoui by King Mohammed VI of Morocco in 2000, and was awarded the Order of St. John of Jerusalem, Knight Grand Cross for Distinguished Service to Freemasonry and Humanity;

Whereas Stephen Joel Trachtenberg received honorary doctor of laws degrees from Southern Connecticut State University, the University of New Haven, Mount Vernon College, and Richmond College in London;

Whereas Stephen Joel Trachtenberg was named a Fellow of the American Academy of Arts and Sciences, and was awarded the Department of the Treasury's Medal of Merit;

Whereas Stephen Joel Trachtenberg received the Humanitarian Award from the Albert B. Sabin Institute, and the District of Columbia Business Leader of the Year Award from the District of Columbia Chamber of Commerce;

Whereas Stephen Joel Trachtenberg performed public service as an attorney with the Atomic Energy Commission, as an aide to former Indiana Representative John Brademas, and as a special assistant at the Department of Health, Education, and Welfare;

Whereas Stephen Joel Trachtenberg authored ''Reflections on Higher Education'', published in 2002, ''Thinking Out Loud'', published in 1998, and ''Speaking His Mind'', published in 1994;

Whereas Stephen Joel Trachtenberg serves on the boards of the Chief of Naval Operations Executive Panel and the International Association of University Presidents, and as a member of the Council on Foreign Relations;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, opened new buildings for the School of Business and the Elliott School of International Affairs and a new hospital, and added the Mount Vernon Campus, formerly the Mount Vernon College for Women, to the university;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, created 5 new schools, the School of Public Health and Health Services, the School of Public Policy and Public Administration, the College of Professional Studies, the Graduate School of Political Management, and the School of Media and Public Affairs;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, ''reinvented'' the university's position and positive reputation as Washington, D.C.'s center of scholarship;

Whereas Stephen Joel Trachtenberg will continue, after retiring as the third-longest-serving president of The George Washington University, as University Professor of Public Service and President Emeritus; and

Whereas Stephen Joel Trachtenberg and his wife, Francine Zorn Trachtenberg, have 2 sons, Adam and Ben: Now, therefore, be it

Resolved, That the Senate—

(1) honors and salutes the accomplishments of Stephen Joel Trachtenberg and recognizes his deeds throughout his 19 years of service as president of The George Washington University in Washington, D.C.;

(2) recognizes the accomplishments and achievements of Stephen Joel Trachtenberg in higher education, as an author, as an attorney, and as a public official; and

(3) based upon his service, extends its appreciation to Stephen Joel Trachtenberg in recognition of his retirement as president of The George Washington University.

Mr. LIEBERMAN. Mr. President, I rise today to introduce a resolution, along with my colleague Senators ENZI and INOUYE, to honor the accomplishments of Stephen Joel Trachtenberg. This resolution honors a remarkable man. President Trachtenberg is about to retire in July 2007 as the third-longest serving President of George Washington University, one of this country's premier educational organizations; an institution that contributes deeply, year after year, to our understanding of the world around us.

I have known Steve Trachtenberg for a long time, since his service in Connecticut as the third President of the University of Hartford from 1977 to 1988. He is a proud native of Brooklyn, N.Y., and as an accomplished author, scholar, and educator, he has earned the respect and admiration of his colleagues, peers and students. I know he is also proud of his wife, Francine Zorn Trachtenberg, and his two sons, Adam and Ben.

President Trachtenberg earned his bachelor's degree from Columbia University in 1959, and showed his skill at making sound decisions by going to Yale to get his law degree in 1962. A Master of Public Administration degree followed later from Harvard.

Prior to his illustrious career in academia, he served in government as a special assistant to the U.S. Education Commissioner at the Department of Health, Education and Welfare, as an attorney with the U.S. Atomic Energy Commission, and on the Hill as a legislative aide to former Indiana Congressman John Brademas.

President Trachtenberg's has won numerous well-deserved awards and

honorary degrees. I will only site a few examples here. In 1982 he was celebrated by the Connecticut Region of Hadassah with the Myrtle Wreath Award. In 1984 he was presented with The Mt. Scopus Award from Hebrew University in Jerusalem, and in 1987 received the Human Relations Award from the National Conference of Christians and Jews.

In 1988 he was honored with the Distinguished Public Service Award from the Connecticut Bar Association, and was proudly recognized by the Hartford NAACP for his contributions to the education of minority students. In 1992 he received the International Salute Award in honor of Martin Luther King, Jr.

He was even named ''Washingtonian of the Year 2000'' by Washingtonian Magazine, was decorated in 2000 with a medal by King Mohammed VI of Morocco, and was awarded the Order of St. John of Jerusalem, Knight Grand Cross for Distinguished Service to Freemasonry and Humanity.

For all he has done, ''Stephen Joel Trachtenberg Day'' was declared by resolution of the Council of the District of Columbia, on January 22, 1998, in honor of his commitments to minority students, scholarship programs, public school partnerships and community service. Not to be outdone, ''Stephen Joel Trachtenberg Day in San Francisco!'' was declared by Proclamation of the City and County of San Francisco, on February 2, 1999.

He is also a respected author writing Reflections on Higher Education in 2002, Thinking Out Loud in 1998, and Speaking His Mind in 1994.

As President of George Washington University he opened new buildings for the School of Business and the Elliott School of International Affairs, a new hospital, and added the Mount Vernon Campus, formerly the Mount Vernon College for Women. He also created five new schools: Public Health and Health Services, Public Policy and Public Administration, College of Professional Studies, Graduate School of Political Management, and Media and Public Affairs. Importantly he ''reinvented'' the University's position and positive reputation as Washington, D.C.'s center of scholarship.

After all of these accomplishments he is retiring as President of the George Washington University, but will continue as President Emeritus and as a University Professor of Public Service.

In this resolution, the Senate:

1. honors and salutes the accomplishments of Stephen Joel Trachtenberg and recognizes his deeds throughout his 19 years of service as President of The George Washington University in Washington, D.C.;

2. recognizes his accomplishments and achievements in higher education, as an author, as an attorney and as a public official; and

3. based upon his service extends its appreciation to him in recognition of his retirement as President of The George Washington University in Washington, D.C.

Mr. President, I urge the Senate to act quickly on this resolution to honor the efforts of President Trachtenberg on behalf of so many who have benefited from his extraordinary service.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, May 24, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The hearing will address opportunities and challenges associated with coal gasification, including coal-to-liquids and industrial gasification.

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 two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Michael Carr or Rachel Pasternack.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 17, 2007, at 10:15 a.m., in open session, to receive testimony on United States European Command in review of the Defense authorization request for fiscal year 2008 and the future years Defense Program.

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

COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 17, 2007, at 3 p.m., in executive session, to consider a pending military nomination.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, May 17, 2007, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on law enforcement in Indian Country.

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

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 17, 2007, at 10 a.m. in Dirksen Room 226.

Agenda

I. Committee Authorization

Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys.

II. Bills

S. 221, Fair Contracts for Growers Act of 2007 (Grassley, Feingold, Kohl, Leahy, Durbin).

S. 376, Law Enforcement Officers Safety Act of 2007 (Leahy, Specter, Grassley, Kyl, Sessions, Cornyn).

S. 1079, Star-Spangled Banner and War of 1812 Bicentennial Commission Act (Cardin, Warner, Kennedy).

S. 1327, A bill to create and extend certain temporary district court judgeships (Leahy, Brownback, Feinstein).

S. 1027, Prevent All Cigarette Trafficking Act of 2007 (Kohl, Kyl, Leahy, Schumer, Specter).

III. Resolutions

S. Res. 138, Honoring the accomplishments and legacy of Cesar Estrada Chavez (Salazar, Durbin).

S. Res. 132, Recognizing the Civil Air Patrol (Stevens, Inouye).

S. Res. 130, Resolution designating a National Day of the American Cowboy (Craig, Cornyn, Hatch).

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 17, 2007, at 2:30 p.m. to hold a closed mark-up.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Thursday, May 17, 2007, at 9:30 a.m. for a hearing entitled, Evaluating the Progress and Identifying Obstacles in Improving the Federal Government's Security Clearance Program.

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

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on May 17, 2007, at 2:30 p.m., to conduct a hearing on ''Consolidation of NASD and the Regulatory Functions of the NYSE: Working Towards Improved Regulation.''

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

WATER RESOURCES DEVELOPMENT ACT OF 2007

On Wednesday, May 16, 2007, the Senate passed H.R. 1495, as amended, as follows:

H.R. 1495

Resolved, That the bill from the House of Representatives (H.R. 1495) entitled ''An Act 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.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2007''.

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

SEC. 2. DEFINITION OF SECRETARY.

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

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) HAINES HARBOR, ALASKA.—The project for navigation, Haines Harbor, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $14,040,000, with an estimated Federal cost of $11,232,000 and an estimated non-Federal cost of $2,808,000.

(2) TANQUE VERDE CREEK, ARIZONA.—The project for ecosystem restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $5,906,000, with an estimated Federal cost of $3,836,000 and an estimated non-Federal cost of $2,070,000.

(3) SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA.—

(A) IN GENERAL.—The project for ecosystem restoration, Salt River (Va Shlyay Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $162,100,000, with an estimated Federal cost of $105,200,000 and an estimated non-Federal cost of $56,900,000.

(B) COORDINATION WITH FEDERAL RECLAMATION PROJECTS.—The Secretary, to the maximum extent practicable, shall coordinate the development and construction of the project described in subparagraph (A) with each Federal reclamation project located in the Salt River Basin to address statutory requirements and the operations of those projects.

(4) MAY BRANCH, FORT SMITH, ARKANSAS.—The project for flood damage reduction, May Branch, Fort Smith, Arkansas: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $30,850,000, with an estimated Federal cost of $15,010,000 and an estimated non-Federal cost of $15,840,000.

(5) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $52,400,000, with an estimated Federal cost of $34,100,000 and estimated non-Federal cost of $18,300,000.

(6) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach, California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $13,700,000, with an estimated Federal cost of $8,521,000 and an estimated non-Federal cost of $5,179,000, and at an estimated total cost of $42,500,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $21,250,000 and an estimated non-Federal cost of $21,250,000.

(7) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $144,500,000, with an estimated Federal cost of $89,700,000 and an estimated non-Federal cost of $54,800,000.

(8) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $45,200,000, with an estimated Federal cost of $29,500,000 and an estimated non-Federal cost of $15,700,000.

(9) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $134,500,000, with an estimated Federal cost of $87,500,000 and an estimated non-Federal cost of $47,000,000.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(10) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for ecosystem restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers dated May 16, 2003, at a total cost of $20,100,000, with an estimated Federal cost of $13,065,000 and an estimated non-Federal cost of $7,035,000.

(11) COMPREHENSIVE EVERGLADES RESTORATION PLAN, CENTRAL AND SOUTHERN FLORIDA, SITE 1.—The project for ecosystem restoration, Comprehensive Everglades restoration plan, central and southern Florida, Site 1 impoundment project, Palm Beach County, Florida: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $80,840,000, with an estimated Federal cost of $40,420,000 and an estimated non-Federal cost of $40,420,000.

(12) INDIAN RIVER LAGOON, SOUTH FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon, south Florida, at a total cost of $1,365,000,000, with an estimated first Federal cost of $682,500,000 and an estimated first non-Federal cost of $682,500,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers dated August 6, 2004.

(B) DEAUTHORIZATIONS.—As of the date of enactment of this Act, the following projects are not authorized:

(i) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, at a total cost of $147,800,000, with an estimated Federal cost of $73,900,000 and an estimated non-Federal cost of $73,900,000.

(ii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), Martin County, Florida, modifications to Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000 and an estimated non-Federal cost of $7,398,000.

(iii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), East Coast Backpumping, St. Lucie–Martin County, Spillway Structure S–311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000 and an estimated non-Federal cost of $21,994,000.

(13) MIAMI HARBOR, MIAMI, FLORIDA.—The project for navigation, Miami Harbor, Miami, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of $125,270,000, with an estimated Federal cost of $75,140,000 and an estimated non-Federal cost of $50,130,000.

(14) PICAYUNE STRAND, FLORIDA.—The project for ecosystem restoration, Picayune Strand, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of $375,330,000 with an estimated Federal cost of $187,665,000 and an estimated non-Federal cost of $187,665,000.

(15) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $208,260,000, with an estimated Federal cost of $134,910,000 and an estimated non-Federal cost of $73,350,000.

(16) PEORIA RIVERFRONT, ILLINOIS.—The project for ecosystem restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of $18,220,000, with an estimated Federal cost of $11,840,000 and an estimated non-Federal cost of $6,380,000.

(17) WOOD RIVER LEVEE SYSTEM, ILLINOIS.—The project for flood damage reduction, Wood River, Illinois: Report of the Chief of Engineers dated July 18, 2006, at a total cost of $17,220,000, with an estimated Federal cost of $11,193,000 and an estimated non-Federal cost of $6,027,000.

(18) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des

Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $10,780,000, with an estimated Federal cost of $6,967,000 and an estimated non-Federal cost of $3,813,000.

(19) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,680,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(20) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $886,700,000 with an estimated Federal cost of $576,355,000 and an estimated non-Federal cost of $310,345,000.

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212; Public Law 99–662).

(21) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana: Report of the Chief of Engineers dated December 31, 2006, at a total cost of $131,250,000, with an estimated Federal cost of $105,315,000 and an estimated non-Federal cost of $25,935,000, except that the Secretary, in consultation with Vermillion and Iberia Parishes, Louisiana, is directed to use available dredged material and rock placement on the south bank of the Gulf Intracoastal Waterway and the west bank of the Freshwater Bayou Channel to provide incidental storm surge protection.

(22) POPLAR ISLAND EXPANSION, MARYLAND.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), and modified by section 318 of the Water Resources Development Act of 2000 (114 Stat. 2678), is further modified to authorize the Secretary to construct the expansion of the project in accordance with the Report of the Chief of Engineers dated March 31, 2006, at an additional total cost of $260,000,000, with an estimated Federal cost of $195,000,000 and an estimated non-Federal cost of $65,000,000.

(23) SMITH ISLAND, MARYLAND.—The project for ecosystem restoration, Smith Island, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of $15,580,000, with an estimated Federal cost of $10,127,000 and an estimated non-Federal cost of $5,453,000.

(24) ROSEAU RIVER, ROSEAU, MINNESOTA.—The project for flood damage reduction, Roseau River, Roseau, Minnesota: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $25,100,000, with an estimated Federal cost of $13,820,000 and an estimated non-Federal cost of $11,280,000.

(25) MISSISSIPPI COASTAL IMPROVEMENT PROJECT, HANCOCK, HARRISON, AND JACKSON COUNTIES, MISSISSIPPI.—The project for hurricane and storm damage reduction and ecosystem restoration, Mississippi coastal improvement project, Hancock, Harrison, and Jackson Counties, Mississippi: Report of the Chief of Engineers dated December 31, 2006, at a total cost of $107,690,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,690,000.

(26) ARGENTINE, EAST BOTTOMS, FAIRFAX-JERSEY CREEK, AND NORTH KANSAS LEVEES UNITS, MISSOURI RIVER AND TRIBUTARIES AT KANSAS CITIES, MISSOURI AND KANSAS.—The project for flood damage reduction, Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees units, Missouri River and tributaries at Kansas Cities, Missouri and Kansas: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $65,430,000, with an estimated Federal cost of $42,530,000 and an estimated non-Federal cost of $22,900,000.

(27) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $16,980,000, with an estimated Federal cost of $11,037,000 and an estimated non-Federal cost of $5,943,000.

(28) GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, Great Egg Harbor Inlet to Townsends Inlet, New Jersey: Report of the Chief of Engineers dated October 24, 2006, at a total cost of $54,360,000, with an estimated Federal cost of $35,069,000 and an estimated non-Federal cost of $19,291,000, and at an estimated total cost of $202,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $101,250,000 and an estimated non-Federal cost of $101,250,000.

(29) HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—The project for environmental restoration, Hudson Raritan Estuary, Liberty State Park, New Jersey: Report of the Chief of Engineers dated August 25, 2006, at a total cost of $34,100,000, with an estimated Federal cost of $22,200,000 and an estimated non-Federal cost of $11,900,000.

(30) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $71,900,000, with an estimated Federal cost of $46,735,000 and an estimated non-Federal cost of $25,165,000, and at an estimated total cost of $119,680,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $59,840,000 and an estimated non-Federal cost of $59,840,000.

(31) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers dated January 4, 2006, at a total cost of $115,000,000, with an estimated Federal cost of $74,800,000 and an estimated non-Federal cost of $40,200,000, and at an estimated total cost of $6,500,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $3,250,000 and an estimated non-Federal cost of $3,250,000.

(32) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and ecosystem restoration, South River, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $122,300,000, with an estimated Federal cost of $79,500,000 and an estimated non-Federal cost of $42,800,000.

(33) SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Albuquerque, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $24,840,000, with an estimated Federal cost of $16,150,000 and an estimated non-Federal cost of $8,690,000.

(34) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, New York: Report of the Chief of Engineers dated March 31, 2006, at a total cost of $14,600,000, with an estimated Federal cost of $7,300,000 and an estimated non-Federal cost of $7,300,000.

(35) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—

(A) IN GENERAL.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio: Report of the Chief of Engineers dated August 24, 2006, at a total cost of $20,980,000, with an estimated Federal cost of $13,440,000 and an estimated non-Federal cost of $7,540,000.

(B) WAYNE NATIONAL FOREST.—

(i) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, may construct other project features on property that is located in the Wayne National Forest, Ohio, owned by the United States and managed by the Forest Service as described in the report of the Corps of Engineers entitled ''Hocking River Basin, Ohio, Monday Creek Sub-Basin Ecosystem Restoration Project Feasibility Report and Environmental Assessment''.

(ii) COST.—Each project feature carried out on Federal land shall be designed, constructed, operated, and maintained at full Federal expense.

(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $1,270,000.

(36) BLOOMSBURG, PENNSYLVANIA.—The project for flood damage reduction, Bloomsburg, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of $44,500,000, with an estimated Federal cost of $28,925,000 and an estimated non-Federal cost of $15,575,000

(37) PAWLEYS ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawleys Island, South Carolina: Report of the Chief of Engineers dated December 19, 2006, at a total cost of $8,980,000, with an estimated Federal cost of $5,840,000 and an estimated non-Federal cost of $3,140,000, and at an estimated total cost of $21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $10,600,000 and an estimated non-Federal cost of $10,600,000.

(38) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $188,110,000, with an estimated Federal cost of $87,810,000 and an estimated non-Federal cost of $100,300,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subparagraph (A), the Secretary shall enforce navigational servitude in the Corpus Christi Ship Channel, including, at the sole expense of the owner of the facility, the removal or relocation of any facility obstructing the project.

(39) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY REROUTE, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of $17,280,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(40) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of $14,450,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(41) LOWER COLORADO RIVER BASIN PHASE I, TEXAS.—The project for flood damage reduction and ecosystem restoration, Lower Colorado River Basin Phase I, Texas: Report of the Chief of Engineers dated December 31, 2006, at a total cost of $110,730,000, with an estimated Federal cost of $69,640,000 and an estimated non-Federal cost of $41,090,000.

(42) CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA.—The project for navigation, Craney Island Eastward Expansion, Virginia: Report of the Chief of Engineers dated October 24, 2006, at a total cost of $712,103,000, with an estimated Federal cost of $31,229,000 and an estimated non-Federal cost of $680,874,000.

(43) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers dated March 3, 2003, at a total cost of $37,200,000.

(44) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—The project for flood damage reduction, Centralia, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4126)—

(A) is modified to be carried out at a total cost of $123,770,000, with a Federal cost of $74,740,000, and a non-Federal cost of $49,030,000; and

(B) shall be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated September 27, 2004.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

(a) DEFINITIONS.—In this section:

(1) PLAN.—The term ''Plan'' means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers dated December 15, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term ''Upper Mississippi River and Illinois Waterway System'' means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

(b) AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.—

(1) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan—

(i) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(ii) provide switchboats at Locks 20 through 25; and

(iii) conduct development and testing of an appointment scheduling system.

(B) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $256,000,000. The costs of construction of the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(2) NEW LOCKS.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan, construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(B) MITIGATION.—The Secretary shall conduct mitigation for the new locks and small scale and nonstructural measures authorized under paragraphs (1) and (2).

(C) CONCURRENCE.—The mitigation required under subparagraph (B) for the projects authorized under paragraphs (1) and (2), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests for the projects authorized under paragraphs (1) and (2), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

(D) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $1,948,000,000. The costs of construction on the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) ECOSYSTEM RESTORATION AUTHORIZATION.—

(1) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(B) PROJECTS INCLUDED.—Ecosystem restoration projects may include, but are not limited to—

(i) island building;

(ii) construction of fish passages;

(iii) floodplain restoration;

(iv) water level management (including water drawdown);

(v) backwater restoration;

(vi) side channel restoration;

(vii) wing dam and dike restoration and modification;

(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

(xiii) spillway, dam, and levee modification to benefit the environment;

(xiv) land easement authority; and

(xv) land acquisition.

(C) COST SHARING.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of carrying out an ecosystem restoration project under this paragraph shall be 65 percent.

(ii) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this subparagraph for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(I) is located below the ordinary high water mark or in a connected backwater;

(II) modifies the operation or structures for navigation; or

(III) is located on federally owned land.

(iii) SAVINGS CLAUSE.—Nothing in this paragraph affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(iv) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(D) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of—

(i) fee title to the land; or

(ii) a flood plain conservation easement.

(3) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(A) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(ii) establish the without-project condition or baseline for each performance indicator; and

(iii) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(B) OUTCOMES.—Performance measures identified under subparagraph (A)(i) should comprise specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(C) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under subparagraph (A)(i), including—

(i) a timeline to achieve the identified target goals; and

(ii) a timeline for the demonstration of project completion.

(4) SPECIFIC PROJECTS AUTHORIZATION.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $1,717,000,000, of which not more than $245,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $48,000,000 shall be available for projects described in paragraph (2)(B)(x). Such sums shall remain available until expended.

(B) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under subparagraph (A), not more than $35,000,000 for each fiscal year shall be available for land acquisition under paragraph (2)(D).

(C) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in clauses (ii) and (x) of paragraph (2)(B), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(5) IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Not later than June 30, 2008, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(i) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(ii) measures the progress in meeting the goals.

(B) ADVISORY PANEL.—

(i) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under subparagraph (A).

(ii) PANEL MEMBERS.—Panel members shall include—

(I) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(II) 1 representative of the Department of Agriculture;

(III) 1 representative of the Department of Transportation;

(IV) 1 representative of the United States Geological Survey;

(V) 1 representative of the United States Fish and Wildlife Service;

(VI) 1 representative of the Environmental Protection Agency;

(VII) 1 representative of affected landowners;

(VIII) 2 representatives of conservation and environmental advocacy groups; and

(IX) 2 representatives of agriculture and industry advocacy groups.

(iii) CHAIRPERSON.—The Secretary shall serve as chairperson of the advisory panel.

(iv) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Panel or any working group established by the Advisory Panel.

(6) RANKING SYSTEM.—

(A) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(B) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in paragraph (2)(B).

(d) COMPARABLE PROGRESS.—

(1) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this section, the Secretary shall—

(A) select appropriate milestones; and

(B) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(2) NO COMPARABLE RATE.—If the Secretary determines under paragraph (1)(B) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects will be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA.

(a) IN GENERAL.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) protects a major population area of the Pontchartrain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana; and

(C) any barrier island, or barrier shoreline, project that—

(i) is carried out in conjunction with a Mississippi River diversion project; and

(ii) protects a major population area.

(c) MODIFICATIONS.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to make modifications as necessary to the 5 near-term critical ecosystem restoration features identified in the report referred to in subsection (a), due to the impact of Hurricanes Katrina and Rita on the project areas.

(2) INTEGRATION.—The Secretary shall ensure that the modifications under paragraph (1) are fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(3) CONSTRUCTION.—

(A) IN GENERAL.—The Secretary is authorized to construct the 5 near-term critical ecosystem restoration features, as modified under this subsection.

(B) REPORTS.—Before beginning construction of the projects, the Secretary shall submit a report documenting any modifications to the 5 near-term critical projects, including cost changes, to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) APPLICABILITY OF OTHER PROVISIONS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall not apply to the 5 near-term critical projects authorized by this subsection.

(d) DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to conduct a demonstration program within the applicable project area to evaluate new technologies and the applicability of the technologies to the program.

(2) COST LIMITATION.—The cost of an individual project under this subsection shall be not more than $25,000,000.

(e) BENEFICIAL USE OF DREDGED MATERIAL.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to use such sums as are necessary to conduct a program for the beneficial use of dredged material.

(2) CONSIDERATION.—In carrying out the program under subsection (a), the Secretary shall consider the beneficial use of sediment from the Illinois River System for wetlands restoration in wetlands-depleted watersheds.

(f) REPORTS.—

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to Congress feasibility reports—

(A) on the features included in table 3 of the report referred to in subsection (a); and

(B) that are consistent with the estimates in the table, subject to section 902 of the Water Resources Development Act of 1986 (100 Stat. 4183).

(2) PROJECTS IDENTIFIED IN REPORTS.—

(A) CONSTRUCTION.—The Secretary is authorized to construct the projects identified in the reports substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, if a favorable report of the Chief is completed by not later than December 31, 2010.

(B) REQUIREMENT.—No appropriations shall be made to construct any project under this subsection if the report under paragraph (1) has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(g) NONGOVERNMENTAL ORGANIZATIONS.—

(1) IN GENERAL.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this section.

(2) USE OF FUNDS FROM OTHER PROGRAMS.—The non-Federal interest for a study or project conducted under this section may use, and the Secretary shall accept, funds provided by a Federal agency under any other Federal program, to satisfy, in whole or in part, the non-Federal share of the study or project, if the head of the Federal agency certifies that the funds may be used for that purpose.

(h) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary, in coordination with the Governor of the State of Louisiana, shall—

(A) develop a plan for protecting, preserving, and restoring the coastal Louisiana ecosystem;

(B) not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, submit to Congress the plan, or an update of the plan; and

(C) ensure that the plan is fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(2) INCLUSIONS.—The comprehensive plan shall include a description of—

(A) the framework of a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(B) the means by which a new technology, or an improved technique, can be integrated into the program under subsection (a);

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a); and

(D) specific, measurable ecological success criteria by which success of the comprehensive plan shall be measured.

(3) CONSIDERATION.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;

(B) an activity in the Louisiana Coastal Area; or

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan;

(iv) the plan of the State of Louisiana entitled ''Coast 2050: Toward a Sustainable Coastal Louisiana''; or

(v) the Comprehensive Master Coastal Protection Plan authorized and defined by Act 8 of the First Extraordinary Session of the Louisiana State Legislature, 2005.

(i) TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the ''Coastal Louisiana Ecosystem Protection and Restoration Task Force'' (referred to in this subsection as the ''Task Force'').

(2) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(i) that identify funds from current agency missions and budgets; and

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (h).

(4) WORKING GROUPS.—

(A) IN GENERAL.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(B) INTEGRATION TEAM.—

(i) IN GENERAL.—The Task Force shall establish, for the purposes described in clause (ii), an integration team comprised of—

(I) independent experts with experience relating to—

(aa) coastal estuaries;

(bb) diversions;

(cc) coastal restoration;

(dd) wetlands protection;

(ee) ecosystem restoration;

(ff) hurricane protection;

(gg) storm damage reduction systems; and

(hh) navigation and ports; and

(II) representatives of—

(aa) the State of Louisiana; and

(bb) local governments in southern Louisiana.

(ii) PURPOSES.—The purposes referred to in clause (i) are—

(I) to advise the Task Force and the Secretary regarding opportunities to integrate the planning, engineering, design, implementation, and performance of Corps of Engineers projects for

hurricane and storm damage reduction, flood damage reduction, ecosystem restoration, and navigation in areas of Louisiana declared to be a major disaster as a result of Hurricane Katrina or Rita;

(II) to review reports relating to the performance of, and recommendations relating to the future performance of, the hurricane, coastal, and flood protection systems in southern Louisiana, including the reports issued by the Interagency Performance Evaluation Team, the National Science Foundation, the American Society of Civil Engineers, and Team Louisiana to advise the Task Force and the Secretary on opportunities to improve the performance of the protection systems; and

(III) to carry out such other duties as the Task Force or the Secretary determine to be appropriate.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group of the Task Force.

(j) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall establish a coastal Louisiana ecosystem science and technology program.

(2) PURPOSES.—The purposes of the program established by paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana; and

(C) to identify and develop technologies, models, and methods to carry out this subsection.

(3) WORKING GROUPS.—The Secretary may establish such working groups as the Secretary determines to be necessary to assist the Secretary in carrying out this subsection.

(4) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with an individual or entity (including a consortium of academic institutions in Louisiana) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(k) ANALYSIS OF BENEFITS.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.

(2) DETERMINATION OF COST-EFFECTIVENESS.—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.

(l) STUDIES.—

(1) DEGRADATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify—

(A) the cause of any degradation of the Louisiana Coastal Area ecosystem that occurred as a result of an activity approved by the Secretary; and

(B) the sources of the degradation.

(2) FINANCING.—On completion, and taking into account the results, of the study conducted under paragraph (1), the Secretary, in consultation with the non-Federal interest, shall study—

(A) financing alternatives for the program under subsection (a); and

(B) potential reductions in the expenditure of Federal funds in emergency responses that would occur as a result of ecosystem restoration in the Louisiana Coastal Area.

(m) PROJECT MODIFICATIONS.—

(1) REVIEW.—The Secretary, in cooperation with any non-Federal interest, shall review each federally-authorized water resources project in the coastal Louisiana area in existence on the date of enactment of this Act to determine whether—

(A) each project is in accordance with the program under subsection (a); and

(B) the project could contribute to ecosystem restoration under subsection (a) through modification of the operations or features of the project.

(2) MODIFICATIONS.—Subject to paragraphs (3) and (4), the Secretary may carry out the modifications described in paragraph (1)(B).

(3) PUBLIC NOTICE AND COMMENT.—Before completing the report required under paragraph (4), the Secretary shall provide an opportunity for public notice and comment.

(4) REPORT.—

(A) IN GENERAL.—Before modifying an operation or feature of a project under paragraph (1)(B), 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 describing the modification.

(B) INCLUSION.—A report under subparagraph (A) shall include such information relating to the timeline and cost of a modification as the Secretary determines to be relevant.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000.

(n) LOUISIANA WATER RESOURCES COUNCIL.—The Secretary shall establish a council, to be known as the ''Louisiana Water Resources Council'', which shall serve as the exclusive peer review panel for activities conducted by the Corps of Engineers in the areas in the State of Louisiana declared as major disaster areas in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in response to Hurricane Katrina or Rita of 2005, in accordance with the requirements of section 2007.

(o) EXTERNAL REVIEW.—The Secretary shall enter into a contract with the National Academy of Science to perform an external review of the demonstration program under subsection (d), and the results of the review shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(p) NEW ORLEANS AND VICINITY.—

(1) IN GENERAL.—The Secretary is authorized—

(A) to raise levee heights as necessary, and to otherwise enhance the Lake Pontchartrain and Vicinity Project and the West Bank and Vicinity Project to provide the levels of protection necessary to achieve the certification required for the 100-year level of flood protection, in accordance with the National Flood Insurance Program under the base flood elevations current at the time of the construction;

(B) to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals, including installing pumps and closure structures at or near the lakefront at Lake Pontchartrain;

(C) to armor critical elements of the New Orleans hurricane and storm damage reduction system;

(D) to improve and otherwise modify the Inner Harbor Navigation Canal to increase the reliability of the flood protection system for the city of New Orleans;

(E) to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the New Orleans to Venice Hurricane Protection Project;

(F) to reinforce or replace flood walls in the existing Lake Pontchartrain and Vicinity Project and the existing West Bank and Vicinity Project to improve performance of the flood protection systems;

(G) to perform onetime storm-proofing of interior pump stations to ensure the operability of the stations during hurricanes, storms, and high-water events;

(H) to repair, replace, modify, and improve non-Federal levees and associated protection measures in Terrebonne Parish; and

(I) to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands through—

(i) measures to begin to reverse wetland losses in areas affected by navigation, oil and gas exploration and extraction, and other channels; and

(ii) modification of the Caernarvon Freshwater Diversion structure or its operations.

(2) FUNDING AUTHORITY.—An activity under paragraph (1) shall be carried out in accordance with the cost-sharing requirements of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(3) CONDITIONS.—

(A) IN GENERAL.—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 notice in any case in which an estimate for the expenditure of funds on any project or activity described in paragraph (1) exceeds the amount specified for that project or activity in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(B) APPROPRIATIONS LIMITATION.—No appropriation in excess of an amount equal to 25 percent more than the amount specified for a project or activity in that Act shall be made until an increase in the level of expenditure has been approved by resolutions adopted by the Committees referred to in subparagraph (A).

(q) LAROSE TO GOLDEN MEADOW.—

(1) REPORT.—Not later than 120 days 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 describing any modification required to the project for flood damage reduction, Larose to Golden Meadow, Louisiana, to achieve the certification necessary for participation in the National Flood Insurance Program.

(2) MODIFICATIONS.—The Secretary is authorized to carry out a modification described in paragraph (1) if—

(A) the Secretary submits a recommendation for authorization of the modification in the report under paragraph (1); and

(B) the total cost of the modification does not exceed $90,000,000.

(3) REQUIREMENT.—No appropriation shall be made to construct any modification under this subsection if the report under paragraph (1) has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) CREDIT.—The Secretary shall credit to the non-Federal share of the cost of the project under this subsection any amount otherwise eligible to be credited under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) (as amended by section 2001).

(r) CONSOLIDATION.—

(1) IN GENERAL.—The Secretary may consolidate the flood damage reduction projects in Lower Jefferson Parish, Louisiana, that have been identified for implementation under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) as of the date of enactment of this Act.

(2) TOTAL COST.—The Secretary may implement the consolidated project referred to in paragraph (1) if the total cost of the consolidated project does not exceed $100,000,000.

(s) MISSISSIPPI RIVER GULF OUTLET.—

(1) DEAUTHORIZATION.—

(A) IN GENERAL.—Effective beginning on the date of submission of the plan required under subparagraph (C), the navigation channel portion of the project for navigation, Mississippi River Gulf outlet, authorized by the Act of March 29, 1956 (70 Stat. 65, chapter 112;100 Stat. 4177; 110 Stat. 3717), which extends from the Gulf of Mexico to Mile 60 at the southern bank of the Gulf Intracoastal Waterway, is not authorized.

(B) SCOPE.—Nothing in this paragraph modifies or deauthorizes the Inner Harbor navigation canal replacement project authorized by that Act.

(C) CLOSURE AND RESTORATION PLAN.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the deauthorization of the Mississippi River Gulf outlet, as described under the heading ''INVESTIGATIONS'' under chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 453).

(ii) INCLUSIONS.—At a minimum, the report under clause (i) shall include—

(I) a comprehensive plan to deauthorize navigation on the Mississippi River Gulf outlet;

(II) a plan to physically modify the Mississippi River Gulf outlet and restore the areas affected by the navigation channel;

(III) a plan to restore natural features of the ecosystem that will reduce or prevent damage from storm surge;

(IV) a plan to prevent the intrusion of saltwater into the waterway;

(V) efforts to integrate the recommendations of this report with the program authorized under subsection (a) and the analysis and design authorized by title I of the Energy and Water Develop Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247); and

(VI) consideration of—

(aa) use of native vegetation; and

(bb) diversions of fresh water to restore the Lake Borgne ecosystem.

(D) CONSTRUCTION.—The Secretary shall carry out a plan to close the Mississippi River Gulf outlet and restore and protect the ecosystem substantially in accordance with the plan required under subparagraph (C), if the Secretary determines that the project is cost-effective, environmentally acceptable, and technically feasible.

(t) HURRICANE AND STORM DAMAGE REDUCTION.—With respect to the projects identified in the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), the Secretary shall—

(1) to the maximum extent practicable, submit specific project recommendations in any report developed under that Act; and

(2) submit the reports to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(u) EMERGENCY PROCEDURES.—

(1) IN GENERAL.—If the President determines that a feature recommended in the analysis and design of comprehensive hurricane protection under title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2447), could—

(A) address an imminent threat to life and property;

(B) prevent a dangerous storm surge from reaching a populated area;

(C) prevent the loss of coastal areas that reduce the impact of storm surge;

(D) benefit national energy security;

(E) protect emergency hurricane evacuation routes or shelters; or

(F) address inconsistencies in hurricane protection standards;

the President may submit to the Speaker of the House of Representatives and the President pro tempore of the Senate for authorization a legislative proposal relating to the feature, as the President determines to be appropriate.

(2) PRIORITIZATION.—In submitting legislative proposals under paragraph (1), the President shall give highest priority to any project that, as determined by the President, would—

(A) to the maximum extent practicable, reduce the risk—

(i) of loss of human life;

(ii) to public safety; and

(iii) of damage to property; and

(B) minimize costs and environmental impacts.

(3) EXPEDITED CONSIDERATION.—

(A) IN GENERAL.—Beginning after December 31, 2008, any legislative proposal submitted by the President under paragraph (1) shall be eligible for expedited consideration in accordance with this paragraph.

(B) INTRODUCTION.—As soon as practicable after the date of receipt of a legislative proposal under paragraph (1), the Chairman of the Committee on Environment and Public Works of the Senate and the Chairman of the Committee on Transportation and Infrastructure of the House of Representatives shall introduce the proposal as a bill, by request, in the Senate or the House of Representatives, as applicable.

(C) REFERRAL.—A bill introduced under subparagraph (B) shall be referred to the Committee on Environment and Public Works of the Senate and as applicable the Committee on Transportation and Infrastructure of the House of Representatives.

(D) COMMITTEE CONSIDERATION.—

(i) IN GENERAL.—Not later than 45 legislative days after a bill under subparagraph (B) is referred to a Committee in accordance with subparagraph (C), the Committee shall act on the bill.

(ii) FAILURE TO ACT.—If a Committee fails to act on a bill by the date specified in clause (i), the bill shall be discharged from the Committee and placed on the calendar of the Senate or the House of Representatives, as applicable.

(E) SENATE FLOOR CONSIDERATION.—

(i) IN GENERAL.—Floor consideration in the Senate regarding a bill introduced under subparagraph (B) shall be limited to 20 hours, to be equally divided between the Majority Leader and the Minority Leader of the Senate (or a designee).

(ii) NONGERMANE AMENDMENTS.—An amendment that is nongermane to a bill introduced under subparagraph (B) shall not be in order.

(4) EFFECTIVE DATE.—This requirements of, and authorities under, this subsection shall expire on December 31, 2010.

SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—Project for flood damage reduction, Cache River Basin, Grubbs, Arkansas.

(2) BIBB COUNTY AND THE CITY OF MACON LEVEE, GEORGIA.—Project for flood damage reduction, Bibb County and the City of Macon Levee, Georgia.

(3) FORT WAYNE AND VICINITY, INDIANA.—Project for flood control, St. Mary's River, Fort Wayne and Vicinity, Indiana.

(4) SALEM, MASSACHUSETTS.—Project for flood damage reduction, Salem, Massachusetts.

(5) CROW RIVER, ROCKFORD, MINNESOTA.—Project for flood damage reduction, Crow River, Rockford, Minnesota.

(6) SOUTH BRANCH OF THE WILD RICE RIVER, BORUP, MINNESOTA.—Project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota.

(7) CHEYENNE, WYOMING.—Project for flood control, Capitol Basin, Cheyenne, Wyoming.

SEC. 1005. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) BARROW HARBOR, ALASKA.—Project for navigation, Barrow Harbor, Alaska.

(2) NOME HARBOR, ALASKA.—Project for navigation, Nome Harbor, Alaska.

(3) OLD HARBOR, ALASKA.—Project for navigation, Old Harbor, Alaska.

(4) LITTLE ROCK PORT, ARKANSAS.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

(5) EAST BASIN, MASSACHUSETTS.—Project for navigation, East Basin, Cape Cod Canal, Sandwich, Massachusetts.

(6) LYNN HARBOR, MASSACHUSETTS.—Project for navigation, Lynn Harbor, Lynn, Massachusetts.

(7) MERRIMACK RIVER, MASSACHUSETTS.—Project for navigation, Merrimack River, Haverhill, Massachusetts.

(8) OAK BLUFFS HARBOR, MASSACHUSETTS.—Project for navigation, Oak Bluffs Harbor, Oak Bluffs, Massachusetts.

(9) WOODS HOLE GREAT HARBOR, MASSACHUSETTS.—Project for navigation, Woods Hole Great Harbor, Falmouth, Massachusetts.

(10) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(11) CLINTON RIVER, MICHIGAN.—Project for navigation, Clinton River, Michigan.

(12) ONTONAGON RIVER, MICHIGAN.—Project for navigation, Ontonagon River, Ontonagon, Michigan.

(13) TRAVERSE CITY, MICHIGAN.—Project for navigation, Traverse City, Michigan.

(14) SEBEWAING RIVER, MICHIGAN.—Project for navigation, Sebewaing River, Michigan.

(15) TOWER HARBOR, MINNESOTA.—Project for navigation, Tower Harbor, Tower, Minnesota.

(16) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(17) MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

(18) MILWAUKEE HARBOR, WISCONSIN.—Project for navigation, Milwaukee Harbor, Milwaukee, Wisconsin.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) BLACK LAKE, ALASKA.—Project for aquatic ecosystem restoration, Black Lake, Alaska, at the head of the Chignik Watershed.

(2) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(3) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

(4) CHATTAHOOCHEE FALL-LINE, GEORGIA.—Project for aquatic ecosystem restoration, Chattahoochee Fall-Line, Georgia.

(5) LAWRENCE GATEWAY, MASSACHUSETTS.—Project for aquatic ecosystem restoration at the Lawrence Gateway quadrant project along the Merrimack and Spicket Rivers in Lawrence, Massachusetts, in accordance with the general conditions established by the project approval of

the Environmental Protection Agency, Region I, including filling abandoned drainage facilities and making improvements to the drainage system on the Lawrence Gateway to prevent continued migration of contaminated sediments into the river systems.

(6) MILL POND, LITTLETON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Mill Pond, Littleton, Massachusetts.

(7) MILFORD POND, MILFORD, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Milford Pond, Milford, Massachusetts.

(8) PINE TREE BROOK, MILTON, MASSACHUSETTS.—Project for aquatic ecosystem restoration, Pine Tree Brook, Milton, Massachusetts.

(9) CLINTON RIVER, MICHIGAN.—Project for aquatic ecosystem restoration, Clinton River, Michigan.

(10) CALDWELL COUNTY, NORTH CAROLINA.—Project for aquatic ecosystem restoration, Caldwell County, North Carolina.

(11) MECKLENBERG COUNTY, NORTH CAROLINA.—Project for aquatic ecosystem restoration, Mecklenberg County, North Carolina.

(12) JOHNSON CREEK, GRESHAM, OREGON.—Project for aquatic ecosystem restoration, Johnson Creek, Gresham, Oregon.

(13) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(14) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—Project for aquatic ecosystem restoration, College Lake, Lynchburg, Virginia.

SEC. 1007. SMALL PROJECTS TO PREVENT OR MITIGATE DAMAGE CAUSED BY NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i):

(1) Tybee Island, Georgia.

(2) Burns Waterway Harbor, Indiana.

SEC. 1008. SMALL PROJECTS FOR AQUATIC PLANT CONTROL.

The Secretary is authorized to carry out a project for aquatic nuisance plant control in the Republican River Basin, Nebraska, under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610).

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.

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

(1) by striking ''SEC. 221'' and inserting the following:

''SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.'';

and

(2) by striking subsection (a) and inserting the following:

''(a) COOPERATION OF NON-FEDERAL INTEREST.—

''(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

''(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.

''(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

''(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

''(A) IN GENERAL.—An agreement under paragraph (1) shall provide that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented under general continuing authority, the value of in-kind contributions made by the non-Federal interest, including—

''(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project;

''(ii) the value of materials or services provided before execution of an agreement for the project, including efforts on constructed elements incorporated into the project; and

''(iii) materials and services provided after an agreement is executed.

''(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

''(C) LIMITATIONS.—Credit authorized for a project—

''(i) shall not exceed the non-Federal share of the cost of the project;

''(ii) shall not alter any other requirement that a non-Federal interest provide land, an easement or right-of-way, or an area for disposal of dredged material for the project; and

''(iii) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.''.

SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.'';

(2) in subsection (b), by striking ''Secretary of State'' and inserting ''Department of State''; and

(3) in subsection (d)—

(A) by striking ''$250,000 for fiscal year 2001'' and inserting ''$1,000,000 for fiscal year 2007 and each fiscal year thereafter''; and

(B) by striking ''or international organizations'' and inserting '', international organizations, or foreign governments''.

SEC. 2003. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals from the non-Federal interest, including the private sector, in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) EXPENSES.—

(1) IN GENERAL.—An individual from a non-Federal interest attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) PAYMENTS.—Payments made by an individual for training received under subsection (a), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) EXCESS AMOUNTS.—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

SEC. 2004. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year.

(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;
(C) the percentage of construction completed;
(D) the estimated cost remaining until completion of the project; and
(E) a brief explanation of the reasons for the delay.

SEC. 2005. PLANNING.

(a) MATTERS TO BE ADDRESSED IN PLANNING.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—
(1) by striking ''Enhancing'' and inserting the following:
''(a) IN GENERAL.—Enhancing''; and
(2) by adding at the end the following:
''(b) ASSESSMENTS.—For all feasibility reports completed after December 31, 2005, the Secretary shall assess whether—
''(1) the water resource project and each separable element is cost-effective; and
''(2) the water resource project complies with Federal, State, and local laws (including regulations) and public policies.''.
(b) PLANNING PROCESS IMPROVEMENTS.—The Chief of Engineers—
(1) shall, not later than 2 years after the date on which the feasibility study cost sharing agreement is signed for a project, subject to the availability of appropriations—
(A) complete the feasibility study for the project; and
(B) sign the report of the Chief of Engineers for the project;
(2) may, with the approval of the Secretary, extend the deadline established under paragraph (1) for not to exceed 4 years, for a complex or controversial study; and
(3)(A) shall adopt a risk analysis approach to project cost estimates; and
(B) not later than 1 year after the date of enactment of this Act, shall—
(i) issue procedures for risk analysis for cost estimation; and
(ii) submit to Congress a report that includes suggested amendments to section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).
(c) CALCULATION OF BENEFITS AND COSTS FOR FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—
(1) a calculation of the residual risk of flooding following completion of the proposed project;
(2) a calculation of the residual risk of loss of human life and residual risk to human safety following completion of the proposed project; and
(3) a calculation of any upstream or downstream impacts of the proposed project.
(d) CENTERS OF SPECIALIZED PLANNING EXPERTISE.—
(1) ESTABLISHMENT.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resource projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.
(2) DUTIES.—A center of expertise established under this subsection shall—
(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;
(B) provide peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies;
(C) provide support for external peer review panels convened by the Secretary; and
(D) carry out such other duties as are prescribed by the Secretary.
(e) COMPLETION OF CORPS OF ENGINEERS REPORTS.—
(1) ALTERNATIVES.—
(A) IN GENERAL.—Feasibility and other studies and assessments of water resource problems and projects shall include recommendations for alternatives—
(i) that, as determined by the non-Federal interests for the projects, promote integrated water resources management; and
(ii) for which the non-Federal interests are willing to provide the non-Federal share for the studies or assessments.
(B) SCOPE AND PURPOSES.—The scope and purposes of studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy as a result of the inclusion of alternatives described in that subparagraph.
(C) REPORTS OF CHIEF OF ENGINEERS.—The reports of the Chief of Engineers shall be based solely on the best technical solutions to water resource needs and problems.
(2) REPORT COMPLETION.—The completion of a report of the Chief of Engineers for a project—
(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and
(B) shall be submitted, on completion, to—
(i) the Committee on Environment and Public Works of the Senate; and
(ii) the Committee on Transportation and Infrastructure of the House of Representatives.
(f) COMPLETION REVIEW.—
(1) IN GENERAL.—Except as provided in paragraph (2), not later than 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, the Secretary shall—
(A) review the report; and
(B) provide any recommendations of the Secretary regarding the water resource project to Congress.
(2) PRIOR REPORTS.—Not later than 90 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resource project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide recommendations to Congress for, the report in accordance with paragraph (1).

SEC. 2006. WATER RESOURCES PLANNING COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish a Water Resources Planning Coordinating Committee (referred to in this subsection as the ''Coordinating Committee'').
(b) MEMBERSHIP.—
(1) IN GENERAL.—The Coordinating Committee shall be composed of the following members (or a designee of the member):
(A) The Secretary of the Interior.
(B) The Secretary of Agriculture.
(C) The Secretary of Health and Human Services.
(D) The Secretary of Housing and Urban Development.
(E) The Secretary of Transportation.
(F) The Secretary of Energy.
(G) The Secretary of Homeland Security.
(H) The Secretary of Commerce.
(I) The Administrator of the Environmental Protection Agency.
(J) The Chairperson of the Council on Environmental Quality.
(2) CHAIRPERSON AND EXECUTIVE DIRECTOR.—The President shall appoint—
(A) 1 member of the Coordinating Committee to serve as Chairperson of the Coordinating Committee for a term of 2 years; and
(B) an Executive Director to supervise the activities of the Coordinating Committee.
(3) FUNCTION.—The function of the Coordinating Committee shall be to carry out the duties and responsibilities set forth under this section.
(c) NATIONAL WATER RESOURCES PLANNING AND MODERNIZATION POLICY.—It is the policy of the United States that all water resources projects carried out by the Corps of Engineers shall—
(1) reflect national priorities;
(2) seek to avoid the unwise use of floodplains;
(3) minimize vulnerabilities in any case in which a floodplain must be used;
(4) protect and restore the functions of natural systems; and
(5) mitigate any unavoidable damage to natural systems.
(d) WATER RESOURCE PRIORITIES REPORT.—
(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Coordinating Committee, in collaboration with the Secretary, shall submit to the President and Congress a report describing the vulnerability of the United States to damage from flooding and related storm damage, including—
(A) the risk to human life;
(B) the risk to property; and
(C) the comparative risks faced by different regions of the United States.
(2) INCLUSIONS.—The report under paragraph (1) shall include—
(A) an assessment of the extent to which programs in the United States relating to flooding address flood risk reduction priorities;
(B) the extent to which those programs may be unintentionally encouraging development and economic activity in floodprone areas;
(C) recommendations for improving those programs with respect to reducing and responding to flood risks; and
(D) proposals for implementing the recommendations.
(e) MODERNIZING WATER RESOURCES PLANNING GUIDELINES.—
(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary and the Coordinating Committee shall, in collaboration with each other, review and propose updates and revisions to modernize the planning principles and guidelines, regulations, and circulars by which the Corps of Engineers analyzes and evaluates water projects. In carrying out the review, the Coordinating Committee and the Secretary shall consult with the National Academy of Sciences for recommendations regarding updating planning documents.
(2) PROPOSED REVISIONS.—In conducting a review under paragraph (1), the Coordinating Committee and the Secretary shall consider revisions to improve water resources project planning through, among other things—
(A) requiring the use of modern economic principles and analytical techniques, credible schedules for project construction, and current discount rates as used by other Federal agencies;
(B) eliminating biases and disincentives to providing projects to low-income communities, including fully accounting for the prevention of loss of life under section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281);
(C) eliminating biases and disincentives that discourage the use of nonstructural approaches to water resources development and management, and fully accounting for the flood protection and other values of healthy natural systems;
(D) promoting environmental restoration projects that reestablish natural processes;
(E) assessing and evaluating the impacts of a project in the context of other projects within a region or watershed;
(F) analyzing and incorporating lessons learned from recent studies of Corps of Engineers programs and recent disasters such as Hurricane Katrina and the Great Midwest Flood of 1993;
(G) encouraging wetlands conservation; and
(H) ensuring the effective implementation of the policies of this Act.
(3) PUBLIC PARTICIPATION.—The Coordinating Committee and the Secretary shall solicit public and expert comments regarding any revision proposed under paragraph (2).
(4) REVISION OF PLANNING GUIDANCE.—
(A) IN GENERAL.—Not later than 180 days after the date on which a review under paragraph (1) is completed, the Secretary, after providing notice and an opportunity for public

comment in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act''), shall implement such proposed updates and revisions to the planning principles and guidelines, regulations, and circulars of the Corps of Engineers under paragraph (2) as the Secretary determines to be appropriate.

(B) EFFECT.—Effective beginning on the date on which the Secretary implements the first update or revision under paragraph (1), subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17) shall not apply to the Corps of Engineers.

(5) REPORT.—

(A) IN GENERAL.—The Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, and to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, a report describing any revision of planning guidance under paragraph (4).

(B) PUBLICATION.—The Secretary shall publish the report under subparagraph (A) in the Federal Register.

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION ACTIVITIES.—The term ''construction activities'' means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.

(2) PROJECT STUDY.—The term ''project study'' means a feasibility report, reevaluation report, or environmental impact statement prepared by the Corps of Engineers.

(b) DIRECTOR OF INDEPENDENT REVIEW.—The Secretary shall appoint in the Office of the Secretary a Director of Independent Review. The Director shall be selected from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline related to water resources management. The Secretary shall ensure, to the maximum extent practicable, that the Director does not have a financial, professional, or other conflict of interest with projects subject to review. The Director of Independent Review shall carry out the duties set forth in this section and such other duties as the Secretary deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—The Secretary shall ensure that each project study for a water resources project shall be reviewed by an independent panel of experts established under this subsection if—

(A) the project has an estimated total cost of more than $40,000,000, including mitigation costs;

(B) the Governor of a State in which the water resources project is located in whole or in part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel's conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

(iii) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel of experts established under this subsection does not submit to the Secretary a report by the deadline established by clause (ii), the Chief of Engineers may continue project planning without delay.

(iv) DURATION OF PANELS.—An independent panel of experts established under this subsection shall terminate on the date of submission of the report by the panel. Panels may be established as early in the planning process as deemed appropriate by the Director of Independent Review, but shall be appointed no later than 90 days before the release for public comment of a draft study subject to review under subsection (c)(1)(A), and not later than 30 days after a determination that review is necessary under subsection (c)(1)(B), (c)(1)(C), or (c)(1)(D).

(E) EFFECT ON EXISTING GUIDANCE.—The project planning review required by this subsection shall be deemed to satisfy any external review required by Engineering Circular 1105–2–408 (31 May 2005) on Peer Review of Decision Documents.

(d) SAFETY ASSURANCE.—

(1) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review makes a determination that an independent review is necessary to ensure public health, safety, and welfare on any project—

(A) for which the reliability of performance under emergency conditions is critical;

(B) that uses innovative materials or techniques;

(C) for which the project design is lacking in redundancy, or that has a unique construction sequencing or a short or overlapping design construction schedule; or

(D) other than a project described in subparagraphs (A) through (C), as the Director of Independent Review determines to be appropriate.

(2) SAFETY ASSURANCE REVIEW PANELS.—At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a publicly available schedule determined by the Director of Independent Review for the purposes of assuring the public safety. The Director of Independent Review shall ensure that these reviews be carried out in a way to protect the public health, safety, and welfare, while not

causing unnecessary delays in construction activities.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall—

(A) take into consideration recommendations contained in the report, provide a written explanation of recommendations not adopted, and immediately make the report and explanation available to the public on the Internet; and

(B) submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

(A) $250,000, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(g) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

''(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.''.

(b) USE OF CONSOLIDATED MITIGATION.—Section 906(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(b)) is amended by adding at the end the following:

''(3) USE OF CONSOLIDATED MITIGATION.—

''(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

''(B) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

''(C) RESPONSIBILITY RELIEVED.—Purchase of credits from a mitigation bank or conservation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.''.

(c) MITIGATION REQUIREMENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''to the Congress unless such report contains'' and inserting ''to Congress, and shall not select a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless the proposal, record of decision, environmental impact statement, or environmental assessment contains''; and

(B) in the second sentence, by inserting '', and other habitat types are mitigated to not less than in-kind conditions'' after ''mitigated in-kind''; and

(2) by adding at the end the following:

''(3) MITIGATION REQUIREMENTS.—

''(A) IN GENERAL.—To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that the mitigation plan for each water resources project complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

''(B) INCLUSIONS.—A specific mitigation plan for a water resources project under paragraph (1) shall include, at a minimum—

''(i) a plan for monitoring the implementation and ecological success of each mitigation measure, including a designation of the entities that will be responsible for the monitoring;

''(ii) the criteria for ecological success by which the mitigation will be evaluated and determined to be successful;

''(iii) land and interests in land to be acquired for the mitigation plan and the basis for a determination that the land and interests are available for acquisition;

''(iv) a description of—

''(I) the types and amount of restoration activities to be conducted; and

''(II) the resource functions and values that will result from the mitigation plan; and

''(v) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with criteria under clause (ii).

''(4) DETERMINATION OF SUCCESS.—

''(A) IN GENERAL.—A mitigation plan under this subsection shall be considered to be successful at the time at which the criteria under paragraph (3)(B)(ii) are achieved under the plan, as determined by monitoring under paragraph (3)(B)(i).

''(B) CONSULTATION.—In determining whether a mitigation plan is successful under subparagraph (A), the Secretary shall consult annually with appropriate Federal agencies and each State in which the applicable project is located on at least the following:

''(i) The ecological success of the mitigation as of the date on which the report is submitted.

''(ii) The likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan.

''(iii) The projected timeline for achieving that success.

''(iv) Any recommendations for improving the likelihood of success.

''(C) REPORTING.—Not later than 60 days after the date of completion of the annual consultation, the Federal agencies consulted shall, and each State in which the project is located may, submit to the Secretary a report that describes the results of the consultation described in (B).

''(D) ACTION BY SECRETARY.—The Secretary shall respond in writing to the substance and recommendations contained in each report under subparagraph (C) by not later than 30 days after the date of receipt of the report.

''(5) MONITORING.—Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.''.

(d) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the submission of the President to Congress of the request of the President for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283) and the status of that mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) MITIGATION TRACKING SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track, for each water resources project undertaken by the Secretary and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

(A) the quantity and type of wetland and any other habitat type affected by the project, project operation, or permitted activity;

(B) the quantity and type of mitigation measures required with respect to the project, project operation, or permitted activity;

(C) the quantity and type of mitigation measures that have been completed with respect to the project, project operation, or permitted activity; and

(D) the status of monitoring of the mitigation measures carried out with respect to the project, project operation, or permitted activity.

(2) REQUIREMENTS.—The recordkeeping system under paragraph (1) shall—

(A) include information relating to the impacts and mitigation measures relating to projects described in paragraph (1) that occur after November 17, 1986; and

(B) be organized by watershed, project, permit application, and zip code.

(3) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

SEC. 2009. STATE TECHNICAL ASSISTANCE.

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

(1) by striking ''SEC. 22. (a) The Secretary'' and inserting the following:

''SEC. 22. PLANNING ASSISTANCE TO STATES.

''(a) FEDERAL-STATE COOPERATION.—

''(1) COMPREHENSIVE PLANS.—The Secretary'';

(2) in subsection (a), by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to the agency or non-Federal interest in managing water resources.

''(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.'';

(3) in subsection (b)(1), by striking ''this section'' each place it appears and inserting ''subsection (a)(1)'';

(4) in subsection (b)(2), by striking ''up to ½ of the'' and inserting ''the'';

(5) in subsection (c)—

(A) by striking ''(c) There is'' and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FEDERAL AND STATE COOPERATION.—There is'';

(B) in paragraph (1) (as designated by subparagraph (A)), by striking ''the provisions of this section except that not more than $500,000 shall be expended in any one year in any one State.'' and inserting ''subsection (a)(1).''; and

(C) by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) $5,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities.''; and

(6) by adding at the end the following:

''(e) ANNUAL SUBMISSION.—For each fiscal year, based on performance criteria developed by the Secretary, the Secretary shall list in the annual civil works budget submitted to Congress the individual activities proposed for funding under subsection (a)(1) for the fiscal year.''.

SEC. 2010. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out a program to provide public access to water resource and related water quality data in the custody of the Corps of Engineers.

(b) DATA.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resource project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each fiscal year.

SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) IN GENERAL.—Section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(6)) is amended by adding at the end following:

''(E) BUDGET PRIORITY.—

''(i) IN GENERAL.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

''(ii) COMPLETED PROJECT.—A completed project shall have the same priority as a project with a contractor on site.''.

(b) CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.—Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

''(9) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

''(10) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas, authorized by the first section of the Act of June 20, 1938 (52 Stat. 804, chapter 535) (commonly known as the 'River and Harbor Act of 1938') and modified by section 3a of the Act of August 11, 1939 (53 Stat. 1414, chapter 699) (commonly known as the 'Flood Control Act of 1939'), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

''(11) HALLS BAYOU, TEXAS.—The Halls Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (33 U.S.C. 2201 note), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

''(12) MENOMONEE RIVER WATERSHED, WISCONSIN.—The project for the Menomonee River Watershed, Wisconsin, including—

''(A) the Underwood Creek diversion facility project (Milwaukee County Grounds); and

''(B) the Greater Milwaukee Rivers watershed project.''.

SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

''SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

''(a) IN GENERAL.—In connection with sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary, acting through the Chief of Engineers, shall develop Regional Sediment Management plans and carry out projects at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects, for—

''(1) the protection of property;

''(2) the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands; and

''(3) the transport and placement of suitable sediment

''(b) SECRETARIAL FINDINGS.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—

''(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

''(2) the project would not result in environmental degradation.

''(c) DETERMINATION OF PLANNING AND PROJECT COSTS.—

''(1) IN GENERAL.—In consultation and cooperation with the appropriate Federal, State, regional, and local agencies, the Secretary, acting through the Chief of Engineers, shall develop at Federal expense plans and projects for regional management of sediment obtained in conjunction with construction, operation, and maintenance of Federal water resources projects.

''(2) COSTS OF CONSTRUCTION.—

''(A) IN GENERAL.—Costs associated with construction of a project under this section or identified in a Regional Sediment Management plan shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

''(B) COST SHARING.—The determination of any non-Federal share of the construction cost shall be based on the cost sharing as specified in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for the type of Federal water resource project using the dredged resource.

''(C) TOTAL COST.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.

''(3) OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION COSTS.—Operation, maintenance, replacement, and rehabilitation costs associated with a project are a non-Federal sponsor responsibility.

''(d) SELECTION OF SEDIMENT DISPOSAL METHOD FOR ENVIRONMENTAL PURPOSES.—

''(1) IN GENERAL.—In developing and carrying out a Federal water resources project involving the disposal of material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion.

''(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

''(e) STATE AND REGIONAL PLANS.—The Secretary, acting through the Chief of Engineers, may—

''(1) cooperate with any State in the preparation of a comprehensive State or regional coastal sediment management plan within the boundaries of the State;

''(2) encourage State participation in the implementation of the plan; and

''(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

''(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

''(1) Fire Island Inlet, Suffolk County, New York;

''(2) Fletcher Cove, California;

''(3) Delaware River Estuary, New Jersey and Pennsylvania; and

''(4) Toledo Harbor, Lucas County, Ohio.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 during each fiscal year, to remain available until expended, for the Federal costs identified under subsection (c), of which up to $5,000,000 shall be used for the development of regional sediment management plans as provided in subsection (e).

''(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) EXISTING PROJECTS.—The Secretary, acting through the Chief of Engineers, may complete any project being carried out under section 145 on the day before the date of enactment of this Act.

SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g), is amended to read as follows:

''SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

''(a) CONSTRUCTION OF SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.—

''(1) IN GENERAL.—The Secretary may carry out construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

''(2) LOCAL COOPERATION.—The local cooperation requirement under the first section of this Act shall apply to a project under this section.

''(3) COMPLETENESS.—A project under this section—

''(A) shall be complete; and

''(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project, except for participation in periodic beach nourishment in accordance with—

''(i) the first section of this Act; and

''(ii) the procedure for projects authorized after submission of a survey report.

''(b) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall conduct a national shoreline erosion control development and demonstration program (referred to in this section as the 'program').

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The program shall include provisions for—

''(i) projects consisting of planning, design, construction, and adequate monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

''(ii) detailed engineering and environmental reports on the results of each project carried out under the program; and

''(iii) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

''(B) DETERMINATION OF FEASIBILITY.—A project under this section shall not be carried out until the Secretary, acting through the Chief of Engineers, determines that the project is feasible.

''(C) EMPHASIS.—A project carried out under the program shall emphasize, to the maximum extent practicable—

''(i) the development and demonstration of innovative technologies;

''(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

''(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

''(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

''(v) the avoidance of negative impacts to adjacent shorefront communities;

''(vi) the potential for long-term protection afforded by the technology; and

''(vii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962–5 note; 88 Stat. 26), including—

''(I) adequate consideration of the subgrade;

''(II) proper filtration;

''(III) durable components;

''(IV) adequate connection between units; and

''(V) consideration of additional relevant information.

''(D) SITES.—

''(i) IN GENERAL.—Each project under the program shall be carried out at—

''(I) a privately owned site with substantial public access; or

''(II) a publicly owned site on open coast or in tidal waters.

''(ii) SELECTION.—The Secretary, acting through the Chief of Engineers, shall develop criteria for the selection of sites for projects under the program, including criteria based on—

''(I) a variety of geographic and climatic conditions;

''(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

''(III) the rate of erosion;

''(IV) significant natural resources or habitats and environmentally sensitive areas; and

''(V) significant threatened historic structures or landmarks.

''(3) CONSULTATION.—The Secretary, acting through the Chief of Engineers, shall carry out the program in consultation with—

''(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

''(B) Federal, State, and local agencies;

''(C) private organizations;

''(D) the Coastal Engineering Research Center established by the first section of Public Law 88–172 (33 U.S.C. 426–1); and

''(E) applicable university research facilities.

''(4) COMPLETION OF DEMONSTRATION.—After carrying out the initial construction and evaluation of the performance and lifecycle cost of a demonstration project under this section, the Secretary, acting through the Chief of Engineers, may—

''(A) at the request of a non-Federal interest of the project, amend the agreement for a federally-authorized shore protection project in existence on the date on which initial construction of the demonstration project is complete to incorporate the demonstration project as a feature of the shore protection project, with the future cost of the demonstration project to be determined by the cost-sharing ratio of the shore protection project; or

''(B) transfer all interest in and responsibility for the completed demonstration project to the non-Federal or other Federal agency interest of the project.

''(5) AGREEMENTS.—The Secretary, acting through the Chief of Engineers, may enter into an agreement with the non-Federal or other Federal agency interest of a project under this section—

''(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the program;

''(B) to share the costs of removing a project or project element constructed under the program, if the Secretary determines that the project or project element is detrimental to private property, public infrastructure, or public safety; or

''(C) to specify ownership of a completed project that the Chief of Engineers determines will not be part of a Corps of Engineers project.

''(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and submit to the Committee on Environment and Public works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

''(A) the activities carried out and accomplishments made under the program during the preceding year; and

''(B) any recommendations of the Secretary relating to the program.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than $30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under the program.

''(2) LIMITATION.—The total amount expended for a project under this section shall—

''(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

''(B) be not more than $3,000,000.''.

(b) REPEAL.—Section 5 the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.

SEC. 2014. SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) PREFERENCE.—In carrying out the policy, preference shall be given to—

(1) areas in which there has been a Federal investment of funds; and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) APPLICABILITY.—The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects in existence on the date of enactment of this Act).

SEC. 2015. COST SHARING FOR MONITORING.

(a) IN GENERAL.—Costs incurred for monitoring for an ecosystem restoration project shall be cost-shared—

(1) in accordance with the formula relating to the applicable original construction project; and

(2) for a maximum period of 10 years.

(b) AGGREGATE LIMITATION.—Monitoring costs for an ecosystem restoration project—

(1) shall not exceed in the aggregate, for a 10-year period, an amount equal to 5 percent of the cost of the applicable original construction project; and

(2) after the 10-year period, shall be 100 percent non-Federal.

SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.

For each of the following projects, the Corps of Engineers shall include ecosystem restoration benefits in the calculation of benefits for the project:

(1) Grayson's Creek, California.

(2) Seven Oaks, California.

(3) Oxford, California.

(4) Walnut Creek, California.

(5) Wildcat Phase II, California.

SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND PROCESSING OF PERMITS.

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594, 117 Stat. 1836, 119 Stat. 2169, 120 Stat. 318, 120 Stat. 3197) is amended by striking subsection (c).

SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Corps of Engineers.

(b) LIMITATIONS.—This section does not preclude the submission of a hard copy, as required.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT CORPS OF ENGINEERS RESERVOIRS.

(a) IN GENERAL.—As part of the operation and maintenance, by the Corps of Engineers, of reservoirs in operation as of the date of enactment of this Act, the Secretary shall carry out the measures described in subsection (c) to support the water resource needs of project sponsors and any affected State, local, or tribal government for authorized project purposes.

(b) COOPERATION.—The Secretary shall carry out the measures described in subsection (c) in cooperation and coordination with project sponsors and any affected State, local, or tribal government.

(c) MEASURES.—In carrying out this section, the Secretary may—

(1) conduct a study to identify unused, underused, or additional water storage capacity at reservoirs;

(2) review an operational plan and identify any change to maximize an authorized project purpose to improve water storage capacity and enhance efficiency of releases and withdrawal of water;

(3) improve and update data, data collection, and forecasting models to maximize an authorized project purpose and improve water storage capacity and delivery to water users; and

(4) conduct a sediment study and implement any sediment management or removal measure.

(d) REVENUES FOR SPECIAL CASES.—

(1) COSTS OF WATER SUPPLY STORAGE.—In the case of a reservoir operated or maintained by the Corps of Engineers on the date of enactment of this Act, the storage charge for a future contract or contract renewal for the first cost of water supply storage at the reservoir shall be the lesser of the estimated cost of purposes foregone, replacement costs, or the updated cost of storage.

(2) REALLOCATION.—In the case of a water supply that is reallocated from another project purpose to municipal or industrial water supply, the joint use costs for the reservoir shall be adjusted to reflect the reallocation of project purposes.

(3) CREDIT FOR AFFECTED PROJECT PURPOSES.—In the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

(e) SAVINGS CLAUSE.—Nothing in this section affects any authority in existence on the date of enactment of this Act under—

(1) the Water Supply Act of 1958 (72 Stat 319);

(2) the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 887, chapter 665);

(3) the Water Resources Development Act of 1986 (100 Stat. 4082); or

(4) section 322 of the Water Resource Development Act of 1990 (33 U.S.C. 2324).

SEC. 2020. FEDERAL HOPPER DREDGES.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: ''This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.''.

SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.

In the State of Louisiana, extraordinary rainfall events such as Hurricanes Katrina and Rita, which occurred during calendar year 2005, and Hurricane Andrew, which occurred during calendar year 1992, shall not be considered in making a determination with respect to the ordinary high water mark for purposes of carrying out section 10 of the Act of March 3, 1899 (33 U.S.C. 403) (commonly known as the ''Rivers and Harbors Act'').

SEC. 2022. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a–1; 105 Stat. 1034) is amended by inserting ''the Secretary of the Army,'' after ''the Secretary of Energy,''.

SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.

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

(1) by striking ''A non-Federal interest shall be'' and inserting the following:

''(1) IN GENERAL.—In this section, the term 'non-Federal interest' means''; and

(2) by adding at the end the following:

''(2) INCLUSIONS.—The term 'non-Federal interest' includes a nonprofit organization acting with the consent of the affected unit of government.''.

SEC. 2024. PROJECT ADMINISTRATION.

(a) PROJECT TRACKING.—The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary, to be used by each Federal agency throughout the life of the project.

(b) REPORT REPOSITORY.—

(1) IN GENERAL.—The Secretary shall maintain at the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers.

(2) AVAILABILITY TO PUBLIC.—

(A) IN GENERAL.—Each document described in paragraph (1) shall be made available to the public for review, and an electronic copy of each document shall be made permanently available to the public through the Internet website of the Corps of Engineers.

(B) COST.—The Secretary shall charge the requestor for the cost of duplication of the requested document.

SEC. 2025. PROGRAM ADMINISTRATION.

Sections 101, 106, and 108 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2252–2254), are repealed.

SEC. 2026. EXTENSION OF SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—Before the date on which the applicable period for Federal financial participation in a shore protection project terminates, the Secretary, acting through the Chief of Engineers, is authorized to review the shore protection project to determine whether it would be feasible to extend the period of Federal financial participation relating to the project.

(b) REPORT.—The Secretary shall submit to Congress a report describing the results of each review conducted under subsection (a).

SEC. 2027. TRIBAL PARTNERSHIP PROGRAM.

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

(1) in subsection (b)—

(A) in paragraph (1), by inserting ''carry out water-related planning activities and'' after ''the Secretary may''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

''(B) watershed assessments and planning activities.''; and

(2) in subsection (e), by striking ''2006'' and inserting ''2012''.

SEC. 2028. PROJECT DEAUTHORIZATION.

Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended as follows:

(1) In the first sentence by striking ''two years'' and inserting ''year'';

(2) In the last sentence by striking ''30 months after the date'' and inserting ''the last date of the fiscal year following the fiscal year in which''; and

(3) In the last sentence by striking ''such 30 month period'' and inserting ''such period''.

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBORNE TRANSPORTATION.

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) by striking ''SEC. 107. (a) That the Secretary of the Army is hereby authorized to'' and inserting the following:

''SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBORNE TRANSPORTATION.

''(a) IN GENERAL.—The Secretary of the Army may'';

(2) in subsection (b)—

(A) by striking ''(b) Not more'' and inserting the following:

''(b) ALLOTMENT.—Not more''; and

(B) by striking ''$4,000,000'' and inserting ''$7,000,000'';

(3) in subsection (c), by striking ''(c) Local'' and inserting the following:

''(c) LOCAL CONTRIBUTIONS.—Local'';

(4) in subsection (d), by striking ''(d) Non-Federal'' and inserting the following:

''(d) NON-FEDERAL SHARE.—Non-Federal'';

(5) in subsection (e), by striking ''(e) Each'' and inserting the following:

''(e) COMPLETION.—Each''; and

(6) in subsection (f), by striking ''(f) This'' and inserting the following:

''(f) APPLICABILITY.—This''.

SEC. 2032. PROTECTION AND RESTORATION DUE TO EMERGENCIES AT SHORES AND STREAMBANKS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking ''$1,000,000'' and inserting ''$1,500,000''.

SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

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

''SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.'';

(2) in subsection (a), by striking ''an aquatic'' and inserting ''a freshwater aquatic''; and

(3) in subsection (e), by striking ''$25,000,000'' and inserting ''$30,000,000''.

SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

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

''SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.'';

and

(2) in subsection (h), by striking ''$25,000,000'' and inserting ''$30,000,000''.

SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COASTAL HABITATS.

(a) IN GENERAL.—The Secretary may carry out an estuary habitat restoration project if the Secretary determines that the project—

(1) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902));

(2) is in the public interest; and

(3) is cost-effective.

(b) COST SHARING.—The non-Federal share of the cost of construction of any project under this section—

(1) shall be 35 percent; and

(2) shall include the costs of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall commence only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required under subsection (b); and

(2) in accordance with regulations promulgated by the Secretary, 100 percent of the costs of any operation, maintenance, replacement, or rehabilitation of the project.

(d) LIMITATION.—Not more than $5,000,000 in Federal funds may be allocated under this section for a project at any 1 location.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2011.

SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) DEFINITION OF NON-FEDERAL INTEREST.—In this section, the term 'non-Federal interest' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).'';

(4) in subsection (b) (as redesignated by paragraph (2))—

(A) by inserting '', and construction'' before ''assistance''; and

(B) by inserting '', including, with the consent of the affected local government, nonprofit entities,'' after ''non-Federal interests'';

(5) in paragraph (3) of subsection (c) (as redesignated by paragraph (2))—

(A) by inserting ''physical hazards and'' after ''adverse''; and

(B) by striking ''drainage from'';

(6) in subsection (d) (as redesignated by paragraph (2)), by striking ''50'' and inserting ''25''; and

(7) by adding at the end the following:

''(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

''(h) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, for each of fiscal years 2008 through 2011, $20,000,000, to remain available until expended.''.

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary may carry out a small dam removal or rehabilitation project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.

(2) PRIORITY PROJECTS.—In carrying out this section, the Secretary shall give priority to carrying out the following small dam removal or rehabilitation projects:

(A) Mountain Park, Georgia.

(B) Keith Creek, Rockford, Illinois.

(C) Mount Zion Mill Pond Dam, Fulton County, Indiana.

(D) Hamilton Dam, Flint River, Michigan.

(E) Ingham Spring Dam, Solebury Township, Pennsylvania.

(F) Stillwater Lake Dam, Monroe County, Pennsylvania.

(b) COST SHARING.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be commenced only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single location.

(e) FUNDING.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2011.

SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.

(a) IN GENERAL.—The Secretary shall develop eligibility criteria for Federal participation in navigation projects located in economically disadvantaged communities that are—

(1) dependent on water transportation for subsistence; and

(2) located in—

(A) remote areas of the United States;

(B) American Samoa;

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Commonwealth of Puerto Rico; or

(F) the United States Virgin Islands.

(b) ADMINISTRATION.—The criteria developed under this section—

(1) shall—

(A) provide for economic expansion; and

(B) identify opportunities for promoting economic growth; and

(2) shall not require project justification solely on the basis of National Economic Development benefits received.

SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.

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

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

''(e) PUBLIC HEALTH AND SAFETY.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

''(1) the non-Federal interest shall pay the increased projects costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily-determined cost share; and

''(2) notwithstanding the statutorily-determined Federal share, the Secretary shall pay all increased costs remaining after payment of 20 percent of the increased costs by the non-Federal interest under paragraph (1).

''(f) LIMITATION.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.''.

(b) LOCAL COOPERATION.—Section 912(b) of the Water Resources Development Act of 1986 (100 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by striking ''shall'' and inserting ''may''; and

(B) by striking the second sentence; and

(2) in paragraph (4)—

(A) in the first sentence—

(i) by striking ''injunction, for'' and inserting ''injunction and payment of liquidated damages, for''; and

(ii) by striking ''to collect a civil penalty imposed under this section,''; and

(B) in the second sentence, by striking ''any civil penalty imposed under this section,'' and inserting ''any liquidated damages,''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall apply only to partnership agreements entered into after the date of enactment of this Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), the district engineer for the district in which a project is located may amend the partnership agreement for the project entered into on or before the date of enactment of this Act—

(A) at the request of a non-Federal interest for a project; and

(B) if construction on the project has not been initiated as of the date of enactment of this Act.

(d) REFERENCES.—

(1) COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

(2) PARTNERSHIP AGREEMENTS.—Any reference to a partnership agreement or project partnership agreement in this Act (other than in this section) shall be considered to be a reference to a cooperation agreement or a project cooperation agreement, respectively.

SEC. 2040. PROGRAM NAMES.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking ''SEC. 205. That the'' and inserting the following:

''SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOODING AND OBTAIN RISK MINIMIZATION.

''The''.

Subtitle C—National Levee Safety Program

SEC. 2051. SHORT TITLE.

This subtitle may be cited as the ''National Levee Safety Program Act of 2007''.

SEC. 2052. DEFINITIONS.

In this subtitle:

(1) ASSESSMENT.—The term ''assessment'' means the periodic engineering evaluation of a levee by a registered professional engineer to—

(A) review the engineering features of the levee; and

(B) develop a risk-based performance evaluation of the levee, taking into consideration potential consequences of failure or overtopping of the levee.

(2) COMMITTEE.—The term ''Committee'' means the National Levee Safety Committee established by section 2053(a).

(3) INSPECTION.—The term ''inspection'' means an annual review of a levee to verify whether the owner or operator of the levee is conducting required operation and maintenance in accordance with established levee maintenance standards.

(4) LEVEE.—The term ''levee'' means an embankment (including a floodwall) that—

(A) is designed, constructed, or operated for the purpose of flood or storm damage reduction;

(B) reduces the risk of loss of human life or risk to the public safety; and

(C) is not otherwise defined as a dam by the Federal Guidelines for Dam Safety.

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

(6) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(7) STATE LEVEE SAFETY AGENCY.—The term ''State levee safety agency'' means the State agency that has regulatory authority over the safety of any non-Federal levee in a State.

(8) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a National Levee Safety Committee, consisting of representatives of Federal agencies and State, tribal, and local governments, in accordance with this subsection.

(2) FEDERAL AGENCIES.—

(A) IN GENERAL.—The head of each Federal agency and the head of the International Boundary Waters Commission may designate a representative to serve on the Committee.

(B) ACTION BY SECRETARY.—The Secretary shall ensure, to the maximum extent practicable, that—

(i) each Federal agency that designs, owns, operates, or maintains a levee is represented on the Committee; and

(ii) each Federal agency that has responsibility for emergency preparedness or response activities is represented on the Committee.

(3) TRIBAL, STATE, AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—The Secretary shall appoint 8 members to the Committee—

(i) 3 of whom shall represent tribal governments affected by levees, based on recommendations of tribal governments;

(ii) 3 of whom shall represent State levee safety agencies, based on recommendations of Governors of the States; and

(iii) 2 of whom shall represent local governments, based on recommendations of Governors of the States.

(B) REQUIREMENT.—In appointing members under subparagraph (A), the Secretary shall ensure broad geographic representation, to the maximum extent practicable.

(4) CHAIRPERSON.—The Secretary shall serve as Chairperson of the Committee.

(5) OTHER MEMBERS.—The Secretary, in consultation with the Committee, may invite to participate in meetings of the Committee, as appropriate, 1 or more of the following:

(A) Representatives of the National Laboratories.
(B) Levee safety experts.
(C) Environmental organizations.
(D) Members of private industry.
(E) Any other individual or entity, as the Committee determines to be appropriate.
(b) DUTIES.—
(1) IN GENERAL.—The Committee shall—
(A) advise the Secretary in implementing the national levee safety program under section 2054;
(B) support the establishment and maintenance of effective programs, policies, and guidelines to enhance levee safety for the protection of human life and property throughout the United States; and
(C) support coordination and information exchange between Federal agencies and State levee safety agencies that share common problems and responsibilities relating to levee safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.
(c) POWERS.—
(1) INFORMATION FROM FEDERAL AGENCIES.—
(A) IN GENERAL.—The Committee may secure directly from a Federal agency such information as the Committee considers to be necessary to carry out this section.
(B) PROVISION OF INFORMATION.—On request of the Committee, the head of a Federal agency shall provide the information to the Committee.
(2) CONTRACTS.—The Committee may enter into any contract the Committee determines to be necessary to carry out a duty of the Committee.
(d) WORKING GROUPS.—
(1) IN GENERAL.—The Secretary may establish working groups to assist the Committee in carrying out this section.
(2) MEMBERSHIP.—A working group under paragraph (1) shall be composed of—
(A) members of the Committee; and
(B) any other individual, as the Secretary determines to be appropriate.
(e) COMPENSATION OF MEMBERS.—
(1) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.
(2) OTHER MEMBERS.—A member of the Committee who is not an officer or employee of the United States shall serve without compensation.
(f) TRAVEL EXPENSES.—
(1) REPRESENTATIVES OF FEDERAL AGENCIES.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a Federal agency shall be reimbursed with appropriations for travel expenses by the agency of the member, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of services for the Committee.
(2) OTHER INDIVIDUALS.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a State levee safety agency, a member of the Committee who represents the private sector, and a member of a working group created under subsection (d) shall be reimbursed for travel expenses by the Secretary, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter 1 of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in performance of services for the Committee.
(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Committee and State levee safety agencies, shall establish and maintain a national levee safety program.
(b) PURPOSES.—The purposes of the program under this section are—
(1) to ensure that new and existing levees are safe through the development of technologically and economically feasible programs and procedures for hazard reduction relating to levees;
(2) to encourage appropriate engineering policies and procedures to be used for levee site investigation, design, construction, operation and maintenance, and emergency preparedness;
(3) to encourage the establishment and implementation of effective levee safety programs in each State;
(4) to develop and support public education and awareness projects to increase public acceptance and support of State levee safety programs;
(5) to develop technical assistance materials for Federal and State levee safety programs;
(6) to develop methods of providing technical assistance relating to levee safety to non-Federal entities; and
(7) to develop technical assistance materials, seminars, and guidelines to improve the security of levees in the United States.
(c) STRATEGIC PLAN.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall prepare a strategic plan—
(1) to establish goals, priorities, and target dates to improve the safety of levees in the United States;
(2) to cooperate and coordinate with, and provide assistance to, State levee safety agencies, to the maximum extent practicable;
(3) to share information among Federal agencies, State and local governments, and private entities relating to levee safety; and
(4) to provide information to the public relating to risks associated with levee failure or overtopping.
(d) FEDERAL GUIDELINES.—
(1) IN GENERAL.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall establish Federal guidelines relating to levee safety.
(2) INCORPORATION OF FEDERAL ACTIVITIES.—The Federal guidelines under paragraph (1) shall incorporate, to the maximum extent practicable, any activity carried out by a Federal agency as of the date on which the guidelines are established.
(e) INCORPORATION OF EXISTING ACTIVITIES.—The program under this section shall incorporate, to the maximum extent practicable—
(1) any activity carried out by a State or local government, or a private entity, relating to the construction, operation, or maintenance of a levee; and
(2) any activity carried out by a Federal agency to support an effort by a State levee safety agency to develop and implement an effective levee safety program.
(f) INVENTORY OF LEVEES.—The Secretary shall develop, maintain, and periodically publish an inventory of levees in the United States, including the results of any levee assessment conducted under this section and inspection.
(g) ASSESSMENTS OF LEVEES.—
(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable after the date of enactment of this Act, the Secretary shall conduct an assessment of each levee in the United States that protects human life or the public safety to determine the potential for a failure or overtopping of the levee that would pose a risk of loss of human life or a risk to the public safety.
(2) EXCEPTION.—The Secretary may exclude from assessment under paragraph (1) any non-Federal levee the failure or overtopping of which would not pose a risk of loss of human life or a risk to the public safety.
(3) PRIORITIZATION.—In determining the order in which to assess levees under paragraph (1), the Secretary shall give priority to levees the failure or overtopping of which would constitute the highest risk of loss of human life or a risk to the public safety, as determined by the Secretary.
(4) DETERMINATION.—In assessing levees under paragraph (1), the Secretary shall take into consideration the potential of a levee to fail or overtop because of—
(A) hydrologic or hydraulic conditions;
(B) storm surges;
(C) geotechnical conditions;
(D) inadequate operating procedures;
(E) structural, mechanical, or design deficiencies; or
(F) other conditions that exist or may occur in the vicinity of the levee.
(5) STATE PARTICIPATION.—On request of a State levee safety agency, with respect to any levee the failure of which would affect the State, the Secretary shall—
(A) provide information to the State levee safety agency relating to the construction, operation, and maintenance of the levee; and
(B) allow an official of the State levee safety agency to participate in the assessment of the levee.
(6) REPORT.—As soon as practicable after the date on which a levee is assessed under this section, the Secretary shall provide to the Governor of the State in which the levee is located a notice describing the results of the assessment, including—
(A) a description of the results of the assessment under this subsection;
(B) a description of any hazardous condition discovered during the assessment; and
(C) on request of the Governor, information relating to any remedial measure necessary to mitigate or avoid any hazardous condition discovered during the assessment.
(7) SUBSEQUENT ASSESSMENTS.—
(A) IN GENERAL.—After the date on which a levee is initially assessed under this subsection, the Secretary shall conduct a subsequent assessment of the levee not less frequently than once every 5 years.
(B) STATE ASSESSMENT OF NON-FEDERAL LEVEES.—
(i) IN GENERAL.—Each State shall conduct assessments of non-Federal levees located within the State in accordance with the applicable State levee safety program.
(ii) AVAILABILITY OF INFORMATION.—Each State shall make the results of the assessments under clause (i) available for inclusion in the national inventory under subsection (f).
(iii) NON-FEDERAL LEVEES.—
(I) IN GENERAL.—On request of the Governor of a State, the Secretary may assess a non-Federal levee in the State.
(II) COST.—The State shall pay 100 percent of the cost of an assessment under subclause (I).
(III) FUNDING.—The Secretary may accept funds from any levee owner for the purposes of conducting engineering assessments to determine the performance and structural integrity of a levee.
(h) STATE LEVEE SAFETY PROGRAMS.—
(1) ASSISTANCE TO STATES.—In carrying out the program under this section, the Secretary shall provide funds to State levee safety agencies (or another appropriate State agency, as designated by the Governor of the State) to assist States in establishing, maintaining, and improving levee safety programs.
(2) APPLICATION.—
(A) IN GENERAL.—To receive funds under this subsection, a State levee safety agency shall submit to the Secretary an application in such time, in such manner, and containing such information as the Secretary may require.
(B) INCLUSION.—An application under subparagraph (A) shall include an agreement between the State levee safety agency and the Secretary under which the State levee safety agency shall, in accordance with State law—

(i) review and approve plans and specifications to construct, enlarge, modify, remove, or abandon a levee in the State;

(ii) perform periodic evaluations during levee construction to ensure compliance with the approved plans and specifications;

(iii) approve the construction of a levee in the State before the date on which the levee becomes operational;

(iv) assess, at least once every 5 years, all levees and reservoirs in the State the failure of which would cause a significant risk of loss of human life or risk to the public safety to determine whether the levees and reservoirs are safe;

(v) establish a procedure for more detailed and frequent safety evaluations;

(vi) ensure that assessments are led by a State-registered professional engineer with related experience in levee design and construction;

(vii) issue notices, if necessary, to require owners of levees to perform necessary maintenance or remedial work, improve security, revise operating procedures, or take other actions, including breaching levees;

(viii) contribute funds to—

(I) ensure timely repairs or other changes to, or removal of, a levee in order to reduce the risk of loss of human life and the risk to public safety; and

(II) if the owner of a levee does not take an action described in subclause (I), take appropriate action as expeditiously as practicable;

(ix) establish a system of emergency procedures and emergency response plans to be used if a levee fails or if the failure of a levee is imminent;

(x) identify—

(I) each levee the failure of which could be reasonably expected to endanger human life;

(II) the maximum area that could be flooded if a levee failed; and

(III) necessary public facilities that would be affected by the flooding; and

(xi) for the period during which the funds are provided, maintain or exceed the aggregate expenditures of the State during the 2 fiscal years preceding the fiscal year during which the funds are provided to ensure levee safety.

(3) DETERMINATION OF SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives an application under paragraph (2), the Secretary shall approve or disapprove the application.

(B) NOTICE OF DISAPPROVAL.—If the Secretary disapproves an application under subparagraph (A), the Secretary shall immediately provide to the State levee safety agency a written notice of the disapproval, including a description of—

(i) the reasons for the disapproval; and

(ii) changes necessary for approval of the application, if any.

(C) FAILURE TO DETERMINE.—If the Secretary fails to make a determination by the deadline under subparagraph (A), the application shall be considered to be approved.

(4) REVIEW OF STATE LEVEE SAFETY PROGRAMS.—

(A) IN GENERAL.—The Secretary, in conjunction with the Committee, may periodically review any program carried out using funds under this subsection.

(B) INADEQUATE PROGRAMS.—If the Secretary determines under a review under subparagraph (A) that a program is inadequate to reasonably protect human life and property, the Secretary shall, until the Secretary determines the program to be adequate—

(i) revoke the approval of the program; and

(ii) withhold assistance under this subsection.

(i) REPORTING.—Not later than 90 days after the end of each odd-numbered fiscal year, the Secretary, in consultation with the Committee, shall submit to Congress a report describing—

(1) the status of the program under this section;

(2) the progress made by Federal agencies during the 2 preceding fiscal years in implementing Federal guidelines for levee safety;

(3) the progress made by State levee safety agencies participating in the program; and

(4) recommendations for legislative or other action that the Secretary considers to be necessary, if any.

(j) RESEARCH.—The Secretary, in coordination with the Committee, shall carry out a program of technical and archival research to develop and support—

(1) improved techniques, historical experience, and equipment for rapid and effective levee construction, rehabilitation, and assessment or inspection;

(2) the development of devices for the continued monitoring of levee safety;

(3) the development and maintenance of information resources systems required to manage levee safety projects; and

(4) public policy initiatives and other improvements relating to levee safety engineering, security, and management.

(k) PARTICIPATION BY STATE LEVEE SAFETY AGENCIES.—In carrying out the levee safety program under this section, the Secretary shall—

(1) solicit participation from State levee safety agencies; and

(2) periodically update State levee safety agencies and Congress on the status of the program.

(l) LEVEE SAFETY TRAINING.—The Secretary, in consultation with the Committee, shall establish a program under which the Secretary shall provide training for State levee safety agency staff and inspectors to a State that has, or intends to develop, a State levee safety program, on request of the State.

(m) EFFECT OF SUBTITLE.—Nothing in this subtitle—

(1) creates any Federal liability relating to the recovery of a levee caused by an action or failure to act;

(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability relating to the ownership or operation of the levee; or

(3) except as provided in subsection (g)(7)(B)(iii)(III), preempts any applicable Federal or State law.

SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $20,000,000 to establish and maintain the inventory under section 2054(f);

(2) $42,000,000 to carry out levee safety assessments under section 2054(g);

(3) to provide funds for State levee safety programs under section 2054(h)—

(A) $15,000,000 for fiscal year 2007; and

(B) $5,000,000 for each of fiscal years 2008 through 2011;

(4) $2,000,000 to carry out research under section 2054(j);

(5) $1,000,000 to carry out levee safety training under section 2054(l); and

(6) $150,000 to provide travel expenses to members of the Committee under section 2053(f).

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 3002. SITKA, ALASKA.

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the Sitka Harbor Breakwater, at full Federal expense. The estimated cost is $6,300,000.

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

Section 111 of title I of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2944), is amended by striking subsections (a) and (b) and inserting the following:

''(a) CONSTRUCTION OF NEW FACILITIES.—

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

''(A) EXISTING FACILITY.—The term 'existing facility' means the administrative and maintenance facility for the project for Black Warrior-Tombigbee Rivers, Alabama, in existence on the date of enactment of the Water Resources Development Act of 2007.

''(B) PARCEL.—The term 'Parcel' means the land owned by the Federal Government in the City of Tuscaloosa, Alabama, as in existence on the date of enactment of the Water Resources Development Act of 2007.

''(2) AUTHORIZATION.—In carrying out the project for Black Warrior-Tombigbee Rivers, Alabama, the Secretary is authorized—

''(A) to purchase land on which the Secretary may construct a new maintenance facility, to be located—

''(i) at a different location from the existing facility; and

''(ii) in the vicinity of the City of Tuscaloosa, Alabama;

''(B) at any time during or after the completion of, and relocation to, the new maintenance facility—

''(i) to demolish the existing facility; and

''(ii) to carry out any necessary environmental clean-up of the Parcel, all at full Federal expense; and

''(C) to construct on the Parcel a new administrative facility.

''(b) ACQUISITION AND DISPOSITION OF PROPERTY.—The Secretary—

''(1) may acquire any real property necessary for the construction of the new maintenance facility under subsection (a)(2)(A); and

''(2) shall convey to the City of Tuscaloosa fee simple title in and to any portion of the Parcel not required for construction of the new administrative facility under subsection (a)(2)(C) through—

''(A) sale at fair market value;

''(B) exchange of other Federal land on an acre-for-acre basis; or

''(C) another form of transfer.''.

SEC. 3004. NOGALES WASH AND TRIBUTARIES FLOOD CONTROL PROJECT, ARIZONA.

The project for flood control, Nogales Wash and tributaries, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606; 110 Stat. 3711; 114 Stat. 2600), is modified to authorize the Secretary to construct the project at a total cost of $25,410,000, with an estimated Federal cost of $22,930,000 and an estimated non-Federal cost of $2,480,000.

SEC. 3005. RIO DE FLAG, FLAGSTAFF, ARIZONA.

The project for flood damage reduction, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary to construct the project at a total cost of $54,100,000, with an estimated Federal cost of $35,000,000 and a non-Federal cost of $19,100,000.

SEC. 3006. TUCSON DRAINAGE AREA (TUCSON ARROYO), ARIZONA.

The project for flood damage reduction, environmental restoration, and recreation, Tucson Drainage Area (Tucson Arroyo), Arizona, authorized by section 101(a)(5) of the Water Resources Development Act of 1999 (113 Stat. 274), is modified to authorize the Secretary to construct the project at a total cost of $66,700,000, with an estimated Federal cost of $43,350,000 and an estimated non-Federal cost of $23,350,000.

SEC. 3007. AUGUSTA AND CLARENDON, ARKANSAS.

The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with

an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

SEC. 3008. EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.

Federal assistance made available under the rural enterprise zone program of the Department of Agriculture may be used toward payment of the non-Federal share of the costs of the project described in section 219(c)(20) of the Water Resources Development Act of 1992 (106 Stat. 4835; 114 Stat. 2763A–219), if the funds are authorized to be used for the purpose of that project.

SEC. 3009. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.

(a) IN GENERAL.—Section 204 of the Flood Control Act of 1950 (64 Stat. 170) is amended in the matter under the heading ''RED-OUACHITA RIVER BASIN'' by striking ''at Calion, Arkansas'' and inserting ''improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)''.

(b) MODIFICATION.—Section 3 of the Act of August 18, 1941 (55 Stat. 642, chapter 377), is amended in the second sentence of subsection (a) in the matter under the heading ''LOWER MISSISSIPPI RIVER'' by inserting before the period at the end the following: ''Provided, That the Ouachita River Levees, Louisiana, authorized by the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535)''.

SEC. 3010. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The project for flood control, St. Francis River Basin, Arkansas, and Missouri, authorized the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as modified, is further modified to authorize the Secretary to undertake channel stabilization and sediment removal measures on the St. Francis River and tributaries as an integral part of the original project.

(b) NO SEPARABLE ELEMENT.—The measures undertaken under subsection (a) shall not be considered to be a separable element of the project.

SEC. 3011. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to subsection (b), all right, title, and interest to land within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Act of May 15, 1928 (33 U.S.C. 702a et seq.) (commonly known as the ''Flood Control Act of 1928'').

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance by the United States under this section shall be subject to—

(A) the condition that the State of Arkansas (including the successors and assigns of the State) agree to operate, maintain, and manage the land at no cost or expense to the United States and for fish and wildlife, recreation, and environmental purposes; and

(B) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(2) REVERSION.—If the State (or a successor or assign of the State) ceases to operate, maintain, and manage the land in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

SEC. 3012. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

(a) NAVIGATION CHANNEL.—The Secretary shall continue construction of the McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma, to operate and maintain the navigation channel to the authorized depth of the channel, in accordance with section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1842).

(b) MITIGATION.—

(1) IN GENERAL.—As mitigation for any incidental taking relating to the McClellan-Kerr Navigation System, the Secretary shall determine the need for, and construct modifications in, the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, including the construction of low water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled ''Arkansas River Corridor Master Plan Planning Assistance to States''.

(2) COST SHARING.—The non-Federal share of the cost of a project under this subsection shall be 35 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 3013. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

(b) OBJECTIVES.—Mitigation under subsection (a) shall restore the pre-project capacity of the city (1,360 cubic feet per second) to release water to the Yolo Bypass, including—

(1) channel improvements;

(2) an outlet work through the west levee of the Yolo Bypass; and

(3) a new low flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 3014. CALFED LEVEE STABILITY PROGRAM, CALIFORNIA.

In addition to funds made available pursuant to the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361) to carry out section 103(f)(3)(D) of that Act (118 Stat. 1696), there is authorized to be appropriated to carry out projects described in that section $106,000,000, to remain available until expended.

SEC. 3015. HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to include the diked bayland parcel known as ''Bel Marin Keys Unit V'' at an estimated total cost of $221,700,000, with an estimated Federal cost of $166,200,000 and an estimated non-Federal cost of $55,500,000, as part of the project to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated July 19, 2004.

SEC. 3016. LA–3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended in the third sentence by striking ''January 1, 2003'' and inserting ''January 1, 2011''.

SEC. 3017. LARKSPUR FERRY CHANNEL, CALIFORNIA.

(a) REPORT.—The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible.

(b) AUTHORIZATION OF PROJECT.—If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. 3018. LLAGAS CREEK, CALIFORNIA.

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to complete the project, in accordance with the requirements of local cooperation as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), at a total remaining cost of $105,000,000, with an estimated remaining Federal cost of $65,000,000 and an estimated remaining non-Federal cost of $40,000,000.

SEC. 3019. MAGPIE CREEK, CALIFORNIA.

The project for Magpie Creek, California, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements of section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

SEC. 3020. PETALUMA RIVER, PETALUMA, CALIFORNIA.

The project for flood damage reduction, Petaluma River, Petaluma, California, authorized by section 112 of the Water Resources Development Act of 2000 (114 Stat. 2587), is modified to authorize the Secretary to construct the project at a total cost of $41,500,000, with an estimated Federal cost of $26,975,000 and an estimated non-Federal cost of $14,525,000.

SEC. 3021. PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) GOALS AND PRINCIPLES.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled ''Kings River Fisheries Management Program Framework Agreement'' and dated May 29, 1999, between the California Department of Fish and Game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

(b) PARTICIPATION BY SECRETARY.—

(1) IN GENERAL.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) PROJECTS.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.

(c) NO AUTHORIZATION OF CERTAIN DAM-RELATED PROJECTS.—Nothing in this section authorizes any project for the raising of Pine Flat

Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the document entitled ''Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration'' and dated July 19, 2002.

(e) COST SHARING.—

(1) PROJECT PLANNING, DESIGN, AND CONSTRUCTION.—The Federal share of the cost of planning, design, and construction of a project under subsection (b) shall be 65 percent.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for use in carrying out the project.

(B) FORM.—The non-Federal interest may provide not more than 50 percent of the non-Federal share required under this clause in the form of services, materials, supplies, or other in-kind contributions.

(f) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3022. REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA.

The Secretary may dredge the Redwood City Navigation Channel, California, on an annual basis, to maintain the authorized depth of –30 mean lower low water.

SEC. 3023. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) CREDIT FOR NON-FEDERAL WORK.—

(1) IN GENERAL.—The Secretary shall provide credit to the Sacramento Area Flood Control Agency, in the amount of $20,503,000, for the nonreimbursed Federal share of costs incurred by the Agency in connection with the project for flood control and recreation, Sacramento and American Rivers, California (Natomas Levee features), authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(2) ALLOCATION OF CREDIT.—The Secretary shall allocate the amount to be credited under paragraph (1) toward the non-Federal share of such projects as are requested by the Sacramento Area Flood Control Agency.

(3) NO REIMBURSEMENT.—An amount credited under this subsection shall not be available for reimbursement.

(b) PROJECT FOR FLOOD CONTROL.—

(1) IN GENERAL.—The project for flood control, American and Sacramento Rivers, California, authorized by section 101(a)(6)(A) of the Water Resources Development Act of 1999 (113 Stat. 274), as modified by section 128 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2259), is further modified to authorize the Secretary to construct the auxiliary spillway generally in accordance with the Post Authorization Change Report, American River Watershed Project (Folsom Dam Modification and Folsom Dam Raise Projects), dated March 2007, at a total cost of $683,000,000, with an estimated Federal cost of $444,000,000 and an estimated non-Federal cost of $239,000,000.

(2) DAM SAFETY.—Nothing in this section limits the authority of the Secretary of the Interior to carry out dam safety activities in connection with the auxiliary spillway in accordance with the Bureau of Reclamation Safety of Dams Program.

(3) TRANSFER OF FUNDS.—

(A) IN GENERAL.—The Secretary and the Secretary of the Interior are authorized to transfer between the Department of the Army and the Department of the Interior appropriated amounts and other available funds (including funds contributed by non-Federal interests) for the purpose of planning, design, and construction of the auxiliary spillway.

(B) TERMS AND CONDITIONS.—Any transfer made pursuant to this subsection shall be subject to such terms and conditions as may be agreed on by the Secretary and the Secretary of the Interior.

SEC. 3024. SACRAMENTO RIVER BANK PROTECTION PROJECT, CALIFORNIA.

Section 202 of the River Basin Monetary Authorization Act of 1974 (88 Stat. 49) is amended by striking ''and the monetary authorization'' and all that follows through the end of the section and inserting ''except that the lineal feet in the second phase shall be increased from 405,000 lineal feet to 485,000 lineal feet.''.

SEC. 3025. CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA.

(a) CONDITIONAL DECLARATION OF NONNAVIGABILITY.—If the Secretary determines, in consultation with appropriate Federal and non-Federal entities, that projects proposed to be carried out by non-Federal entities within the portions of the San Francisco, California, waterfront described in subsection (b) are in the public interest, the portions shall be declared not to be navigable water of the United States for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401), and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) PORTIONS OF WATERFRONT.—The portions of the San Francisco, California, waterfront referred to in subsection (a) are those that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures and that are located as follows: beginning at the intersection of the northeasterly prolongation of the portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet from the existing southern boundary of Pier 40 to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryan Street northwesterly; thence southwesterly along said northwesterly line of Bryant Street to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—If, by the date that is 20 years after the date of enactment of this Act, any portion of the San Francisco, California, waterfront described in subsection (b) has not been bulkheaded, filled, or otherwise occupied by 1 or more permanent structures, or if work in connection with any activity carried out pursuant to applicable Federal law requiring a permit, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401), is not commenced by the date that is 5 years after the date of issuance of such a permit, the declaration of nonnavigability for the portion under this section shall cease to be effective.

SEC. 3026. SALTON SEA RESTORATION, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) SALTON SEA AUTHORITY.—The term ''Salton Sea Authority'' means the Joint Powers Authority established under the laws of the State of California by a joint power agreement signed on June 2, 1993.

(2) SALTON SEA SCIENCE OFFICE.—The term ''Salton Sea Science Office'' means the Office established by the United States Geological Survey and currently located in La Quinta, California.

(b) PILOT PROJECTS.—

(1) IN GENERAL.—

(A) REVIEW.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine whether the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372).

(B) IMPLEMENTATION.—If the Secretary determines that the pilot projects meet the requirements of subparagraph (A), the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out pilot projects for improvement of the environment in the area of the Salton Sea, except that the Secretary shall be a party to each contract for construction under this subsection.

(2) LOCAL PARTICIPATION.—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the Salton Sea Authority and the Salton Sea Science Office; and

(B) consider the priorities of the Salton Sea Authority.

(3) COST SHARING.—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the Salton Sea Authority that requires the non-Federal interest to—

(A) pay 35 percent of the total costs of the pilot project;

(B) provide any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the pilot project; and

(C) hold the United States harmless from any claim or damage that may arise from carrying out the pilot project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $30,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. 3027. SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.

The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, authorized by section 101(b)(8) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

SEC. 3028. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of $244,500,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $113,900,000.

SEC. 3029. YUBA RIVER BASIN PROJECT, CALIFORNIA.

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,700,000.

SEC. 3030. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the ''Charles Hervey Townshend Breakwater''.

SEC. 3031. ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel described in subsection (b), is deauthorized.

(b) DESCRIPTION OF CHANNEL.—The channel referred to in subsection (a) may be described as beginning at a point along the western limit of the existing project, N. 188, 802.75, E. 779, 462.81, thence running northeasterly about 1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53, thence running southeasterly about 439.54 feet to a point N. 189, 319.88, E. 780, 983.98, thence running southwesterly about 831.58 feet to a point N. 188, 864.63, E. 780, 288.08, thence running southeasterly about 567.39 feet to a point N. 188, 301.88, E. 780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

SEC. 3032. NORWALK HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subsection (b), are not authorized.

(b) DESCRIPTION OF PORTIONS.—The portions of the channel referred to in subsection (a) are as follows:

(1) RECTANGULAR PORTION.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a point N. 104,165.85, E. 417,662.71, thence running south 24°06′55″ E. 395.00 feet to a point N. 103,805.32, E. 417,824.10, thence running south 00°38′06″ E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north 24°06′55″ W. 480.00 feet, to a point N. 104,155.59, E. 417.628.96, thence running north 73°05′25″ E. 35.28 feet to the point of origin.

(2) PARALLELOGRAM-SHAPED PORTION.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in paragraph (1), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N. 103,855.48, E. 417,849.99, thence running south 33°07′30″ E. 133.40 feet to a point N. 103,743.76, E. 417,922.89, thence running south 24°07′04″ E. 127.75 feet to a point N. 103,627.16, E. 417,975.09, thence running north 33°07′30″ W. 190.00 feet to a point N. 103,786.28, E. 417,871.26, thence running north 17°05′15″ W. 72.39 feet to the point of origin.

(c) MODIFICATION.—The 10-foot channel portion of the Norwalk Harbor, Connecticut navigation project described in subsection (a) is modified to authorize the Secretary to realign the channel to include, immediately north of the area described in subsection (b)(2), a triangular section described as commencing at a point N. 103,968.35, E. 417,815.29, thence running S. 17°05′15″ east 118.09 feet to a point N. 103,855.48, E. 417,849.99, thence running N. 33°07′30″ west 36.76 feet to a point N. 103,886.27, E. 417,829.90, thence running N. 10°05′26″ west 83.37 feet to the point of origin.

SEC. 3033. ST. GEORGE'S BRIDGE, DELAWARE.

Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) is amended by adding at the end the following: ''The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.''.

SEC. 3034. ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

''(C) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).''.

SEC. 3035. BREVARD COUNTY, FLORIDA.

(a) IN GENERAL.—The project for shoreline protection, Brevard County, Florida, authorized by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637), is amended by striking ''7.1-mile reach'' and inserting ''7.6-mile reach''.

(b) REFERENCES.—Any reference to a 7.1-mile reach with respect to the project described in subsection (a) shall be considered to be a reference to a 7.6-mile reach with respect to that project.

SEC. 3036. CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i), by striking ''$75,000,000'' and all that follows and inserting ''$95,000,000.''; and

(2) by striking clause (ii) and inserting the following:

''(ii) FEDERAL SHARE.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed $25,000,000.

''(II) SEMINOLE WATER CONSERVATION PLAN.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000.''.

SEC. 3037. LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended by adding at the end the following:

''(v) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.—The pilot projects for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.''.

SEC. 3038. LIDO KEY, SARASOTA COUNTY, FLORIDA.

The Secretary shall carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, based on the report of the Chief of Engineers dated December 22, 2004, at a total cost of $14,809,000, with an estimated Federal cost of $9,088,000 and an estimated non-Federal cost of $5,721,000, and at an estimated total cost $63,606,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $31,803,000 and an estimated non-Federal cost of $31,803,000.

SEC. 3039. PORT SUTTON CHANNEL, TAMPA HARBOR, FLORIDA.

The project for navigation, Port Sutton Channel, Tampa Harbor, Florida, authorized by section 101(b)(12) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to carry out the project at a total cost of $12,900,000.

SEC. 3040. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

SEC. 3041. ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal to ensure that land exchanged is of equal value.

(b) DISPOSAL AND ACQUISITION OF LAND, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—

(A) WILLING SELLERS.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) BASIS.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) SHARING OF COSTS.—Each purchaser of land under this subsection shall share in the associated environmental and real estate costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) OTHER CONDITIONS.—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. 3042. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.

(b) IMPROVEMENTS.—In carrying out subsection (a), the Secretary shall provide for appropriate improvements to—

(1) facilities that are operated by the Corps of Engineers; and

(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) COST SHARING.—The Secretary shall carry out this section through a cost-sharing program with Idaho State Parks and Recreation Department, with a total estimated project cost of

$5,300,000, with an estimated Federal cost of $3,900,000 and an estimated non-Federal cost of $1,400,000.

SEC. 3043. LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood control, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.), is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) to authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000;

(3) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(4) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if the use of the funds is permitted under the other Federal program; and

(5) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the ability to pay of the non-Federal interest.

SEC. 3044. PORT OF LEWISTON, IDAHO.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(3) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(4) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's Instrument No. 399218 of Nez Perce County, Idaho, 2.07 acres.

(2) Auditor's Instrument No. 487437 of Nez Perce County, Idaho, 7.32 acres.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes with respect to property covered by deeds described in subsection (b).

SEC. 3045. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

SEC. 3046. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting ''Lake Michigan and'' before ''the Chicago River''.

SEC. 3047. CHICAGO RIVER, ILLINOIS.

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, is redefined to be no wider than 66 feet.

SEC. 3048. ILLINOIS RIVER BASIN RESTORATION.

Section 519 of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended—

(1) in subsection (c)(3), by striking ''$5,000,000'' and inserting ''$20,000,000''; and

(2) by adding at the end the following:

''(h) COOPERATION.—In carrying out this section, the Secretary may enter into cooperative agreements, including with the State of Illinois, academic institutions, units of local governments, and soil and water conservation districts, to facilitate more efficient partnerships in developing and implementing the Illinois River Basin Restoration Program.''.

SEC. 3049. MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM.

(a) DEFINITION OF RECONSTRUCTION.—In this section:

(1) IN GENERAL.—The term ''reconstruction'' means any action taken to address 1 or more major deficiencies of a project caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with the authorized purposes of the project.

(2) INCLUSIONS.—The term ''reconstruction'' includes the incorporation by the Secretary of current design standards and efficiency improvements in a project if the incorporation does not significantly change the authorized scope, function, or purpose of the project.

(b) PARTICIPATION BY SECRETARY.—The Secretary may participate in the reconstruction of flood control projects within Missouri and Illinois as a pilot program if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance by the non-Federal interest.

(c) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) OPERATION, MAINTENANCE, AND REPAIR COSTS.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(d) CRITICAL PROJECTS.—In carrying out this section, the Secretary shall give priority to the following projects:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Wood River Drainage and Levee District, Illinois.

(4) City of St. Louis, Missouri.

(5) Missouri River Levee Drainage District, Missouri.

(e) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000, to remain available until expended.

SEC. 3050. SPUNKY BOTTOM, ILLINOIS.

(a) IN GENERAL.—The project for flood control, Illinois and Des Plaines River Basin, between Beardstown, Illinois, and the mouth of the Illinois River, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter 688), is modified to authorize ecosystem restoration as a project purpose.

(b) MODIFICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding the limitation on the expenditure of Federal funds to carry out project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), modifications to the project referred to in subsection (a) shall be carried out at Spunky Bottoms, Illinois, in accordance with subsection (a).

(2) FEDERAL SHARE.—Not more than $7,500,000 in Federal funds may be expended under this section to carry out modifications to the project referred to in subsection (a).

(3) POST-CONSTRUCTION MONITORING AND MANAGEMENT.—Of the Federal funds expended under paragraph (2), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post-construction monitoring and adaptive management.

(c) EMERGENCY REPAIR ASSISTANCE.—Notwithstanding any modifications carried out under subsection (b), the project described in subsection (a) shall remain eligible for emergency repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), without consideration of economic justification.

SEC. 3051. STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) REVERSION.—If the land transferred under this section ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(c) DESCRIPTION.—The land to be conveyed under this section is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner of the NE¼ of sec. 32, T. 20 S., R. 14 E., Coffey County, Kansas.

(d) CONSIDERATION.—

(1) IN GENERAL.—The conveyance under this section shall be at fair market value.

(2) COSTS.—All costs associated with the conveyance shall be paid by Pleasant Township, Coffey County, Kansas.

(e) OTHER TERMS AND CONDITIONS.—The conveyance under this section shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. 3052. MILFORD LAKE, MILFORD, KANSAS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value by quitclaim deed to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3053. OHIO RIVER BASIN COMPREHENSIVE PLAN.

The Secretary is authorized to conduct a comprehensive, basin-wide plan of the Ohio River Basin to identify the investments and reinvestments in system components that would be necessary and advisable—

(1) to ensure protection of lives and property in the area of the Basin; and

(2) to sustain the purposes (including flood damage reduction, ecosystem restoration and protection, water supply, recreation, and related purposes) for which the Basin system was developed.

SEC. 3054. HICKMAN BLUFF STABILIZATION, KENTUCKY.

The project for Hickman Bluff, Kentucky, authorized by chapter II of title II of the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (109 Stat. 85), is modified to authorize the Secretary to repair and restore the project, at full Federal expense, with no further economic studies or analyses, at a total cost of not more than $250,000.

SEC. 3055. MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA.

Section 101(a)(10) of the Water Resources Development Act of 1990 (104 Stat. 4606) is amended by striking ''$219,600,000'' each place it appears and inserting ''$430,000,000''.

SEC. 3056. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) IN GENERAL.—The public access feature of the Atchafalaya Basin Floodway System, Louisiana project, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest (exclusive of oil, gas, and minerals) of an additional 20,000 acres of land in the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, Louisiana project.

(b) MODIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin Floodway System, Louisiana project, is modified to remove the $32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.

(2) FIRST COST.—The authorized first cost of $250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).

(c) TECHNICAL AMENDMENT.—Section 315(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: ''and may include Eagle Point Park, Jeanerette, Louisiana, as 1 of the alternative sites''.

SEC. 3057. REGIONAL VISITOR CENTER, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) PROJECT FOR FLOOD CONTROL.—Notwithstanding paragraph (3) of the report of the Chief of Engineers dated February 28, 1983 (relating to recreational development in the Lower Atchafalaya Basin Floodway), the Secretary shall carry out the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by chapter IV of title I of the Act of August 15, 1985 (Public Law 99–88; 99 Stat. 313; 100 Stat. 4142).

(b) VISITORS CENTER.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers and in consultation with the State of Louisiana, shall study, design, and construct a type A regional visitors center in the vicinity of Morgan City, Louisiana.

(2) COST SHARING.—

(A) IN GENERAL.—The cost of construction of the visitors center shall be shared in accordance with the recreation cost-share requirement under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

(B) COST OF UPGRADING.—The non-Federal share of the cost of upgrading the visitors center from a type B to type A regional visitors center shall be 100 percent.

(3) AGREEMENT.—The project under this subsection shall be initiated only after the Secretary and the non-Federal interests enter into a binding agreement under which the non-Federal interests shall—

(A) provide any land, easement, right-of-way, or dredged material disposal area required for the project that is owned, claimed, or controlled by—

(i) the State of Louisiana (including agencies and political subdivisions of the State); or

(ii) any other non-Federal government entity authorized under the laws of the State of Louisiana;

(B) pay 100 percent of the cost of the operation, maintenance, repair, replacement, and rehabilitation of the project; and

(C) hold the United States free from liability for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project, except for damages due to the fault or negligence of the United States or a contractor of the United States.

(4) DONATIONS.—In carrying out the project under this subsection, the Mississippi River Commission may accept the donation of cash or other funds, land, materials, and services from any non-Federal government entity or nonprofit corporation, as the Commission determines to be appropriate.

SEC. 3058. CALCASIEU RIVER AND PASS, LOUISIANA.

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

SEC. 3059. EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), as amended by section 116 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 140), is modified to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated December 2004, at a total cost of $178,000,000.

SEC. 3060. MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA.

(a) PORT FACILITIES RELOCATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $75,000,000, to remain available until expended, to support the relocation of Port of New Orleans deep draft facilities from the Mississippi River Gulf Outlet (referred to in this section as the ''Outlet''), the Gulf Intercoastal Waterway, and the Inner Harbor Navigation Canal to the Mississippi River.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Amounts appropriated pursuant to paragraph (1) shall be administered by the Assistant Secretary for Economic Development (referred to in this section as the ''Assistant Secretary'') pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233).

(B) REQUIREMENT.—The Assistant Secretary shall make amounts appropriated pursuant to paragraph (1) available to the Port of New Orleans to relocate to the Mississippi River within the State of Louisiana the port-owned facilities that are occupied by businesses in the vicinity that may be impacted due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(b) REVOLVING LOAN FUND GRANTS.—There is authorized to be appropriated to the Assistant Secretary $85,000,000, to remain available until expended, to provide assistance pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipients to establish revolving loan funds to make loans for terms up to 20 years at or below market interest rates (including interest-free loans) to private businesses within the Port of New Orleans that may need to relocate to the Mississippi River within the State of Louisiana due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(c) COORDINATION WITH SECRETARY.—The Assistant Secretary shall ensure that the programs described in subsections (a) and (b) are fully coordinated with the Secretary to ensure that facilities are relocated in a manner that is consistent with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(d) ADMINISTRATIVE EXPENSES.—The Assistant Secretary may use up to 2 percent of the amounts made available under subsections (a) and (b) for administrative expenses.

SEC. 3061. RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2604), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of $33,200,000;

(2) to permit the purchase of marginal farmland for reforestation (in addition to the purchase of bottomland hardwood); and

(3) to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the Corps of Engineers and the State of Louisiana.

SEC. 3062. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $25,000,000.

SEC. 3063. ROCKLAND HARBOR, MAINE.

As of the date of enactment of this Act, the portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 3, 1896 (29 Stat. 202, chapter 314), consisting of a 14-foot channel located in Lermond Cove and beginning at a point with coordinates N. 99977.37, E. 340290.02, thence running easterly about 200.00 feet to a point with coordinates N. 99978.49, E. 340490.02, thence running northerly about 138.00 feet to a point with coordinates N. 100116.49, E. 340289.25, thence running westerly about 200.00 feet to a point with coordinates N. 100115.37, E. 340289.25, thence running southerly about 138.00 feet to the point of origin, is not authorized.

SEC. 3064. ROCKPORT HARBOR, MAINE.

(a) IN GENERAL.—The portion of the project for navigation, Rockport Harbor, Maine, authorized by the first section of the Act of August 11, 1888 (25 Stat. 400), located within the 12-foot anchorage described in subsection (b) is not authorized.

(b) DESCRIPTION OF ANCHORAGE.—The anchorage referred to in subsection (a) is more particularly described as—

(1) beginning at the westernmost point of the anchorage at N. 128800.00, E. 349311.00;

(2) thence running north 12 degrees, 52 minutes, 37.2 seconds, east 127.08 feet to a point at N. 128923.88, E349339.32;

(3) thence running north 17 degrees, 40 minutes, 13.0 seconds, east 338.61 feet to a point at N. 129246.51, E/ 349442.10;

(4) thence running south 89 degrees, 21 minutes, 21.0 seconds, east 45.36 feet to a point at N. 129246.00, E. 349487.46;

(5) thence running south 44 degrees, 13 minutes, 32.6 seconds, east 18.85 feet to a point at N. 129232.49, E. 349500.61;

(6) thence running south 17 degrees, 40 minutes 13.0 seconds, west 340.50 feet to a point at N. 128908.06, E. 349397.25;

(7) thence running south 12 degrees, 52 minutes, 37.2 seconds, west 235.41 feet to a point at N. 128678.57, E. 349344.79; and

(8) thence running north 15 degrees, 32 minutes, 59.3 seconds, west 126.04 feet to the point of origin.

SEC. 3065. SACO RIVER, MAINE.

The portion of the project for navigation, Saco River, Maine, authorized under section 107 of the River and Harbor Act of 1960 (74 Stat. 486), and described as a 6-foot deep, 10-acre maneuvering basin located at the head of navigation, is redesignated as an anchorage area.

SEC. 3066. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N. 315,975.13, E. 1,004,424.86, thence running N. 61°27'20.71" W. about 132.34 feet to a point N. 316,038.37, E. 1,004,308.61.

SEC. 3067. BALTIMORE HARBOR AND CHANNELS, MARYLAND AND VIRGINIA.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Baltimore Harbor and Channels, Maryland and Virginia, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), shall remain authorized to be carried out by the Secretary.

(b) LIMITATION.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during that period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3068. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 510 of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended—

(1) in subsection (a)(1), by striking ''pilot'';

(2) in subsection (d)(2), by adding at the end the following:

''(C) IN-KIND SERVICES.—The non-Federal share of the project costs of a partnership agreement entered into under this section may include in-kind services.'';

(3) by striking subsection (f) and inserting the following:

''(f) PROJECTS.—The Secretary may carry out projects under this section in the States of Delaware, New York, Maryland, Pennsylvania, Virginia, and West Virginia, and the District of Columbia.''; and

(4) in subsection (i), by striking ''$10,000,000'' and inserting ''$30,000,000''.

(b) NONNATIVE OYSTER SPECIES.—The matter under the heading ''CONSTRUCTION, GENERAL'' under the heading ''CORPS OF ENGINEERS–CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' of title I of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1828) is amended in the twenty-first proviso by striking ''$2,000,000'' and inserting ''$3,500,000''.

SEC. 3069. FLOOD PROTECTION PROJECT, CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking ''$15,000,000'' and inserting ''$25,750,000'';

(2) by striking ''$9,750,000'' and inserting ''$16,378,000''; and

(3) by striking ''$5,250,000'' and inserting ''$9,012,000''.

SEC. 3070. AUNT LYDIA'S COVE, MASSACHUSETTS.

(a) DEAUTHORIZATION.—The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, authorized August 31, 1994, pursuant to section 107 of the Act of July 14, 1960 (33 U.S.C. 577) (commonly known as the ''River and Harbor Act of 1960''), consisting of the 8-foot deep anchorage in the cove described in subsection (b) is deauthorized.

(b) DESCRIPTION.—The portion of the project described in subsection (a) is more particularly described as the portion beginning at a point along the southern limit of the existing project, N. 254332.00, E. 1023103.96, thence running northwesterly about 761.60 feet to a point along the western limit of the existing project N. 255076.84, E. 1022945.07, thence running southwesterly about 38.11 feet to a point N. 255038.99, E. 1022940.60, thence running southeasterly about 267.07 feet to a point N. 254772.00, E. 1022947.00, thence running southeasterly about 462.41 feet to a point N. 254320.06, E. 1023044.84, thence running northeasterly about 60.31 feet to the point of origin.

SEC. 3071. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), shall remain authorized to be carried out by the Secretary, except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(b) FEASIBILITY.—The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge Fall River and Somerset, Massachusetts.

(c) LIMITATION.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act unless, during that period, funds have been obligated for construction (including planning and design) of the project.

SEC. 3072. NORTH RIVER, PEABODY, MASSACHUSETTS.

The Secretary shall expedite completion of the report for the project North River, Peabody, Massachusetts, being carried out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 3073. ECORSE CREEK, MICHIGAN.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for flood control, Ecorse Creek, Wayne County, Michigan, authorized by section 101(a)(14) of the Water Resources Development Act of 1990 (104 Stat. 4607) shall remain authorized to be carried out by the Secretary.

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act, unless, during that period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 3074. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

Section 426 of the Water Resources Development Act of 1999 (113 Stat. 326) is amended to read as follows:

"SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

''(a) DEFINITIONS.—In this section:

''(1) MANAGEMENT PLAN.—The term 'management plan' means the management plan for the St. Clair River and Lake St. Clair, Michigan, that is in effect as of the date of enactment of this section.

''(2) PARTNERSHIP.—The term 'Partnership' means the partnership established by the Secretary under subsection (b)(1).

''(b) PARTNERSHIP.—

''(1) IN GENERAL.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

''(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

''(B) develop and implement projects consistent with the management plan.

''(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

''(A) IN GENERAL.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

''(B) NO EFFECT ON OTHER LAW.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

''(c) IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN.—

''(1) IN GENERAL.—The Secretary shall—

''(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

''(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

''(C) plan, design, and implement projects consistent with the management plan; and

''(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

''(2) SPECIFIC MEASURES.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

''(d) SUPPLEMENTS TO MANAGEMENT PLAN AND STRATEGIC IMPLEMENTATION PLAN.—In consultation with the Partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

''(1) the management plan; and

''(2) the strategic implementation plan developed under subsection (c)(1)(A).

''(e) COST SHARING.—

''(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of technical assistance, or the cost of planning, design, construction, and evaluation of a project under subsection (c), and the cost of development of supplementary information under subsection (d)—

''(A) shall be 25 percent of the total cost of the project or development; and

''(B) may be provided through the provision of in-kind services.

''(2) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the

non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided for use in carrying out a project under subsection (c).

''(3) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity.

''(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.''.

SEC. 3075. DULUTH HARBOR, MINNESOTA.

(a) IN GENERAL.—Notwithstanding the cost limitation described in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry out the project for navigation, Duluth Harbor, Minnesota, pursuant to the authority provided under that section at a total Federal cost of $9,000,000.

(b) PUBLIC ACCESS AND RECREATIONAL FACILITIES.—Section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605) is amended by inserting '', and to provide public access and recreational facilities'' after ''including any required bridge construction''.

SEC. 3076. PROJECT FOR ENVIRONMENTAL ENHANCEMENT, MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA.

(a) VIOLET DIVERSION PROJECT.—The Secretary shall redesign and implement the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, authorized by section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4014), in lieu of diversion of freshwater at the Bonnet Carre Spillway using a diversion of water at or near Violet, Louisiana, if the following criteria can be met by the redesign:

(1) Achieve the salinity targets to at least the same extent as the diversion of freshwater at the Bonnet Carre Spillway for the Mississippi Sound identified in the feasibility study entitled ''Mississippi and Louisiana Estuarine areas: Freshwater Diversion to Lake Pontchartrain Basin and Mississippi Sound'' and dated 1984.

(2) Not delay the completion of the design and construction of the project beyond the dates identified in subsections (e) and (f).

(3) Not change the cost-share attributable to the Bonnet Carre Freshwater Diversion Project.

(b) DEFINITION.—For the purposes of this section, the term ''Bonnet Carre Freshwater Diversion Project'' is defined as the recommended alternative as described in the report of the Chief of Engineers for the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, May, 1986, and referenced in Public Law 104–303 and described in the Report to Congress on the Bonnet Carre Freshwater Diversion Project Status and Potential Options and Enhancement of December 1996.

(c) BONNET CARRE FRESHWATER DIVERSION PROJECT.—If the redesign in subsection (a) does not meet the criteria therein, the Secretary shall implement the Bonnet Carre Freshwater Diversion Project.

(d) NON-FEDERAL FINANCING REQUIREMENTS.—

(1) The States of Mississippi and Louisiana shall provide the funds needed during any fiscal year for meeting each State's respective non-Federal cost sharing requirements for the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, that fiscal year by making deposits of the necessary funds into an escrow account or into such other account as the Secretary determines to be acceptable. Any deposits required pursuant to this paragraph shall be made by the affected State within 30 days after receipt of notification from the Secretary that such funds are due.

(2) In the case of deposits required to be made by the State of Louisiana, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out in the State of Louisiana pursuant to section 1003 if the State of Louisiana is not in compliance with paragraph (1).

(3) In the case of deposits required to be made by the State of Mississippi, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out as a part of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana if the State of Mississippi is not in compliance with paragraph (1).

(4) The non-Federal share of project costs shall be allocated between the States of Mississippi and Louisiana as described in the Report to Congress on the Bonnet Carre Freshwater Diversion Project Status and Potential Options and Enhancement of December 1996.

(5) The modification of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, by this section shall not reduce the percentage of the cost of the project that shall be paid by the Federal government as it was determined upon enactment of section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4014).

(e) DESIGN SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete the design of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, not later than 2 years after the date of enactment of this Act.

(2) MISSED DEADLINE.—If the Secretary does not complete the design described in paragraph (1) by such date, the Secretary shall assign such resources as available and necessary to complete the design and the Secretary's authority to expend funds for travel, official receptions, and official representations is suspended until such design is complete.

(f) CONSTRUCTION SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete construction of the project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, not later than September 30, 2012.

(2) MISSED DEADLINE.—If the Secretary does not complete the construction described in paragraph (1) by such date, the Secretary shall assign such resources as available and necessary to complete the construction and the Secretary's authority to expend funds for travel, official receptions, and official representations is suspended until such construction is complete.

SEC. 3077. LAND EXCHANGE, PIKE COUNTY, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island in Pike County, Missouri, and consisting of Government Tract Numbers MIS–7 and a portion of FM–46.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

(b) LAND EXCHANGE.—Subject to subsection (c), on conveyance by S.S.S., Inc., to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to S.S.S., Inc., all right, title, and interest of the United States in and to the Federal land.

(c) CONDITIONS.—

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The conveyance of the Federal land to S.S.S., Inc., shall be—

(i) by quitclaim deed; and

(ii) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(C) LEGAL DESCRIPTIONS.—The Secretary shall, subject to approval of S.S.S., Inc., provide a legal description of the Federal land and non-Federal land for inclusion in the deeds referred to in subparagraphs (A) and (B).

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(B) NO LIABILITY.—If S.S.S., Inc., removes any improvements to the non-Federal land under subparagraph (A)—

(i) S.S.S., Inc., shall have no claim against the United States relating to the removal; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvements.

(3) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the exchange.

(4) CASH EQUALIZATION PAYMENT.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(5) DEADLINE.—The land exchange under subsection (b) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 3078. L–15 LEVEE, MISSOURI.

The portion of the L–15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

SEC. 3079. UNION LAKE, MISSOURI.

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906), in accordance with section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is described as follows:

(1) TRACT 500.—A tract of land situated in Franklin County, Missouri, being part of the SW¼ of sec. 7, and the NW¼ of the SW¼ of sec. 8, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 112.50 acres.

(2) TRACT 605.—A tract of land situated in Franklin County, Missouri, being part of the N½ of the NE, and part of the SE of the NE of sec. 18, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 93.00 acres.

(c) CONVEYANCE.—On acceptance by the State of Missouri of the offer by the Secretary under subsection (a), the land described in subsection (b) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

SEC. 3080. LOWER YELLOWSTONE PROJECT, MONTANA.

The Secretary may use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bureau, Intake, Montana, for the purpose of ecosystem restoration.

SEC. 3081. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) DEFINITION OF RESTORATION PROJECT.—In this section, the term ''restoration project'' means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) PROJECTS.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

(D) the Yellowstone River Conservation District Council; and

(2) seek the full participation of the State of Montana.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with the non-Federal interest for the restoration project under which the non-Federal interest shall agree—

(1) to provide 35 percent of the total cost of the restoration project, including necessary land, easements, rights-of-way, relocations, and disposal sites;

(2) to pay the non-Federal share of the cost of feasibility studies and design during construction following execution of a project cooperation agreement;

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of enactment of this Act that are associated with the restoration project; and

(4) to hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government in carrying out the restoration project.

(e) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of a restoration project carried out under this section may be provided in the form of in-kind credit for work performed during construction of the restoration project.

(f) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the applicable local government, a nonprofit entity may be a non-Federal interest for a restoration project carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 3082. WESTERN SARPY AND CLEAR CREEK, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, Western Sarpy and Clear Creek, Nebraska, authorized by section 101(b)(21) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to authorize the Secretary to construct the project at a total cost of $21,664,000, with an estimated Federal cost of $14,082,000 and an estimated non-Federal cost of $7,582,000.

SEC. 3083. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.

The maximum amount of Federal funds that may be expended for the project being carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be $5,775,000.

SEC. 3084. COOPERATIVE AGREEMENTS, NEW MEXICO.

The Secretary may enter into cooperative agreements with any Indian tribe any land of which is located in the State of New Mexico and occupied by a flood control project that is owned and operated by the Corps of Engineers to assist in carrying out any operation or maintenance activity associated with the flood control project.

SEC. 3085. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.

(a) RESTORATION PROJECTS.—

(1) DEFINITION.—The term ''restoration project'' means a project that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration and recreation benefits.

(2) PROJECTS.—The Secretary shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(b) PROJECT SELECTION.—The Secretary shall select restoration projects in the Middle Rio Grande.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—

(1) PROJECTS ON FEDERAL LAND.—Each restoration project under this section located on Federal land shall be carried out at full Federal expense.

(2) OTHER PROJECTS.—For any restoration project located on non-Federal land, before carrying out the restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(A) provide 35 percent of the total cost of the restoration projects including provisions for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(B) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of the enactment of this Act that are associated with the restoration projects; and

(C) hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government.

(e) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the local government.

(f) RECREATIONAL FEATURES.—

(1) IN GENERAL.—Subject to paragraph (2), any recreational feature included as part of a restoration project shall comprise not more than 30 percent of the cost of the restoration project.

(2) REQUIREMENT.—The cost of any recreational feature included as part of a restoration project in excess of the amount described in paragraph (1) shall be paid by the non-Federal interest.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3086. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects to increase aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) COST SHARING.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3087. MAMARONECK AND SHELDRAKE RIVERS WATERSHED MANAGEMENT, NEW YORK.

(a) WATERSHED MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the State of New York and local entities, shall develop watershed management plans for the Mamaroneck and Sheldrake River watershed for the purposes of evaluating existing and new flood damage reduction and ecosystem restoration.

(2) EXISTING PLANS.—In developing the watershed management plans, the Secretary shall use existing studies and plans, as appropriate.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any eligible critical restoration project in the Mamaroneck and Sheldrake Rivers watershed in accordance with the watershed management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the watershed management plan developed under subsection (a); and

(B) with respect to the Mamaroneck and Sheldrake Rivers watershed in New York, consists of flood damage reduction or ecosystem restoration—

(i) bank stabilization of the mainstem, tributaries, and streams;

(ii) wetland restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) structural and nonstructural flood damage reduction measures; or

(vii) any other project or activity the Secretary determines to be appropriate.

(c) COST SHARING.—The Federal share of the cost of implementing any project carried out under this section shall be 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000, to remain available until expended.

SEC. 3088. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking ''$5,200,000'' and inserting ''$18,200,000''.

SEC. 3089. NEW YORK HARBOR, NEW YORK, NEW YORK.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

''(c) DREDGED MATERIAL FACILITY.—

''(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

''(2) PERFORMANCE.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

''(3) MULTIPLE FEDERAL PROJECTS.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects, if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

''(4) PUBLIC FINANCING.—

''(A) AGREEMENTS.—

''(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify—

''(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

''(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

''(ii) MANAGEMENT OF SEDIMENTS.—

''(I) IN GENERAL.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation projects that do not have partnerships agreements.

''(II) PAYMENTS.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

''(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

''(B) CREDIT.—

''(i) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

''(ii) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

''(iii) NON-FEDERAL INTEREST RESPONSIBILITIES.—The non-Federal interest shall—

''(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

''(II) receive credit for those items.''; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as redesignated by paragraph (1))—

(A) by inserting ''and maintenance'' after ''operation'' each place it appears; and

(B) by inserting ''processing, treatment, or'' after ''dredged material'' the first place it appears in each of those paragraphs.

SEC. 3090. NEW YORK STATE CANAL SYSTEM.

Section 553 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking subsection (c) and inserting the following:

''(c) DEFINITION OF NEW YORK STATE CANAL SYSTEM.—In this section, the term 'New York State Canal System' means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga-Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany, Rochester, and Buffalo.''.

SEC. 3091. SUSQUEHANNA RIVER AND UPPER DELAWARE RIVER WATERSHED MANAGEMENT, NEW YORK.

(a) WATERSHED MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the State of New York, the Delaware or Susquehanna River Basin Commission, as appropriate, and local entities, shall develop watershed management plans for the Susquehanna River watershed in New York State and the Upper Delaware River watershed for the purposes of evaluating existing and new flood damage reduction and ecosystem restoration.

(2) EXISTING PLANS.—In developing the watershed management plans, the Secretary shall use existing studies and plans, as appropriate.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any eligible critical restoration project in the Susquehanna River or Upper Delaware Rivers in accordance with the watershed management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the watershed management plan developed under subsection (a); and

(B) with respect to the Susquehanna River or Upper Delaware River watershed in New York, consists of flood damage reduction or ecosystem restoration through—

(i) bank stabilization of the mainstem, tributaries, and streams;

(ii) wetland restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) structural and nonstructural flood damage reduction measures; or

(vii) any other project or activity the Secretary determines to be appropriate.

(c) COST SHARING.—The Federal share of the cost of implementing any project carried out under this section shall be 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000, to remain available until expended.

SEC. 3092. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking ''$5,000,000'' and all that follows through ''2005'' and inserting ''$25,000,000''.

SEC. 3093. OHIO.

Section 594 of the Water Resources Development Act of 1999 (113 Stat. 381) is amended by adding at the end the following:

''(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 3094. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended—

(1) by striking ''$2,500,000'' and inserting ''$16,000,000''; and

(2) by striking ''Repair and rehabilitation'' and inserting ''Correct structural deficiencies''.

SEC. 3095. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

Increased operation and maintenance activities for the Toussaint River Federal Navigation Project, Carroll Township, Ohio, that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance, shall be carried out at full Federal expense.

SEC. 3096. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–0072 shall satisfy the obligations of the city under that contract.

SEC. 3097. LAKE EUFAULA, OKLAHOMA.

(a) PROJECT GOAL.—

(1) IN GENERAL.—The goal for operation of Lake Eufaula shall be to maximize the use of available storage in a balanced approach that incorporates advice from representatives from all the project purposes to ensure that the full value of the reservoir is realized by the United States.

(2) RECOGNITION OF PURPOSE.—To achieve the goal described in paragraph (1), recreation is recognized as a project purpose at Lake Eufaula, pursuant to the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 887, chapter 665).

(b) LAKE EUFAULA ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the Lake Eufaula, Canadian River, Oklahoma project authorized by the Act of July 24, 1946 (commonly known as the ''River and Harbor Act of 1946'') (Public Law 79–525; 60 Stat. 634).

(2) PURPOSE.—The purpose of the committee shall be advisory only.

(3) DUTIES.—The committee shall provide information and recommendations to the Corps of Engineers regarding the operations of Lake Eufaula for the project purposes for Lake Eufaula.

(4) COMPOSITION.—The Committee shall be composed of members that equally represent the project purposes for Lake Eufaula.

(c) REALLOCATION STUDY.—

(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary, acting through the Chief of Engineers, shall perform a reallocation study, at full Federal expense, to develop and present recommendations concerning the best value, while minimizing ecological damages, for current and future use of the Lake Eufaula storage capacity for the authorized project purposes of flood control, water supply, hydroelectric power, navigation, fish and wildlife, and recreation.

(2) FACTORS FOR CONSIDERATION.—The reallocation study shall take into consideration the recommendations of the Lake Eufaula Advisory Committee.

(d) POOL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, to the extent feasible within available project funds and subject to the completion and approval of the reallocation study under subsection (c), the Tulsa District Engineer, taking into consideration recommendations of the Lake Eufaula Advisory Committee, shall develop an interim management plan that accommodates all project purposes for Lake Eufaula.

(2) MODIFICATIONS.—A modification of the plan under paragraph (1) shall not cause significant adverse impacts on any existing permit, lease, license, contract, public law, or project purpose, including flood control operation, relating to Lake Eufaula.

SEC. 3098. RELEASE OF REVERSIONARY INTEREST, OKLAHOMA.

(a) RELEASE.—Any reversionary interest relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled ''An Act to authorize the sale of certain

lands to the State of Oklahoma'' (67 Stat. 63, chapter 118), shall terminate on the date of enactment of this Act.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each reversionary interest described in subsection (a).

(c) PRESERVATION OF RESERVED RIGHTS.—A release of a reversionary interest under this section shall not affect any other right of the United States in any deed of conveyance pursuant to the Act entitled ''An Act to authorize the sale of certain lands to the State of Oklahoma'' (67 Stat. 63, chapter 118).

SEC. 3099. OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA.

(a) IMPLEMENTATION OF PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement an innovative program at the lakes located primarily in the State of Oklahoma that are a part of an authorized civil works project under the administrative jurisdiction of the Corps of Engineers for the purpose of demonstrating the benefits of enhanced recreation facilities and activities at those lakes.

(b) REQUIREMENTS.—In implementing the program under subsection (a), the Secretary shall, consistent with authorized project purposes—

(1) pursue strategies that will enhance, to the maximum extent practicable, recreation experiences at the lakes included in the program;

(2) use creative management strategies that optimize recreational activities; and

(3) ensure continued public access to recreation areas located on or associated with the civil works project.

(c) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for the implementation of this section, to be developed in coordination with the State of Oklahoma.

(d) 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 describing the results of the program under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of the projects undertaken under the program, including—

(A) an estimate of the change in any related recreational opportunities;

(B) a description of any leases entered into, including the parties involved; and

(C) the financial conditions that the Corps of Engineers used to justify those leases.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall make the report available to the public in electronic and written formats.

(e) TERMINATION.—The authority provided by this section shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 3100. OTTAWA COUNTY, OKLAHOMA.

(a) IN GENERAL.—There is authorized to be appropriated $30,000,000 for the purposes set forth in subsection (b).

(b) PURPOSES.—Notwithstanding any other provision of law, funds appropriated under subsection (a) may be used for the purpose of—

(1) the buy-out of properties and permanently relocating residents and businesses in or near Picher, Cardin, and Hockerville, Oklahoma, from areas determined by the State of Oklahoma to be at risk of damage caused by land subsidence and remaining properties; and

(2) providing funding to the State of Oklahoma to buyout properties and permanently relocate residents and businesses of Picher, Cardin, and Hockerville, Oklahoma, from areas determined by the State of Oklahoma to be at risk of damage caused by land subsidence and remaining properties.

(c) LIMITATION.—The use of funds in accordance with subsection (b) shall not be considered to be part of a Federally assisted program or project for purposes of Public Law 91–646 (42 U.S.C. 4601 et seq.), consistent with section 2301 of Public Law 109–234 (120 Stat. 455–456).

(d) CONSISTENCY WITH STATE PROGRAM.—Any actions taken under subsection (b) shall be consistent with the relocation program in the State of Oklahoma under 27A O.S. Supp. 2006, sections 2201 et seq.

(e) AMENDMENT.—Section 111 of Public Law 108–137 (117 Stat. 1835) is amended—

(1) by adding the following language at the end of subsection (a): ''Such activities also may include the provision of financial assistance to facilitate the buy out of properties located in areas identified by the State as areas that are or will be at risk of damage caused by land subsidence and associated properties otherwise identified by the State; however, any buyout of such properties shall not be considered to be part of a Federally assisted program or project for purposes of Public Law 91–646 (42 U.S.C. 4601 et seq.), consistent with section 2301 of Public Law 109–234 (120 Stat. 455–456).''; and

(2) by striking the first sentence of subsection (d) and inserting the following: ''Non-Federal interests shall be responsible for operating and maintaining any restoration alternatives constructed or carried out pursuant to this section.''.

SEC. 3101. RED RIVER CHLORIDE CONTROL, OKLAHOMA AND TEXAS.

Section 203 of the Flood Control Act of 1966 (80 Stat. 1420; 100 Stat. 4229) is further modified to direct the Secretary to provide operation and maintenance for the Red River Chloride Control project, Oklahoma and Texas, at full Federal expense.

SEC. 3102. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules—

(1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986; and

(2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

SEC. 3103. LOOKOUT POINT PROJECT, LOWELL, OREGON.

(a) IN GENERAL.—Subject to subsection (c), the Secretary shall convey at fair market value to the Lowell School District No. 71, all right, title, and interest of the United States in and to a parcel consisting of approximately 0.98 acres of land, including 3 abandoned buildings on the land, located in Lowell, Oregon, as described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—The parcel of land to be conveyed under subsection (a) is more particularly described as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded on page 56 of volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; and thence east 250.0 feet to the true point of beginning of this description in sec. 14, T. 19 S., R. 1 W. of the Willamette Meridian, Lane County, Oregon.

(c) CONDITION.—The Secretary shall not complete the conveyance under subsection (a) until such time as the Forest Service—

(1) completes and certifies that necessary environmental remediation associated with the structures located on the property is complete; and

(2) transfers the structures to the Corps of Engineers.

(d) EFFECT OF OTHER LAW.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) LIABILITY.—

(A) IN GENERAL.—Lowell School District No. 71 shall hold the United States harmless from any liability with respect to activities carried out on the property described in subsection (b) on or after the date of the conveyance under subsection (a).

(B) CERTAIN ACTIVITIES.—The United States shall be liable with respect to any activity carried out on the property described in subsection (b) before the date of conveyance under subsection (a).

SEC. 3104. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) AUTHORIZED ACTIVITIES.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(d) COST SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—

(i) IN GENERAL.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section.

(ii) CREDIT TOWARD PAYMENT.—The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under paragraph (1) shall be credited toward the payment required under subsection (a).

(C) IN-KIND CONTRIBUTIONS.—100 percent of the non-Federal share required under subsection (a) may be satisfied by the provision of in-kind contributions.

(3) OPERATIONS AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 3105. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) COOPERATION AGREEMENTS.—

''(1) IN GENERAL.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing

and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

''(2) FINANCIAL ASSISTANCE.—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures.''; and

(2) by striking subsection (d) and inserting the following:

''(d) IMPLEMENTATION OF STRATEGY.—

''(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

''(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.''.

SEC. 3106. NARRAGANSETT BAY, RHODE ISLAND.

The Secretary may use amounts in the Environmental Restoration Account, Formerly Used Defense Sites, under section 2703(a)(5) of title 10, United States Code, for the removal of abandoned marine camels at any Formerly Used Defense Site under the jurisdiction of the Department of Defense that is undergoing (or is scheduled to undergo) environmental remediation under chapter 160 of title 10, United States Code (and other provisions of law), in Narragansett Bay, Rhode Island, in accordance with the Corps of Engineers prioritization process under the Formerly Used Defense Sites program.

SEC. 3107. SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, all right, title, and interest of the United States in and to the parcels of land described in subsection (b)(1) that are managed, as of the date of enactment of this Act, by the South Carolina Department of Commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the parcels of land referred to in subsection (a) are the parcels contained in the portion of land described in Army Lease Number DACW21–1–92–0500.

(2) RETENTION OF INTERESTS.—The United States shall retain—

(A) ownership of all land included in the lease referred to in paragraph (1) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other land as is determined by the Secretary to be required for authorized project purposes, including easement rights-of-way to remaining Federal land.

(3) SURVEY.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey satisfactory to the Secretary, with the cost of the survey to be paid by the State.

(c) GENERAL PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance under this section.

(B) FORM OF CONTRIBUTION.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this section if those actions are performed in close coordination with, and to the satisfaction of, the United States.

(4) LIABILITY.—The State shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The State shall pay fair market value consideration, as determined by the United States, for any land included in the conveyance under this section.

(2) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER–1130–2–406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this section.

(3) FEDERAL STATUTES.—The conveyance under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public review under that Act) and other Federal statutes.

(4) COST SHARING.—In carrying out the conveyance under this section, the Secretary and the State shall comply with all obligations of any cost sharing agreement between the Secretary and the State in effect as of the date of the conveyance.

(5) LAND NOT CONVEYED.—The State shall continue to manage the land not conveyed under this section in accordance with the terms and conditions of Army Lease Number DACW21–1–92–0500.

SEC. 3108. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.

(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) in clause (vii), by striking ''and'' at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

''(viii) rural water systems; and''.

(b) REAUTHORIZATION.—Section 907(a) of the Water Resources Development Act of 2000 (114 Stat. 2712) is amended in the first sentence by striking ''2005'' and inserting ''2010''.

SEC. 3109. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(2) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (1) and inserting the following:

''(1) NON-FEDERAL SHARE.—

''(A) IN GENERAL.—The non-Federal share of the cost of projects may be provided—

''(i) in cash;

''(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

''(iii) by in-kind services to implement the project; or

''(iv) by any combination of the foregoing.

''(B) PRIVATE OWNERSHIP.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

''(i) satisfactory to the Secretary; and

''(ii) necessary to assure achievement of the project purposes.'';

(3) in subsection (i) (as redesignated by paragraph (1)), by striking ''for the period of fiscal years 2000 and 2001.'' and inserting ''per year, and that authority shall extend until Federal fiscal year 2011.''; and

(4) by inserting after subsection (e) the following:

''(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a regional or national nonprofit entity with the consent of the affected local government.

''(g) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality.''

SEC. 3110. NONCONNAH WEIR, MEMPHIS, TENNESSEE.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

(1) to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek; and

(2) to make repairs and maintain the weir in the future so that the weir functions properly.

SEC. 3111. OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as ''Easter Seals Tennessee'') at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by subsection (a).

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining right or interest of the Corps of Engineers with respect to an authorized purpose of any project.

SEC. 3112. SANDY CREEK, JACKSON COUNTY, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek, Jackson County, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Sandy Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Sandy Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3113. CEDAR BAYOU, TEXAS.

Section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632) is amended by striking ''except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide'' and inserting ''except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide''.

SEC. 3114. DENISON, TEXAS.

(a) IN GENERAL.—The Secretary shall offer to convey at fair market value to the city of

Denison, Texas (or a designee of the city), all right, title, and interest of the United States in and to the approximately 900 acres of land located in Grayson County, Texas, which is currently subject to an Application for Lease for Public Park and Recreational Purposes made by the city of Denison, dated August 17, 2005.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and description of the real property referred to in subsection (a) shall be determined by a survey paid for by the city of Denison, Texas (or a designee of the city), that is satisfactory to the Secretary.

(c) CONVEYANCE.—On acceptance by the city of Denison, Texas (or a designee of the city), of an offer under subsection (a), the Secretary may immediately convey the land surveyed under subsection (b) by quitclaim deed to the city of Denison, Texas (or a designee of the city).

SEC. 3115. CENTRAL CITY, FORT WORTH, TEXAS.

For the purposes of achieving efficiencies, enhanced benefits, and complementary implementation, as compared with construction of the projects separately, the project for flood control and other purposes authorized by section 116 of division C of title I of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2944), is modified to include the project for ecosystem restoration, as generally defined in the report of the report of the Chief of Engineers entitled ''Riverside Oxbow, Fort Worth, Texas'' and dated May 29, 2003, at a total cost of $247,110,000, with an estimated Federal cost of $121,210,000 and a non-Federal cost of $125,900,000.

SEC. 3116. FREEPORT HARBOR, TEXAS.

(a) IN GENERAL.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.

(b) COST SHARING.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

SEC. 3117. HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding the following:

''(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).''.

SEC. 3118. CONNECTICUT RIVER RESTORATION, VERMONT.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with respect to the study entitled ''Connecticut River Restoration Authority'', dated May 23, 2001, a nonprofit entity may act as the non-Federal interest for purposes of carrying out the activities described in the agreement executed between The Nature Conservancy and the Department of the Army on August 5, 2005.

SEC. 3119. DAM REMEDIATION, VERMONT.

Section 543 of the Water Resources Development Act of 2000 (114 Stat. 2673) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b).''; and

(2) in subsection (b), by adding at the end the following:

''(11) Camp Wapanacki, Hardwick.

''(12) Star Lake Dam, Mt. Holly.

''(13) Curtis Pond, Calais.

''(14) Weathersfield Reservoir, Springfield.

''(15) Burr Pond, Sudbury.

''(16) Maidstone Lake, Guildhall.

''(17) Upper and Lower Hurricane Dam.

''(18) Lake Fairlee.

''(19) West Charleston Dam.''.

SEC. 3120. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

SEC. 3121. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of the study and development of the strategy under subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy may be provided through the contribution of in-kind services and materials.

(c) NON-FEDERAL INTEREST.—A nonprofit organization with wetland restoration experience may serve as the non-Federal interest for the study and development of the strategy under this section.

(d) COOPERATIVE AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into 1 or more cooperative agreements to provide technical assistance to appropriate Federal, State, and local agencies and nonprofit organizations with wetland restoration experience, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(e) IMPLEMENTATION.—The Secretary shall carry out development and implementation of the strategy under this section in cooperation with local landowners and local government officials.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SEC. 3122. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) GENERAL MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

(A) habitat protection and restoration;

(B) streambank stabilization;

(C) restoration of stream stability;

(D) water quality improvement;

(E) invasive species control;

(F) wetland restoration;

(G) fish passage; and

(H) natural flow restoration.

(2) EXISTING PLANS.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any critical restoration project in the Upper Connecticut River Basin in accordance with the general management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) invasive species control;

(ix) wetland restoration and migratory bird habitat restoration;

(x) improvements in fish migration; and

(xi) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) COST SHARING.—The Federal share of the cost of any project carried out under this section shall not be less than 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) CREDITING.—

(1) FOR WORK.—The Secretary shall provide credit, including credit for in-kind contributions of up to 100 percent of the non-Federal share, for work (including design work and materials) if the Secretary determines that the work performed by the non-Federal interest is integral to the product.

(2) FOR OTHER CONTRIBUTIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to implement the projects.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3123. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking ''or'' at the end;

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

''(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

''(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or'';

(2) in subsection (e)(2)—

(A) in subparagraph (A)—

(i) by striking ''The non-Federal'' and inserting the following:

''(i) IN GENERAL.—The non-Federal''; and

(ii) by adding at the end the following:

''(ii) APPROVAL OF DISTRICT ENGINEER.—Approval of credit for design work of less than $100,000 shall be determined by the appropriate district engineer.''; and

(B) in subparagraph (C), by striking ''up to 50 percent of''; and

(3) in subsection (g), by striking ''$20,000,000'' and inserting ''$32,000,000''.

SEC. 3124. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in paragraph (1)—

(A) in the second sentence, by striking ''$30,000,000'' and inserting ''$50,000,000''; and

(B) in the third sentence, by striking ''Such projects'' and inserting the following:

''(2) INCLUSIONS.—Such projects'';

(3) by striking paragraph (2)(D) (as redesignated by paragraph (2)(B)) and inserting the following:

''(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

''(i) the construction of oyster bars and reefs;

''(ii) the rehabilitation of existing marginal habitat;

''(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

''(iv) the construction and upgrading of oyster hatcheries; and

''(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

''(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

''(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

''(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery.''; and

(4) by adding at the end the following:

''(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term 'ecological success' means—

''(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

''(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.''.

SEC. 3125. JAMES RIVER, VIRGINIA.

The Secretary shall accept funds from the National Park Service to provide technical and project management assistance for the James River, Virginia, with a particular emphasis on locations along the shoreline adversely impacted by Hurricane Isabel.

SEC. 3126. TANGIER ISLAND SEAWALL, VIRGINIA.

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking ''at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000.'' and inserting ''at a total cost of $3,000,000, with an estimated Federal cost of $2,400,000 and an estimated non-Federal cost of $600,000.''.

SEC. 3127. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.

(a) IN GENERAL.—The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, and the shoreline of Westport Beach, Clatsop County, Oregon, between river miles 43 to 45, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST SHARING REQUIREMENTS.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies;

(2) in accordance with all applicable Federal law (including regulations); and

(3) at full Federal expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 3128. LOWER GRANITE POOL, WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required for the use of fill material.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's File Numbers 432576, 443411, 499988, and 579771 of Whitman County, Washington.

(2) Auditor's File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining rights and interests of the Corps of Engineers for authorized project purposes in or to property covered by a deed described in subsection (b).

SEC. 3129. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the United States Fish and Wildlife Service under Cooperative Agreement Number DACW68–4–00–13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) EASEMENTS.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements in existence as of the date of enactment of this Act on land subject to the transfer.

(c) RIGHTS OF SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall retain rights described in paragraph (2) with respect to the land for which administrative jurisdiction is transferred under subsection (a).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

(A) to flood land described in subsection (a) to the standard project flood elevation;

(B) to manipulate the level of the McNary Project Pool;

(C) to access such land described in subsection (a) as may be required to install, maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized by section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

(F) to carry out management actions for the purpose of reducing the take of juvenile salmonids by avian colonies that inhabit, before, on, or after the date of enactment of this Act, any island included in the land described in subsection (a).

(3) COORDINATION.—Before exercising a right described in any of subparagraphs (C) through (F) of paragraph (2), the Secretary shall coordinate the exercise with the United States Fish and Wildlife Service.

(d) MANAGEMENT.—

(1) IN GENERAL.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) CUMMINS PROPERTY.—

(A) RETENTION OF CREDITS.—Habitat unit credits described in the memorandum entitled ''Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU'' provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the ''Cummins property'' shall be retained by the Secretary despite any changes in management of the parcel on or after the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The United States Fish and Wildlife Service shall obtain prior approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the parcel of land formerly known as the ''Cummins property''.

(3) MADAME DORIAN RECREATION AREA.—The United States Fish and Wildlife Service shall continue operation of the Madame Dorian Recreation Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The United States Fish and Wildlife Service shall be responsible for all survey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

SEC. 3130. SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.

The Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho, as authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), is modified to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

SEC. 3131. WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON.

That portion of the project for navigation, Whatcom Creek Waterway, Bellingham, Washington, authorized by the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the ''River and Harbor Act of 1910'') and the River and Harbor Act of 1958 (72 Stat. 299), consisting of the last 2,900 linear feet of the inner portion of the waterway, and beginning at station 29+00 to station 0+00, shall not be authorized as of the date of enactment of this Act.

SEC. 3132. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood damage reduction at Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790; 114 Stat. 2612), is modified to authorize the Secretary to carry out the project in accordance with the recommended plan described in the Draft Limited Reevaluation Report of the Corps of Engineers dated May 2004, at a total cost of $57,100,000, with an estimated Federal cost of $42,825,000

and an estimated non-Federal cost of $14,275,000.

SEC. 3133. MCDOWELL COUNTY, WEST VIRGINIA.

(a) IN GENERAL.—The McDowell County nonstructural component of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide protection, throughout McDowell County, West Virginia, from the reoccurrence of the greater of—

(1) the April 1977 flood;

(2) the July 2001 flood;

(3) the May 2002 flood; or

(4) the 100-year frequency event.

(b) UPDATES AND REVISIONS.—The measures under subsection (a) shall be carried out in accordance with, and during the development of, the updates and revisions under section 2006(e)(2).

SEC. 3134. GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN.

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 5, 1884 (commonly known as the ''River and Harbor Act of 1884'') (23 Stat. 136, chapter 229), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

SEC. 3135. MANITOWOC HARBOR, WISCONSIN.

(a) IN GENERAL..—The portion of the project for navigation, Manitowoc Harbor, Wisconsin, authorized by the first section of the River and Harbor Act of August 30, 1852 (10 Stat. 58), consisting of the channel in the south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1176), may be carried out by the Secretary.

(b) LIMITATION.—No construction on the project may be initiated until the Secretary determines that the project is feasible.

SEC. 3136. OCONTO HARBOR, WISCONSIN.

(a) IN GENERAL.—The portion of the project for navigation, Oconto Harbor, Wisconsin, authorized by the Act of August 2, 1882 (22 Stat. 196, chapter 375), and the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), consisting of a 15-foot-deep turning basin in the Oconto River, as described in subsection (b), is no longer authorized.

(b) PROJECT DESCRIPTION.—The project referred to in subsection (a) is more particularly described as—

(1) beginning at a point along the western limit of the existing project, N. 394,086.71, E. 2,530,202.71;

(2) thence northeasterly about 619.93 feet to a point N. 394,459.10, E. 2,530,698.33;

(3) thence southeasterly about 186.06 feet to a point N. 394,299.20, E. 2,530,793.47;

(4) thence southwesterly about 355.07 feet to a point N. 393,967.13, E. 2,530,667.76;

(5) thence southwesterly about 304.10 feet to a point N. 393,826.90, E. 2,530,397.92; and

(6) thence northwesterly about 324.97 feet to the point of origin.

SEC. 3137. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking ''1276.42'' and inserting ''1278.42'';

(B) by striking ''1218.31'' and inserting ''1221.31''; and

(C) by striking ''1234.82'' and inserting ''1235.30''; and

(2) by striking subsection (b) and inserting the following:

''(b) EXCEPTION.—

''(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

''(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

''(3) NOTIFICATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

''(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

''(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

''(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.''.

SEC. 3138. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking ''property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge'' and inserting ''riverfront property''.

SEC. 3139. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

(a) IN GENERAL.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any Upper Mississippi River fish and wildlife habitat rehabilitation and enhancement project carried out under section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)), with the consent of the affected local government, a nongovernmental organization may be considered to be a non-Federal interest.

(b) CONFORMING AMENDMENT.—Section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by inserting before the period at the end the following: '', including research on water quality issues affecting the Mississippi River, including elevated nutrient levels, and the development of remediation strategies''.

SEC. 3140. UPPER BASIN OF MISSOURI RIVER.

(a) USE OF FUNDS.—Notwithstanding the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), funds made available for recovery or mitigation activities in the lower basin of the Missouri River may be used for recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota.

*(b) CONFORMING AMENDMENT.—The matter under the heading ''**MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA**'' of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: ''The Secretary may carry out any recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota, using funds made available under this heading in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and consistent with the project purposes of the Missouri River Mainstem System as authorized by section 10 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 897).''.*

SEC. 3141. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.

(a) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—

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

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

''(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

''(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

''(B) to determine whether planning of a project under paragraph (3) should proceed.''; and

(3) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(b) COST SHARING.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(f)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

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

''(2) RECONNAISSANCE STUDIES.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.'';

(3) in paragraph (3) (as redesignated by paragraph (1)), by striking ''(2) or (3)'' and inserting ''(3) or (4)''; and

(4) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking ''subsection (c)(2)'' and inserting ''subsection (c)(3)''.

SEC. 3142. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking ''through 2006'' and inserting ''through 2011''.

SEC. 3143. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking ''through 2006'' and inserting ''through 2011''.

SEC. 3144. UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM.

(a) DEFINITION OF UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM.—In this section, the term ''Upper Ohio River and Tributaries Navigation System'' means the Allegheny, Kanawha, Monongahela, and Ohio Rivers.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to evaluate new technologies applicable to the Upper Ohio River and Tributaries Navigation System.

(2) INCLUSIONS.—The program may include the design, construction, or implementation of innovative technologies and solutions for the Upper Ohio River and Tributaries Navigation System, including projects for—

(A) improved navigation;

(B) environmental stewardship;

(C) increased navigation reliability; and

(D) reduced navigation costs.

(3) PURPOSES.—The purposes of the program shall be, with respect to the Upper Ohio River and Tributaries Navigation System—

(A) to increase the reliability and availability of federally-owned and federally-operated navigation facilities;

(B) to decrease system operational risks; and

(C) to improve—

(i) vessel traffic management;

(ii) access; and
(iii) Federal asset management.

(c) FEDERAL OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is federally owned.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall enter into local cooperation agreements with non-Federal interests to provide for the design, construction, installation, and operation of the projects to be carried out under the program.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall include the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a navigation improvement project, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project.

(3) COST SHARING.—Total project costs under each local cooperation agreement shall be cost-shared in accordance with the formula relating to the applicable original construction project.

(4) EXPENDITURES.—

(A) IN GENERAL.—Expenditures under the program may include, for establishment at federally-owned property, such as locks, dams, and bridges—

(i) transmitters;
(ii) responders;
(iii) hardware;
(iv) software; and
(v) wireless networks.

(B) EXCLUSIONS.—Transmitters, responders, hardware, software, and wireless networks or other equipment installed on privately-owned vessels or equipment shall not be eligible under the program.

(e) REPORT.—Not later than December 31, 2008, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether the program or any component of the program should be implemented on a national basis.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000, to remain available until expended.

SEC. 3145. PERRY CREEK, IOWA.

(a) IN GENERAL.—On making a determination described in subsection (b), the Secretary shall increase the Federal contribution for the project for flood control, Perry Creek, Iowa, authorized under section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4116; 117 Stat. 1844).

(b) DETERMINATION.—A determination referred to in subsection (a) is a determination that a modification to the project described in that subsection is necessary for the Federal Emergency Management Agency to certify that the project provides flood damage reduction benefits to at least a 100-year level.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000.

SEC. 3146. RATHBUN LAKE, IOWA.

(a) RIGHT OF FIRST REFUSAL.—The Secretary shall provide, in accordance with the recommendations in the Rathbun Lake Reallocation Report approved by the Chief of Engineers on July 22, 1985, the Rathbun Regional Water Association with the right of first refusal to contract for or purchase any increment of the remaining allocation (8,320 acre-feet) of water supply storage in Rathbun Lake, Iowa.

(b) PAYMENT OF COST.—The Rathbun Regional Water Association shall pay the cost of any water supply storage allocation provided under subsection (a).

SEC. 3147. JACKSON COUNTY, MISSISSIPPI.

(a) MODIFICATION.—Section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) is amended by striking ''$5,000,000'' and inserting ''$9,000,000''.

(b) APPLICABILITY OF CREDIT.—The credit provided by section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) (as modified by subsection (a)) shall apply to costs incurred by the Jackson County Board of Supervisors during the period beginning on February 8, 1994, and ending on the date of enactment of this Act for projects authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A–219).

SEC. 3148. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804; 114 Stat. 2612), is modified to authorize the Secretary to review the project to determine whether any additional Federal interest exists with respect to the project, taking into consideration conditions and development levels relating to the project in existence on the date of enactment of this Act.

TITLE IV—STUDIES

SEC. 4001. SEWARD BREAKWATER, ALASKA.

The Secretary shall review the Seward Boat Harbor element of the project for navigation, Seward Harbor, Alaska, authorized by section 101(a)(3) of the Water Resources Development Act of 1999 (113 Stat. 274), to determine whether the failure of the outer breakwater to protect the harbor from heavy wave damage resulted from a design deficiency.

SEC. 4002. NOME HARBOR IMPROVEMENTS, ALASKA.

The Secretary shall review the project for navigation, Nome Harbor improvements, Alaska, authorized by section 101(a)(1) of the Water Resources Development Act of 1999 (113 Stat. 273), to determine whether the project cost increases, including the cost of rebuilding the entrance channel damaged in a September 2005 storm, resulted from a design deficiency.

SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION CHANNEL.

(a) IN GENERAL.—To determine with improved accuracy the environmental impacts of the project on the McClellan-Kerr Arkansas River Navigation Channel (referred to in this section as the ''MKARN''), the Secretary shall carry out the measures described in subsection (b) in a timely manner.

(b) SPECIES STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

(2) REPORT.—The Secretary shall direct the panel to report to the Secretary, not later than 1 year after the date of enactment of this Act and in the best scientific judgment of the panel—

(A) the level of genetic variation between populations of sturgeon sufficient to determine or establish that a population is a measurably distinct species, subspecies, or population segment; and

(B) whether any pallid sturgeons that may be found in the MKARN (including any tributary of the MKARN) would qualify as such a distinct species, subspecies, or population segment.

SEC. 4004. FRUITVALE AVENUE RAILROAD BRIDGE, ALAMEDA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall prepare a comprehensive report that examines the condition of the existing Fruitvale Avenue Railroad Bridge, Alameda County, California (referred to in this section as the ''Railroad Bridge''), and determines the most economic means to maintain that rail link by either repairing or replacing the Railroad Bridge.

(b) REQUIREMENTS.—The report under this section shall include—

(1) a determination of whether the Railroad Bridge is in immediate danger of failing or collapsing;

(2) the annual costs to maintain the Railroad Bridge;

(3) the costs to place the Railroad Bridge in a safe, ''no-collapse'' condition, such that the Railroad Bridge will not endanger maritime traffic;

(4) the costs to retrofit the Railroad Bridge such that the Railroad Bridge may continue to serve as a rail link between the Island of Alameda and the Mainland; and

(5) the costs to construct a replacement for the Railroad Bridge capable of serving the current and future rail, light rail, and homeland security needs of the region.

(c) SUBMISSION OF REPORT.—The Secretary shall—

(1) complete the Railroad Bridge report under subsection (a) not later than 180 days after the date of enactment of this Act; and

(2) submit the report to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives.

(d) LIMITATIONS.—The Secretary shall not—

(1) demolish the Railroad Bridge or otherwise render the Railroad Bridge unavailable or unusable for rail traffic; or

(2) reduce maintenance of the Railroad Bridge.

(e) EASEMENT.—

(1) IN GENERAL.—The Secretary shall provide to the city of Alameda, California, a nonexclusive access easement over the Oakland Estuary that comprises the subsurface land and surface approaches for the Railroad Bridge that—

(A) is consistent with the Bay Trail Proposal of the City of Oakland; and

(B) is otherwise suitable for the improvement, operation, and maintenance of the Railroad Bridge or construction, operation, and maintenance of a suitable replacement bridge.

(2) COST.—The easement under paragraph (1) shall be provided to the city of Alameda without consideration and at no cost to the United States.

SEC. 4005. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in coordination with the city of Los Angeles, shall—

(1) prepare a feasibility study for environmental ecosystem restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles; and

(2) consider any locally-preferred project alternatives developed through a full and open evaluation process for inclusion in the study.

(b) USE OF EXISTING INFORMATION AND MEASURES.—In preparing the study under subsection (a), the Secretary shall use, to the maximum extent practicable—

(1) information obtained from the Los Angeles River Revitalization Master Plan; and

(2) the development process of that plan.

(c) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to construct demonstration projects in order to provide information to develop the study under subsection (a)(1).

(2) FEDERAL SHARE.—The Federal share of the cost of any project under this subsection shall be not more than 65 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000.

SEC. 4006. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.

The Secretary shall carry out a study for bank stabilization and shore protection for

Nicholas Canyon, Los Angeles, California, under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

SEC. 4007. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking ''32 months'' and inserting ''44 months''.

SEC. 4008. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.

(a) FLOOD PROTECTION PROJECT.—

(1) REVIEW.—The Secretary shall review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with Enhanced Minimum Plan A, as described in the final environmental impact report prepared by the city of St. Helena, California, and certified by the city to be in compliance with the California Environmental Quality Act on February 24, 2004.

(2) ACTION ON DETERMINATION.—If the Secretary determines under paragraph (1) that the project is economically justified, technically sound, and environmentally acceptable, the Secretary is authorized to carry out the project at a total cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000.

(b) COST SHARING.—Cost sharing for the project described in subsection (a) shall be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 4009. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA.

The Secretary shall carry out a study of the feasibility of a project to use Sherman Island, California, as a dredged material rehandling facility for the beneficial use of dredged material to enhance the environment and meet other water resource needs on the Sacramento-San Joaquin Delta, California, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 4010. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal interests, shall conduct a study of the feasibility of carrying out a project for—

(1) flood protection of South San Francisco Bay shoreline;

(2) restoration of the South San Francisco Bay salt ponds (including on land owned by other Federal agencies); and

(3) other related purposes, as the Secretary determines to be appropriate.

(b) INDEPENDENT REVIEW.—To the extent required by applicable Federal law, a national science panel shall conduct an independent review of the study under subsection (a).

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include recommendations of the Secretary with respect to the project described in subsection (a) based on planning, design, and land acquisition documents prepared by—

(A) the California State Coastal Conservancy;

(B) the Santa Clara Valley Water District; and

(C) other local interests.

SEC. 4011. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall complete work as expeditiously as practicable on the study for the San Pablo watershed, California, authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1196) to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay Watershed.

(b) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report that describes the results of the study.

SEC. 4012. FOUNTAIN CREEK, NORTH OF PUEBLO, COLORADO.

Subject to the availability of appropriations, the Secretary shall expedite the completion of the Fountain Creek, North of Pueblo, Colorado, watershed study authorized by a resolution adopted by the Committee on Public Works and Transportation of the House of Representatives on September 23, 1976.

SEC. 4013. SELENIUM STUDY, COLORADO.

(a) IN GENERAL.—The Secretary, in consultation with State water quality and resource and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

(1) to measure selenium on specific sites; and

(2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4014. DELAWARE INLAND BAYS AND TRIBUTARIES AND ATLANTIC COAST, DELAWARE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Indian River Inlet and Bay, Delaware.

(b) FACTORS FOR CONSIDERATION AND PRIORITY.—In carrying out the study under subsection (a), the Secretary shall—

(1) take into consideration all necessary activities to stabilize the scour holes threatening the Inlet and Bay shorelines; and

(2) give priority to stabilizing and restoring the Inlet channel and scour holes adjacent to the United States Coast Guard pier and helipad and the adjacent State-owned properties.

SEC. 4015. HERBERT HOOVER DIKE SUPPLEMENTAL MAJOR REHABILITATION REPORT, FLORIDA.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall publish a supplemental report to the major rehabilitation report for the Herbert Hoover Dike system approved by the Chief of Engineers in November 2000.

(b) INCLUSIONS.—The supplemental report under subsection (a) shall include—

(1) an evaluation of existing conditions at the Herbert Hoover Dike system;

(2) an identification of additional risks associated with flood events at the system that are equal to or greater than the standard projected flood risks;

(3) an evaluation of the potential to integrate projects of the Corps of Engineers into an enhanced flood protection system for Lake Okeechobee, including—

(A) the potential for additional water storage north of Lake Okeechobee; and

(B) an analysis of other project features included in the Comprehensive Everglades Restoration Plan; and

(4) a review of the report prepared for the South Florida Water Management District dated April 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 4016. BOISE RIVER, IDAHO.

The study for flood control, Boise River, Idaho, authorized by section 414 of the Water Resources Development Act of 1999 (113 Stat. 324), is modified to include ecosystem restoration and water supply as project purposes to be studied.

SEC. 4017. PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary is authorized to conduct a third-party review of the Promontory Point project along the Chicago Shoreline, Chicago, Illinois, at a cost not to exceed $450,000.

(2) JOINT REVIEW.—The Buffalo and Seattle Districts of the Corps of Engineers shall jointly conduct the review under paragraph (1).

(3) STANDARDS.—The review shall be based on the standards under part 68 of title 36, Code of Federal Regulations (or successor regulation), for implementation by the non-Federal sponsor for the Chicago Shoreline Chicago, Illinois, project.

(b) CONTRIBUTIONS.—The Secretary shall accept from a State or political subdivision of a State voluntarily contributed funds to initiate the third-party review.

(c) TREATMENT.—While the third-party review is of the Promontory Point portion of the Chicago Shoreline, Chicago, Illinois, project, the third-party review shall be separate and distinct from the Chicago Shoreline, Chicago, Illinois, project.

(d) EFFECT OF SECTION.—Nothing in this section affects the authorization for the Chicago Shoreline, Chicago, Illinois, project.

SEC. 4018. VIDALIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation improvement at Vidalia, Louisiana.

SEC. 4019. LAKE ERIE AT LUNA PIER, MICHIGAN.

The Secretary shall study the feasibility of storm damage reduction and beach erosion protection and other related purposes along Lake Erie at Luna Pier, Michigan.

SEC. 4020. WILD RICE RIVER, MINNESOTA.

The Secretary shall expedite the completion of the general reevaluation report authorized by section 438 of the Water Resources Development Act of 2000 (114 Stat. 2640) for the project for flood protection, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), to develop alternatives to the Twin Valley Lake feature of that project.

SEC. 4021. ASIAN CARP DISPERSAL BARRIER DEMONSTRATION PROJECT, UPPER MISSISSIPPI RIVER.

(a) IN GENERAL.—The Secretary is authorized to carry out a study to determine the feasibility of constructing a fish barrier demonstration project to delay, deter, impede, or restrict the invasion of Asian carp into the northern reaches of the Upper Mississippi River.

(b) REQUIREMENT.—In conducting the study under subsection (a), the Secretary shall take into consideration the feasibility of locating the fish barrier at the lock portion of the project at Lock and Dam 11 in the Upper Mississippi River Basin.

SEC. 4022. FLOOD DAMAGE REDUCTION, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction in Cuyahoga, Lake, Ashtabula, Geauga, Erie, Lucas, Sandusky, Huron, and Stark Counties, Ohio.

SEC. 4023. MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.

The Secretary shall carry out a study of the feasibility of a project for navigation improvements, shoreline protection, and other related purposes, including the rehabilitation the harbor basin (including entrance breakwaters), interior shoreline protection, dredging, and the development of a public launch ramp facility, for Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 4024. OHIO RIVER, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood damage reduction on the Ohio River in Mahoning, Columbiana, Jefferson, Belmont, Noble, Monroe, Washington, Athens, Meigs, Gallia, Lawrence, and Scioto Counties, Ohio.

SEC. 4025. TOLEDO HARBOR DREDGED MATERIAL PLACEMENT, TOLEDO, OHIO.

The Secretary shall study the feasibility of removing previously dredged and placed materials from the Toledo Harbor confined disposal facility, transporting the materials, and disposing of

the materials in or at abandoned mine sites in southeastern Ohio.

SEC. 4026. TOLEDO HARBOR, MAUMEE RIVER, AND LAKE CHANNEL PROJECT, TOLEDO, OHIO.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of constructing a project for navigation, Toledo, Ohio.

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the Secretary shall take into consideration—

(1) realigning the existing Toledo Harbor channel widening occurring where the River Channel meets the Lake Channel from the northwest to the southeast side of the Channel;

(2) realigning the entire 200-foot wide channel located at the upper river terminus of the River Channel southern river embankment towards the northern river embankment; and

(3) adjusting the existing turning basin to accommodate those changes.

SEC. 4027. WOONSOCKET LOCAL PROTECTION PROJECT, BLACKSTONE RIVER BASIN, RHODE ISLAND.

The Secretary shall conduct a study, and, not later than June 30, 2008, submit to Congress a report that describes the results of the study, on the flood damage reduction project, Woonsocket, Blackstone River Basin, Rhode Island, authorized by the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 887, chapter 665), to determine the measures necessary to restore the level of protection of the project as originally designed and constructed.

SEC. 4028. PROJECTS FOR IMPROVEMENT, SAVANNAH RIVER, SOUTH CAROLINA AND GEORGIA.

(a) IN GENERAL.—The Secretary shall determine the feasibility of carrying out projects—

(1) to improve the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, in the vicinity of Mile 6 of the Savannah Harbor entrance channel; and

(2) to remove from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project.

(b) FACTORS FOR CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area as a consequence of removing from the proposed Jasper County port site the easements used by the Corps of Engineers for placement of dredged fill materials for the Savannah Harbor Federal navigation project; and

(3) the results of the proposed bistate compact between the State of Georgia and the State of South Carolina to own, develop, and operate port facilities at the proposed Jasper County port site, as described in the term sheet executed by the Governor of the State of Georgia and the Governor of the State of South Carolina on March 12, 2007.

SEC. 4029. JOHNSON CREEK, ARLINGTON, TEXAS.

The Secretary shall conduct a feasibility study to determine the technical soundness, economic feasibility, and environmental acceptability of the plan prepared by the city of Arlington, Texas, as generally described in the report entitled ''Johnson Creek: A Vision of Conservation, Arlington, Texas'', dated March 2006.

SEC. 4030. ECOSYSTEM AND HYDROPOWER GENERATION DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall conduct a study of the potential to carry out ecosystem restoration and hydropower generation at dams in the State of Vermont, including a review of the report of the Secretary on the land and water resources of the New England–New York region submitted to the President on April 27, 1956 (published as Senate Document Number 14, 85th Congress), and other relevant reports.

(b) PURPOSE.—The purpose of the study under subsection (a) shall be to determine the feasibility of providing water resource improvements and small-scale hydropower generation in the State of Vermont, including, as appropriate, options for dam restoration, hydropower, dam removal, and fish passage enhancement.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out this section $500,000, to remain available until expended.

SEC. 4031. EURASIAN MILFOIL.

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

SEC. 4032. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK.

(a) DISPERSAL BARRIER PROJECT.—The Secretary shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal.

(b) CONSTRUCTION, MAINTENANCE, AND OPERATION.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

SEC. 4033. BAKER BAY AND ILWACO HARBOR, WASHINGTON.

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine whether the siltation is the result of a Federal navigation project.

SEC. 4034. ELLIOT BAY SEAWALL REHABILITATION STUDY, WASHINGTON.

The study for the rehabilitation of the Elliot Bay Seawall, Seattle, Washington, is modified to direct the Secretary to determine the feasibility of reducing future damage to the seawall from seismic activity.

SEC. 4035. JOHNSONVILLE DAM, JOHNSONVILLE, WISCONSIN.

The Secretary shall conduct a study of the Johnsonville Dam, Johnsonville, Wisconsin, to determine whether the structure prevents ice jams on the Sheboygan River.

SEC. 4036. DEBRIS REMOVAL.

(a) REEVALUATION.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with the Administrator of the Environmental Protection Agency and in consultation with affected communities, shall conduct a complete reevaluation of Federal and non-Federal demolition, debris removal, segregation, transportation, and disposal practices relating to disaster areas designated in response to Hurricanes Katrina and Rita (including regulated and nonregulated materials and debris).

(2) INCLUSIONS.—The reevaluation under paragraph (1) shall include a review of—

(A) compliance with all applicable environmental laws;

(B) permits issued or required to be issued with respect to debris handling, transportation, storage, or disposal; and

(C) administrative actions relating to debris removal and disposal in the disaster areas described in paragraph (1).

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes the findings of the Secretary with respect to the reevaluation under subsection (a);

(2)(A) certifies compliance with all applicable environmental laws; and

(B) identifies any area in which a violation of such a law has occurred or is occurring;

(3) includes recommendations to ensure—

(A) the protection of the environment;

(B) sustainable practices; and

(C) the integrity of hurricane and flood protection infrastructure relating to debris disposal practices;

(4) contains an enforcement plan that is designed to prevent illegal dumping of hurricane debris in a disaster area; and

(5) contains plans of the Secretary and the Administrator to involve the public and non-Federal interests, including through the formation of a Federal advisory committee, as necessary, to seek public comment relating to the removal, disposal, and planning for the handling of post-hurricane debris.

SEC. 4037. MOHAWK RIVER, ONEIDA COUNTY, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a watershed study of the Mohawk River watershed, Oneida County, New York, with a particular emphasis on improving water quality and the environment.

(b) RECOMMENDATIONS.—In conducting the study under subsection (a), the Secretary shall take into consideration impacts on the Sauquoit Creek Watershed and the economy.

SEC. 4038. WALLA WALLA RIVER BASIN, OREGON AND WASHINGTON.

In conducting the study to determine the feasibility of carrying out a project for ecosystem restoration, Walla Walla River Basin, Oregon and Washington, the Secretary shall—

(1) provide a credit toward the non-Federal share of the cost of the project for the cost of any activity carried out by the non-Federal interest before the date of the partnership agreement for the project, if the Secretary determines that the activity is integral to the project; and

(2) allow the non-Federal interest to provide the non-Federal share of the cost of the study in the form of in-kind services and materials.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) in paragraph (18), by striking ''and'' at the end;

(2) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(20) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(21) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(22) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

''(23) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.''.

SEC. 5002. ESTUARY RESTORATION.

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: ''by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage'';

(2) in paragraph (2), by inserting ''and implement'' after ''to develop''; and

(3) in paragraph (3), by inserting ''through cooperative agreements'' after ''restoration projects''.

(b) DEFINITION OF ESTUARY HABITAT RESTORATION PLAN.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking ''Federal or State'' and inserting ''Federal, State, or regional''.

(c) ESTUARY HABITAT RESTORATION PROGRAM.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a), by inserting ''through the award of contracts and cooperative agreements'' after ''assistance'';

(2) in subsection (c)—

(A) in paragraph (3)(A), by inserting ''or State'' after ''Federal''; and

(B) in paragraph (4)(B), by inserting ''or approach'' after ''technology'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''Except'' and inserting the following:

''(i) IN GENERAL.—Except''; and

(ii) by adding at the end the following:

''(ii) MONITORING.—

''(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

''(II) GOALS.—The goals of the monitoring shall be—

''(aa) to measure the effectiveness of the restoration project; and

''(bb) to allow adaptive management to ensure project success.'';

(B) in paragraph (2), by inserting ''or approach'' after ''technology''; and

(C) in paragraph (3), by inserting ''(including monitoring)'' after ''services'';

(4) in subsection (f)(1)(B), by inserting ''long-term'' before ''maintenance''; and

(5) in subsection (g)—

(A) by striking ''In carrying'' and inserting the following:

''(1) IN GENERAL.—In carrying''; and

(B) by adding at the end the following:

''(2) SMALL PROJECTS.—

''(A) DEFINITION OF SMALL PROJECT.—In this paragraph, the term 'small project' means a project carried out under this title at a Federal cost of less than $1,000,000.

''(B) SMALL PROJECT DELEGATION.—In carrying out this title, the Secretary, upon the recommendation of the Council, may delegate implementation of a small project to—

''(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

''(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

''(iii) the Administrator of the Environmental Protection Agency; or

''(iv) the Secretary of Agriculture.

''(C) FUNDING.—The implementation of a small project delegated to the head of a Federal department or agency under this paragraph may be carried out using—

''(i) funds appropriated to the department or agency under section 109(a)(1); or

''(ii) any other funds available to the department or agency.

''(D) AGREEMENTS.—The Federal department or agency to which implementation of a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in subsections (d) and (e). Cooperative agreements may be used for any delegated project.''.

(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) cooperating in the implementation of the strategy developed under section 106;

''(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

''(8) otherwise using the respective agency authorities of the Council members to carry out this title.''.

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking ''compile'' and inserting ''have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under this section, including compilation of''.

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking ''third and fifth'' and inserting ''sixth, eighth, and tenth''.

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''to the Secretary''; and

(B) by striking subparagraphs (A) through (D) and inserting the following:

''(A) to the Secretary, $25,000,000 for each of fiscal years 2007 through 2011;

''(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2007 through 2011;

''(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2007 through 2011;

''(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2007 through 2011; and

''(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2007 through 2011.''; and

(2) in the first sentence of paragraph (2)—

(A) by inserting ''and other information compiled under section 107'' after ''this title''; and

(B) by striking ''2005'' and inserting ''2011''.

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting ''or contracts'' after ''agreements''; and

(B) by inserting '', nongovernmental organizations,'' after ''agencies''; and

(2) by striking subsections (d) and (e).

SEC. 5003. ENVIRONMENTAL INFRASTRUCTURE.

Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A–219) is amended—

(1) in subsection (c)(5), by striking ''a project for the elimination or control of combined sewer overflows'' and inserting ''projects for the design, installation, enhancement or repair of sewer systems'';

(2) in subsection (e)(1), by striking ''$20,000,000'' and inserting ''$32,500,000''; and

(3) in subsection (f)—

(A) in paragraph (30), by striking ''$55,000,000'' and inserting ''$75,000,000''; and

(B) by adding at the end the following:

''(77) CHATTOOGA COUNTY, GEORGIA.—$8,000,000 for waste and drinking water infrastructure improvement, Chattooga County, Georgia.

''(78) ALBANY, GEORGIA.—$4,000,000 storm drainage system, Albany, Georgia.

''(79) MOULTRIE, GEORGIA.—$5,000,000 for water supply infrastructure, Moultrie, Georgia.

''(80) STEPHENS COUNTY/CITY OF TOCCOA, GEORGIA.—$8,000,000 water infrastructure improvements, Stephens County/City of Toccoa, Georgia.

''(81) DAHLONEGA, GEORGIA.—$5,000,000 for water infrastructure improvements, Dahlonega, Georgia.

''(82) BANKS COUNTY, GEORGIA.—$5,000,000 for water infrastructure improvements, Banks County, Georgia.

''(83) BERRIEN COUNTY, GEORGIA.—$5,000,000 for water infrastructure improvements, Berrien County, Georgia.

''(84) CITY OF EAST POINT, GEORGIA.—$5,000,000 for water infrastructure improvements, City of East Point, Georgia.

''(85) ARMUCHEE VALLEY: CHATTOOGA, FLOYD, GORDON, WALKER, AND WHITIFIELD COUNTIES, GEORGIA.—$10,000,000 for water infrastructure improvements, Armuchee Valley: Chattooga, Floyd, Gordon, Walker, and Whitifield Counties, Georgia.

''(86) ATCHISON, KANSAS.—$20,000,000 for combined sewer overflows, Atchison, Kansas.

''(87) LAFOURCHE PARISH, LOUISIANA.—$2,300,000 for measures to prevent the intrusion of saltwater into the freshwater system, Lafourche Parish, Louisiana.

''(88) SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION, LOUISIANA.—$2,500,000 for water and wastewater improvements, South Central Planning and Development Commission, Louisiana.

''(89) RAPIDES AREA PLANNING COMMISSION, LOUISIANA.—$1,000,000 for water and wastewater improvements, Rapides, Louisiana.

''(90) NORTHWEST LOUISIANA COUNCIL OF GOVERNMENTS, LOUISIANA.—$2,000,000 for water and wastewater improvements, Northwest Louisiana Council of Governments, Louisiana.

''(91) LAFAYETTE, LOUISIANA.—$1,200,000 for water and wastewater improvements, Lafayette, Louisiana.

''(92) LAKE CHARLES, LOUISIANA.—$1,000,000 for water and wastewater improvements, Lake Charles, Louisiana.

''(93) OUACHITA PARISH, LOUISIANA.—$1,000,000 water and wastewater improvements, Ouachita Parish, Louisiana.

''(94) UNION-LINCOLN REGIONAL WATER SUPPLY PROJECT, LOUISIANA.—$2,000,000 for the Union-Lincoln Regional Water Supply project, Louisiana.

''(95) CENTRAL LAKE REGION SANITARY DISTRICT, MINNESOTA.—$2,000,000 for sanitary sewer and wastewater infrastructure for the Central Lake Region Sanitary District, Minnesota to serve Le Grande and Moe Townships, Minnesota.

''(96) GOODVIEW, MINNESOTA.—$3,000,000 for water quality infrastructure, Goodview, Minnesota.

''(97) GRAND RAPIDS, MINNESOTA.—$5,000,000 for wastewater infrastructure, Grand Rapids, Minnesota.

''(98) WILLMAR, MINNESOTA.—$15,000,000 for wastewater infrastructure, Willmar, Minnesota.

''(99) CITY OF CORINTH, MISSISSIPPI.—$7,500,000 for a surface water program, Corinth, Mississippi.

''(100) CLEAN WATER COALITION, NEVADA.—$20,000,000 for the Systems Conveyance and Operations Program, Clark County, Henderson, Las Vegas, and North Las Vegas, Nevada.

''(101) TOWN OF MOORESVILLE, NORTH CAROLINA.—$4,000,000 for water and wastewater infrastructure improvements, Mooresville, North Carolina.

''(102) CITY OF WINSTON-SALEM, NORTH CAROLINA.—$3,000,000 for storm water upgrades, Winston-Salem, North Carolina.

''(103) NEUSE REGIONAL WATER AND SEWER AUTHORITY, NORTH CAROLINA.—$4,000,000 for the Neuse regional drinking water facility, Neuse, North Carolina.

''(104) TOWN OF CARY/WAKE COUNTY, NORTH CAROLINA.—$4,000,000 for a water reclamation facility, Cary, North Carolina.

''(105) CITY OF FAYETTEVILLE, NORTH CAROLINA.—$6,000,000 for water and sewer upgrades, Fayetteville, North Carolina.

''(106) WASHINGTON COUNTY, NORTH CAROLINA.—$1,000,000 for water and wastewater infrastructure, Washington County, North Carolina.

''(107) CITY OF CHARLOTTE, NORTH CAROLINA.—$3,000,000 for the Briar Creek Relief Sewer project, Charlotte, North Carolina.

''(108) CITY OF ADA, OKLAHOMA.—$1,700,000 for sewer improvements and other water infrastructure, City Of Ada, Oklahoma.

''(109) NORMAN, OKLAHOMA.—$10,000,000 for carrying out the Waste Water Master Plan and water related infrastructure, Norman, Oklahoma.

''(110) EASTERN OKLAHOMA STATE UNIVERSITY, WILBERTON, OKLAHOMA.—$1,000,000 for sewer and utility upgrades and water related infrastructure, Eastern Oklahoma State University, Wilberton, Oklahoma.

''(111) CITY OF WEATHERFORD, OKLAHOMA.—$500,000 for arsenic program and water related infrastructure, City of Weatherford, Oklahoma.

''(112) CITY OF BETHANY, OKLAHOMA.—$1,500,000 for water improvements and water related infrastructure, City of Bethany, Oklahoma.

''(113) WOODWARD, OKLAHOMA.—$1,500,000 for water improvements and water related infrastructure, Woodward, Oklahoma.

''(114) CITY OF DISNEY AND LANGLEY, OKLAHOMA.—$2,500,000 for water and sewer improvements and water related infrastructure, City of Disney and Langley, Oklahoma.

''(115) CITY OF DURANT, OKLAHOMA.—$3,300,000 for bayou restoration and water related infrastructure, City of Durant, Oklahoma.

''(116) CITY OF MIDWEST CITY, OKLAHOMA.—$2,000,000 for improvements to water related infrastructure, City of Midwest City, Oklahoma.

''(117) CITY OF ARDMORE, OKLAHOMA.—$1,900,000 for water and sewer infrastructure improvements, City of Ardmore, Oklahoma.

''(118) CITY OF GUYMON, OKLAHOMA.—$16,000,000 for water related waste water treatment related infrastructure projects.

''(119) LUGERT-ALTUS IRRIGATION DISTRICT, ALTUS, OKLAHOMA.—$5,000,000 for water related infrastructure improvement project.

''(120) CITY OF CHICKASHA, OKLAHOMA.—$650,000 for industrial park sewer infrastructure project.

''(121) OKLAHOMA PANHANDLE STATE UNIVERSITY, GUYMON, OKLAHOMA.—$275,000 for water testing facility and water related infrastructure development.

''(122) CITY OF BARTLESVILLE, OKLAHOMA.—$2,500,000 for waterline transport infrastructure project.

''(123) CITY OF KONAWA, OKLAHOMA.—$500,000 for water treatment infrastructure improvements.

''(124) CITY OF MUSTANG, OKLAHOMA.—$3,325,000 for water improvements and water related infrastructure.

''(125) CITY OF ALVA, OKLAHOMA.—$250,000 for waste water improvement infrastructure.

''(126) VINTON COUNTY, OHIO.—$1,000,000 to construct water lines in Vinton and Brown Townships, Ohio.

''(127) BURR OAK REGIONAL WATER DISTRICT, OHIO.—$4,000,000 for construction of a water line to extend from a well field near Chauncey, Ohio, to a water treatment plant near Millfield, Ohio.

''(128) FREMONT, OHIO.—$2,000,000 for construction of off-stream water supply reservoir, Fremont, Ohio.

''(129) FOSTORIA, OHIO.—$2,000,000 for wastewater infrastructure, Fostoria, Ohio.

''(130) DEFIANCE COUNTY, OHIO.—$1,000,000 for wastewater infrastructure, Defiance County, Ohio.

''(131) AKRON, OHIO.—$5,000,000 for wastewater infrastructure, Akron, Ohio

''(132) MEIGS COUNTY, OHIO.—$1,000,000 to extend the Tupper Plains Regional Water District water line to Lebanon Township, Ohio.

''(133) CITY OF CLEVELAND, OHIO.—$2,500,000 for Flats East Bank water and wastewater infrastructure, Cleveland, Ohio.

''(134) CINCINNATI, OHIO.—$1,000,000 for wastewater infrastructure, Cincinnati, Ohio.

''(135) DAYTON, OHIO.—$1,000,000 for water and wastewater infrastructure, Dayton, Ohio.

''(136) LAWRENCE COUNTY, OHIO.—$5,000,000 for Union Rome wastewater infrastructure, Lawrence County, Ohio.

''(137) CITY OF COLUMBUS, OHIO.—$4,500,000 for wastewater infrastructure, Columbus, Ohio.

''(138) BEAVER CREEK RESERVOIR, PENNSYLVANIA.—$3,000,000 for projects for water supply and related activities, Beaver Creek Reservoir, Clarion County, Beaver and Salem Townships, Pennsylvania.

''(139) MYRTLE BEACH, SOUTH CAROLINA.—$10,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.

''(140) CHARLESTON AND WEST ASHLEY, SOUTH CAROLINA.—$6,000,000 for wastewater tunnel replacement, Charleston and West Ashley, South Carolina.

''(141) CHARLESTON, SOUTH CAROLINA.—$3,000,000 for stormwater control measures and storm sewer improvements, Spring Street/Fishburne Street drainage project, Charleston, South Carolina.

''(142) NORTH MYRTLE BEACH, SOUTH CAROLINA.—$3,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

''(143) SURFSIDE, SOUTH CAROLINA.—$3,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

''(144) CHEYENNE RIVER SIOUX RESERVATION (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND MEADE COUNTIES, SOUTH DAKOTA.—$40,000,000 for water related infrastructure, Cheyenne River Sioux Reservation (Dewey and Ziebach counties) and Perkins and Meade Counties, South Dakota.

''(145) CITY OF OAK RIDGE, TENNESSEE.—$4,000,000 for water supply and wastewater infrastructure, City of Oak Ridge, Tennessee.

''(146) NASHVILLE, TENNESSEE.—$5,000,000 for water supply and wastewater infrastructure, Nashville, Tennessee.

''(147) COUNTIES OF LEWIS, LAWRENCE, AND WAYNE, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure projects in the Counties of Lewis, Lawrence and Wayne, Tennessee.

''(148) COUNTY OF GILES, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure projects in the County of Giles, Tennessee.

''(149) CITY OF KNOXVILLE, TENNESSEE.—$5,000,000 for water supply and wastewater infrastructure projects in the City of Knoxville, Tennessee.

''(150) SHELBY COUNTY, TENNESSEE.—$4,000,000 for water-related environmental infrastructure projects in County of Shelby, Tennessee.

''(151) JOHNSON COUNTY, TENNESSEE.—$600,000 for water supply and wastewater infrastructure projects in Johnson County, Tennessee.

''(152) PLATEAU UTILITY DISTRICT, MORGAN COUNTY, TENNESSEE.—$1,000,000 for water supply and wastewater infrastructure projects in Morgan County, Tennessee.

''(153) CITY OF HARROGATE, TENNESSEE.—$2,000,000 for water supply and wastewater infrastructure projects in City of Harrogate, Tennessee.

''(154) HAMILTON COUNTY, TENNESSEE.—$500,000 for water supply and wastewater infrastructure projects in Hamilton County, Tennessee.

''(155) GRAINGER COUNTY, TENNESSEE.—$1,250,000 for water supply and wastewater infrastructure projects in Grainger County, Tennessee.

''(156) CLAIBORNE COUNTY, TENNESSEE.—$1,250,000 for water supply and wastewater infrastructure projects in Claiborne County, Tennessee.

''(157) BLAINE, TENNESSEE.—$500,000 for water supply and wastewater infrastructure projects in Blaine, Tennessee.

''(158) CHESAPEAKE BAY.—$30,000,000 for environmental infrastructure projects to benefit the Chesapeake Bay, including the nutrient removal project at the Blue Plains Wastewater Treatment facility in Washington, DC.

''(159) ARKANSAS VALLEY CONDUIT, COLORADO.—$10,000,000 for the Arkansas Valley Conduit, Colorado.

''(160) BOULDER COUNTY, COLORADO.—$10,000,000 for water supply infrastructure, Boulder County, Colorado.

''(161) PLAINVILLE, CONNECTICUT.—$6,280,000 for wastewater treatment, Plainville, Connecticut.

''(162) SOUTHINGTON, CONNECTICUT.—$9,420,000 for water supply infrastructure, Southington, Connecticut.

''(163) NORWALK, CONNECTICUT.—$3,000,000 for the Keeler Brook Storm Water Improvement Project, Norwalk, Connecticut.

''(164) ENFIELD, CONNECTICUT.—$1,000,000 for infiltration and inflow correction, Enfield, Connecticut.

''(165) NEW HAVEN, CONNECTICUT.—$300,000 for storm water system improvements, New Haven, Connecticut.

''(166) MIAMI-DADE COUNTY, FLORIDA.—$6,250,000 for water reuse supply and a water transmission pipeline, Miami-Dade County, Florida.

''(167) HILLSBOROUGH COUNTY, FLORIDA.—$6,250,000 for water infrastructure and supply enhancement, Hillsborough County, Florida.

''(168) PALM BEACH COUNTY, FLORIDA.—$7,500,000 for water infrastructure, Palm Beach County, Florida.

''(169) CHESAPEAKE BAY REGION, MARYLAND AND VIRGINIA.—$40,000,000 for water pollution control projects, Chesapeake Bay Region, Maryland and Virginia.

''(170) MICHIGAN COMBINED SEWER OVERFLOWS.—$35,000,000 for correction of combined sewer overflows, Michigan.

''(171) MIDDLETOWN TOWNSHIP, NEW JERSEY.—$1,100,000 for storm sewer improvements, Middletown Township, New Jersey.

''(172) RAHWAY VALLEY, NEW JERSEY.—$25,000,000 for sanitary sewer and storm sewer improvements in the service area of the Rahway Valley Sewerage Authority, New Jersey.

''(173) CRANFORD TOWNSHIP, NEW JERSEY.—$6,000,000 for storm sewer improvements in Cranford Township, New Jersey.

''(174) YATES COUNTY, NEW YORK.—$5,000,000 for drinking water infrastructure, Yates County, New York.

''(175) VILLAGE OF PATCHOGUE, NEW YORK.—$5,000,000 for wastewater infrastructure, Village of Patchogue, New York.

''(176) ELMIRA, NEW YORK.—$5,000,000 for wastewater infrastructure, Elmira, New York.

''(177) ESSEX HAMLET, NEW YORK.—$5,000,000 for wastewater infrastructure, Essex Hamlet, New York.

''(178) NIAGARA FALLS, NEW YORK.—$5,000,000 for wastewater infrastructure, Niagara Falls, New York.

''(179) VILLAGE OF BABYLON, NEW YORK.—$5,000,000 for wastewater infrastructure, Village of Babylon, New York.

''(180) FLEMING, NEW YORK.—$5,000,000 for drinking water infrastructure, Fleming, New York.

''(181) VILLAGE OF KYRIAS-JOEL, NEW YORK.—$5,000,000 for drinking water infrastructure, Village of Kyrias-Joel, New York.

''(182) DEVILS LAKE, NORTH DAKOTA.—$15,000,000 for water supply infrastructure, Devils Lake, North Dakota.

''(183) NORTH DAKOTA.—$15,000,000 for water-related infrastructure, North Dakota.

''(184) CLARK COUNTY, NEVADA.—$50,000,000 for wastewater infrastructure, Clark County, Nevada.

''(185) WASHOE COUNTY, NEVADA.—$14,000,000 for construction of water infrastructure improvements to the Huffaker Hills Reservoir Conservation Project, Washoe County, Nevada.

''(186) GLENDALE DAM DIVERSION STRUCTURE, NEVADA.—$10,000,000 for water system improvements to the Glendale Dam Diversion Structure for the Truckee Meadows Water Authority, Nevada.

''(187) RENO, NEVADA.—$13,000,000 for construction of a water conservation project for the Highland Canal, Mogul Bypass in Reno, Nevada.

''(188) LOS ANGELES COUNTY, CALIFORNIA.—$12,000,000 for the planning, design and construction of water-related environmental infrastructure for Santa Monica Bay and the coastal zone of Los Angeles County, California.

''(189) MONTEBELLO, CALIFORNIA.—$4,000,000 for water infrastructure improvements in south Montebello, California.

''(190) LA MIRADA, CALIFORNIA.—$4,000,000 for the planning, design, and construction of a stormwater program in La Mirada, California.

''(191) EAST PALO ALTO, CALIFORNIA.—$4,000,000 for a new pump station and stormwater management and drainage system, East Palo Alto, California.

''(192) PORT OF STOCKTON, STOCKTON, CALIFORNIA.—$3,000,000 for water and wastewater infrastructure projects for Rough and Ready Island and vicinity, Stockton, California.

''(193) PERRIS, CALIFORNIA.—$3,000,000 project for recycled water transmission infrastructure, Eastern Municipal Water District, Perris, California.

''(194) AMADOR COUNTY, CALIFORNIA.—$3,000,000 for wastewater collection and treatment, Amador County, California.

''(195) CALAVERAS COUNTY, CALIFORNIA.—$3,000,000 for water supply and wastewater improvement projects in Calaveras County, California, including wastewater reclamation, recycling, and conjunctive use projects.

''(196) SANTA MONICA, CALIFORNIA.—$3,000,000 for improving water system reliability, Santa Monica, California.

''(197) MALIBU, CALIFORNIA.—$3,000,000 for municipal waste water and recycled water, Malibu Creek Watershed Protection Project, Malibu, California.

''(198) EASTERN UNITED STATES.—$29,450,000 for water supply and wastewater infrastructure in the Eastern United States.

''(199) WESTERN UNITED STATES.—$29,450,000 for water supply and wastewater infrastructure in the Western United States.''.

SEC. 5004. ALASKA.

Section 570(h) of the Water Resources Development Act of 1999 (113 Stat. 369) is amended by striking ''25,000,000'' and inserting ''40,000,000''.

SEC. 5005. CALIFORNIA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in California.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in California, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work on a project completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land), but the credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) NONPROFIT ENTITY.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity.

(g) EXPENSES OF CORPS OF ENGINEERS.—Not more than 10 percent of amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 5006. CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY.

Section 205 of the Water Resources Development Act of 1990 (104 Stat. 4633; 110 Stat. 3748) is amended to read as follows:

''SEC. 205. CONVEYANCE OF OAKLAND INNER HARBOR TIDAL CANAL PROPERTY.

''(a) IN GENERAL.—The Secretary may convey, without consideration, by separate quitclaim deeds, as soon as the conveyance of each individual portion is practicable, the title of the United States in and to all or portions of the approximately 86 acres of upland, tideland, and submerged land, commonly referred to as the 'Oakland Inner Harbor Tidal Canal,', California (referred to in this section as the 'Canal Property'), as follows:

''(1) To the City of Oakland, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the City of Oakland.

''(2) To the City of Alameda, or to an entity created by or designated by the City of Alameda that is eligible to hold title to real property, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the City of Alameda.

''(3) To the adjacent land owners, or to an entity created by or designated by 1 or more of the adjacent landowners that is eligible to hold title to real property, the title of the United States in and to all or portions of that part of the Canal Property that are located within the boundaries of the city in which the adjacent land owners reside.

''(b) REQUIREMENTS.—

''(1) RESERVATIONS.—The Secretary may reserve and retain from any conveyance under this section a right-of-way or other rights as the Secretary determines to be necessary for the operation and maintenance of the authorized Federal channel in the Canal Property.

''(2) COST.—The conveyances under this section, and the processes involved in the conveyances, shall be at no cost to the United States, except for administrative costs.

''(c) ANNUAL REPORTS.—Until the date on which each conveyance described in subsection (a) is complete, the Secretary shall submit, by not later than 60 days after the end of each fiscal year, to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives an annual report that describes the efforts of the Secretary to complete the conveyances during the preceding fiscal year.''.

SEC. 5007. STOCKTON, CALIFORNIA.

(a) IN GENERAL.—Unless the Secretary determines, by not later than 30 days after the date of enactment of this Act, that the relocation of the project described in subsection (b) would be injurious to the public interest, a non-Federal interest may reconstruct and relocate that project approximately 300 feet in a westerly direction.

(b) PROJECT DESCRIPTION.—

(1) IN GENERAL.—The project referred to in subsection (a) is the project for flood control, Calaveras River and Littlejohn Creek and tributaries, California, authorized by section 10 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 902).

(2) SPECIFIC DESCRIPTION.—The portion of the project to be reconstructed and relocated is that portion consisting of approximately 5.34 acres of dry land levee beginning at a point N. 2203542.3167, E. 6310930.1385, thence running west about 59.99 feet to a point N. 2203544.6562, E. 6310870.1468, thence running south about 3,874.99 feet to a point N. 2199669.8760, E. 6310861.7956, thence running east about 60.00 feet to a point N. 2199668.8026, E. 6310921.7900, thence running north about 3,873.73 feet to the point of origin.

(c) COST SHARING.—The non-Federal share of the cost of reconstructing and relocating the project described in subsection (b) shall be 100 percent.

SEC. 5008. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

(a) SHORT TITLE.—This section may be cited as the ''Rio Grande Environmental Management Act of 2007''.

(b) DEFINITIONS.—In this section:

(1) RIO GRANDE COMPACT.—The term ''Rio Grande Compact'' means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155), and ratified by the States.

(2) RIO GRANDE BASIN.—The term ''Rio Grande Basin'' means the Rio Grande (including all tributaries and their headwaters) located—

(A) in the State of Colorado, from the Rio Grande Reservoir, near Creede, Colorado, to the New Mexico State border;

(B) in the State of New Mexico, from the Colorado State border downstream to the Texas State border; and

(C) in the State of Texas, from the New Mexico State border to the southern terminus of the Rio Grande at the Gulf of Mexico.

(3) STATES.—The term ''States'' means the States of Colorado, New Mexico, and Texas.

(c) PROGRAM AUTHORITY.—The Secretary shall carry out, in the Rio Grande Basin—

(1) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(2) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs described in subsection (c), the Secretary shall consult with the States and other appropriate entities in the States the rights and interests of which might be affected by specific program activities.

(e) COST SHARING.—

(1) IN GENERAL.—

(A) PROJECTS ON FEDERAL LAND.—Each project under this section located on Federal land shall be carried out at full Federal expense.

(B) OTHER PROJECTS.—For each project under subsection (c)(1) located on non-Federal land, the non-Federal share of the cost of the project—

(i) shall be 35 percent;

(ii) may be provided through in-kind services or direct cash contributions; and

(iii) shall include the provision of necessary land, easements, relocations, and disposal sites.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the affected local government, a nonprofit entity may be included as a non-Federal interest for any project carried out under subsection (c)(1).

(g) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section preempts any State water law.

(2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande Basin.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $15,000,000 for each of fiscal years 2008 through 2011.

SEC. 5009. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

SEC. 5010. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and sections 2.2 of the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be—

(A) the ex officio United States member under the Susquehanna River Basin Compact and the Delaware River Basin Compact; and

(B) 1 of the 3 members appointed by the President under the Potomac River Basin Compact;

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of the respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE, DELAWARE RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) WATER SUPPLY AND CONSERVATION STORAGE, SUSQUEHANNA RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River Basin, during any period in which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) WATER SUPPLY AND CONSERVATION STORAGE, POTOMAC RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Interstate Commission on the Potomac River Basin to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River Basin for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5011. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

(a) COMPREHENSIVE ACTION PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, Maryland, and other stakeholders, shall develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

(b) PUBLIC AVAILABILITY.—On completion of the comprehensive action plan under subsection (a), the Secretary shall make the plan available to the public.

SEC. 5012. BIG CREEK, GEORGIA, WATERSHED MANAGEMENT AND RESTORATION PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, is authorized to cooperate with, by providing technical, planning, and construction assistance to, the city of Roswell, Georgia, as local sponsor and coordinator with other local governments in the Big Creek watershed, Georgia, to assess the quality and quantity of water resources, conduct comprehensive watershed management planning, develop and implement water efficiency technologies and programs, and plan, design, and construct water resource facilities to restore the watershed.

(b) FEDERAL SHARE.—The Federal share of the cost of the project under this section—

(1) shall be 65 percent; and

(2) may be provided in any combination of cash and in-kind services.

(c) AUTHORIZATION OF APPROPRIATIONS.—here is authorized to be appropriated to the Secretary $5,000,000 to carry out this section.

SEC. 5013. METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the Metropolitan North Georgia Water Planning District.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in north Georgia, including projects for wastewater treatment and related facilities, elimination or control of combined sewer overflows, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection—

(i) shall be 75 percent; and

(ii) may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 5014. IDAHO, MONTANA, RURAL NEVADA, NEW MEXICO, RURAL UTAH, AND WYOMING.

Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 139; 117 Stat. 142; 117 Stat. 1836; 118 Stat. 440) is amended—

(1) in the section heading, by striking ''**AND RURAL UTAH**'' and inserting ''**RURAL UTAH, AND WYOMING**'';

(2) in subsections (b) and (c), by striking ''and rural Utah'' each place it appears and inserting ''rural Utah, and Wyoming''; and

(3) by amending subsection (h) to read as follows:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001 $150,000,000 for rural Nevada, and $25,000,000 for each of Montana and New Mexico, $55,000,000 for Idaho, $50,000,000 for rural Utah, and $30,000,000 for Wyoming, to remain available until expended.''.

SEC. 5015. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) TREATMENT AS SINGLE PROJECT.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (Barrier I) (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and Barrier II, as authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), shall be considered to constitute a single project.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, is authorized and directed, at full Federal expense—

(A) to upgrade and make permanent Barrier I;

(B) to construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) to operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) to conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a full range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) to provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) USE OF CREDIT.—A State may apply a credit received under paragraph (1)(E) to any cost sharing responsibility for an existing or future Federal project with the Corps of Engineers in the State.

(c) FEASIBILITY STUDY.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct a feasibility study, at full Federal expense, of the range of options and technologies available to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins and through the Chicago Sanitary and Ship Canal and other aquatic pathways.

(d) CONFORMING AMENDMENTS.—

(1) NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking '', to carry out this paragraph, $750,000'' and inserting ''such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph''.

(2) BARRIER II AUTHORIZATION.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), is amended to read as follows:

''SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, ILLINOIS.

''There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251).''.

SEC. 5016. MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Missouri River Recovery and Implementation Committee established by subsection (b)(1), shall conduct a study of the Missouri River and its tributaries to determine actions required—

(A) to mitigate losses of aquatic and terrestrial habitat;

(B) to recover federally listed species under the Endangered Species Act (16 U.S.C. 1531 et seq.); and

(C) to restore the ecosystem to prevent further declines among other native species.

(2) FUNDING.—The study under paragraph (1) shall be funded under the Missouri River Fish and Wildlife Mitigation Program.

(b) MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE.—

(1) ESTABLISHMENT.—Not later than June 31, 2006, the Secretary shall establish a committee to be known as the ''Missouri River Recovery Implementation Committee'' (referred to in this section as the ''Committee'').

(2) MEMBERSHIP.—The Committee shall include representatives from—

(A) Federal agencies;

(B) States located near the Missouri River Basin; and

(C) other appropriate entities, as determined by the Secretary, including—

(i) water management and fish and wildlife agencies;

(ii) Indian tribes located near the Missouri River Basin; and

(iii) nongovernmental stakeholders.

(3) DUTIES.—The Commission shall—

(A) with respect to the study under subsection (a), provide guidance to the Secretary and any other affected Federal agency, State agency, or Indian tribe;

(B) provide guidance to the Secretary with respect to the Missouri River recovery and mitigation program in existence on the date of enactment of this Act, including recommendations relating to—

(i) changes to the implementation strategy from the use of adaptive management; and

(ii) the coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the program;

(C) exchange information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation program;

(D) establish such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues;

(E) facilitate the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation program;

(F) coordinate scientific and other research associated with the Missouri River recovery and mitigation program; and

(G) annually prepare a work plan and associated budget requests.

(4) COMPENSATION; TRAVEL EXPENSES.—

(A) COMPENSATION.—Members of the Committee shall not receive compensation from the Secretary in carrying out the duties of the Committee under this section.

(B) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Committee in carrying out the duties of the Committee under this section shall be paid by the agency, Indian tribe, or unit of government represented by the member.

(c) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 5017. SOUTHEAST LOUISIANA REGION, LOUISIANA.

(a) DEFINITION OF SOUTHEAST LOUISIANA REGION.—In this section, the term ''Southeast Louisiana Region'' means any of the following parishes and municipalities in the State of Louisiana:

(1) Orleans.
(2) Jefferson.
(3) St. Tammany.
(4) Tangipahoa.
(5) St. Bernard.
(6) St. Charles.
(7) St. John.
(8) Plaquemines.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Southeast Louisiana Region.

(c) FORM OF ASSISTANCE.—Assistance provided under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the Southeast Louisiana Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development (including projects to improve water quality in the Lake Pontchartrain Basin).

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement of a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—The Federal share of the cost of the project under this section—

(A) shall be 75 percent; and

(B) may be provided in the form of grants or reimbursements of project costs.

(C) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(D) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(E) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land), but not to exceed 25 percent of total project costs.

(F) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITY.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity.

(h) EXPENSES OF CORPS OF ENGINEERS.—Not more than 10 percent of amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $17,000,000, to remain available until expended.

SEC. 5018. MISSISSIPPI.

Section 592(g) of the Water Resources Development Act of 1999 (113 Stat. 380; 117 Stat. 1837) is amended by striking ''$100,000,000'' and inserting ''$110,000,000''.

SEC. 5019. ST. MARY PROJECT, BLACKFEET RESERVATION, MONTANA.

(a) IN GENERAL.—The Secretary, in consultation with the Bureau of Reclamation, shall conduct all necessary studies, develop an emergency response plan, provide technical and planning and design assistance, and rehabilitate and construct the St. Mary Diversion and Conveyance Works project located within the exterior boundaries of the Blackfeet Reservation in the State of Montana, at a total cost of $140,000,000.

(b) FEDERAL SHARE.—The Federal share of the total cost of the project under this section shall be 75 percent.

(c) PARTICIPATION BY BLACKFEET TRIBE AND FORT BELKNAP INDIAN COMMUNITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), no construction shall be carried out under this section until the earlier of—

(A) the date on which Congress approves the reserved water rights settlements of the Blackfeet Tribe and the Fort Belknap Indian Community; and

(B) January 1, 2011.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to construction relating to—

(A) standard operation and maintenance; or

(B) emergency repairs to ensure water transportation or the protection of life and property.

(3) REQUIREMENT.—The Blackfeet Tribe shall be a participant in all phases of the project authorized by this section.

SEC. 5020. LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, may cooperate with and provide assistance to the Lower Platte River natural resources districts in the State of Nebraska to serve as local sponsors with respect to—

(1) conducting comprehensive watershed planning in the natural resource districts;

(2) assessing water resources in the natural resource districts; and

(3) providing project feasibility planning, design, and construction assistance for water resource and watershed management in the natural resource districts, including projects for environmental restoration and flood damage reduction.

(b) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity described in subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity described in subsection (a)—

(A) shall be 35 percent; and

(B) may be provided in cash or in-kind.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $12,000,000.

SEC. 5021. NORTH CAROLINA.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of North Carolina.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for environmental infrastructure and resource protection and development projects in North Carolina, including projects for—

(1) wastewater treatment and related facilities;

(2) combined sewer overflow, water supply, storage, treatment, and related facilities;

(3) drinking water infrastructure including treatment and related facilities;

(4) environmental restoration;

(5) storm water infrastructure; and

(6) surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PROJECT COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each project cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the project under this section—

(i) shall be 75 percent; and

(ii) may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of the project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly-owned or -controlled land).

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $13,000,000.

SEC. 5022. OHIO RIVER BASIN ENVIRONMENTAL MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) OHIO RIVER BASIN.—The term ''Ohio River Basin'' means the Ohio River, its backwaters, its side channels, and all tributaries (including their watersheds) that drain into the Ohio River and encompassing areas of any of the States of Indiana, Ohio, Kentucky, Pennsylvania, West Virginia, Illinois, New York, and Virginia.

(2) COMPACT.—The term ''Compact'' means the Ohio River Watershed Sanitation Commission flood and pollution control compact between the States of Indiana, West Virginia, Ohio, Kentucky, Pennsylvania, New York, Illinois, and Virginia, approved by Congress in 1936 pursuant to the first section of the Act of June 8, 1936 (33 U.S.C. 567a), and chartered in 1948.

(b) ASSISTANCE.—The Secretary may provide planning, design, and construction assistance to the Compact for the improvement of the quality of the environment in and along the Ohio River Basin.

(c) PRIORITIES.—In providing assistance under this section, the Secretary shall give priority to reducing or eliminating the presence of organic pollutants in the Ohio River Basin through the renovation and technological improvement of the organic detection system monitoring stations along the Ohio River in the States of Indiana, Ohio, West Virginia, Kentucky, and Pennsylvania.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

SEC. 5023. STATEWIDE COMPREHENSIVE WATER PLANNING, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall provide technical assistance for the development of updates of the Oklahoma Comprehensive Water Plan.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of surface water and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts; and

(7) technical review of data, models, planning scenarios, and water plans developed by the State.

(c) ALLOCATION.—The Secretary shall allocate, subject to the availability of appropriations, $6,500,000 to provide technical assistance and for the development of updates of the Oklahoma Comprehensive water plan.

(d) COST SHARING REQUIREMENT.—The non-Federal share of the total cost of any activity carried out under this section—

(1) shall be 25 percent; and

(2) may be in the form of cash or any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

SEC. 5024. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF STATE OF SOUTH DAKOTA AND CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST

FUNDS.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting ''and the Secretary of the Treasury'' after ''Secretary''; and

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

''(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized.''; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

''(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.''.

(b) INVESTMENT PROVISIONS OF STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

''(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

''(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

''(D) INVESTMENT OF INTEREST ACCOUNT.—

''(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

''(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

''(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

''(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

''(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

''(4) AUDITS.—

''(A) IN GENERAL.—The activities of the State of South Dakota (referred to in this subsection as the 'State') in carrying out the plan of the State for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the State is required to prepare under the Office of Management and Budget Circular A–133 (or a successor circulation).

''(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

''(i) determine whether funds received by the State under this section during the period covered by the audit were used to carry out the plan of the State in accordance with this section; and

''(ii) include the determination under clause (i) in the written findings of the audit.

''(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

''(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the State regarding the proposed modification.'';

(2) in subsection (d)(2), by inserting ''of the Treasury'' after Secretary''; and

(3) by striking subsection (f) and inserting the following:

''(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

''(1) up to $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

(c) INVESTMENT PROVISIONS FOR CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

''(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

''(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

''(D) INVESTMENT OF THE INTEREST ACCOUNT.—

''(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

''(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

''(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

''(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

''(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the 'Tribes') the results of the investment activities and financial status of the Funds during the preceding 12-month period.

''(4) AUDITS.—

''(A) IN GENERAL.—The activities of the Tribes in carrying out the plans of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

''(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

''(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and

''(ii) include the determination under clause (i) in the written findings of the audit.

''(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

''(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification.''; and

(2) by striking subsection (f) and inserting the following:

''(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

''(1) up to $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

SEC. 5025. TEXAS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of Texas.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Texas, including projects for water supply, storage, treatment, and related facilities, water quality protection, wastewater treatment, and related facilities, environmental restoration, and surface water resource protection, and development, as identified by the Texas Water Development Board.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PARTNERSHIP AGREEMENTS.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest.

(e) COST SHARING.—

(1) IN GENERAL.—The Federal share of the cost of the project under this section—

(A) shall be 75 percent; and

(B) may be provided in the form of grants or reimbursements of project costs.

(2) IN-KIND SERVICES.—The non-Federal share may be provided in the form of materials and in-kind services, including planning, design, construction, and management services, as the Secretary determines to be compatible with, and necessary for, the project.

(3) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(4) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs.

(5) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5026. CONNECTICUT RIVER DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 5027. COST SHARING PROVISIONS FOR THE TERRITORIES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(b) USE OF FEDERAL FUNDS BY NON-FEDERAL INTERESTS.—A non-Federal interest may use Federal funds to provide the non-Federal share of the costs of a study or project carried out at a location referred to in subsection (a), if the agency or department that provides the Federal funds determines that the funds are eligible to be used for that purpose.''.

SEC. 5028. INNER HARBOR NAVIGATION CANAL LOCK PROJECT.

Not later than July 1, 2008, the Secretary shall—

(1) issue a final environmental impact statement relating to the Inner Harbor Navigation Canal Lock project; and

(2) develop and maintain a transportation mitigation program relating to that project in coordination with—

(A) St. Bernard Parish;

(B) Orleans Parish;

(C) the Old Arabi Neighborhood Association; and

(D) other interested parties.

SEC. 5029. GREAT LAKES NAVIGATION.

(a) DEFINITION OF GREAT LAKES AND CONNECTING CHANNELS.—In this section, the term ''Great Lakes and connecting channels'' includes—

(1) Lakes Superior, Huron, Michigan, Erie, and Ontario;

(2) any connecting water between or among those lakes that is used for navigation;

(3) any navigation feature in those lakes or water the operation or maintenance of which is a Federal responsibility; and

(4) any area of the Saint Lawrence River that is operated or maintained by the Federal Government for navigation.

(b) NAVIGATION.—Using available funds, the Secretary shall expedite the operation and maintenance, including dredging to authorized project depths, of the navigation features of the Great Lakes and connecting channels for the purpose of supporting navigation.

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.

SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

The project for flood control, Goleta and Vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826), is not authorized.

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described in subsection (b), is not authorized.

(b) DESCRIPTION OF PROJECT.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

SEC. 6004. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay, authorized by the River and Harbor Act of 1954 (68 Stat. 1249), is not authorized.

SEC. 6005. SHINGLE CREEK BASIN, FLORIDA.

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood

Control Act of 1962 (76 Stat. 1182), is not authorized.

SEC. 6006. ILLINOIS WATERWAY, SOUTH FORK OF THE SOUTH BRANCH OF THE CHICAGO RIVER, ILLINOIS.

(a) IN GENERAL.—The portion of the Illinois Waterway project authorized by the Act of January 21, 1927 (commonly known as the ''River and Harbor Act of 1927'') (44 Stat. 1013), in the South Fork of the South Branch of the Chicago River, as identified in subsection (b) is not authorized.

(b) DESCRIPTION OF PROJECT PORTION.—The portion of the project referred to in subsection (a) is the portion of the SW ¼ of sec. 29, T. 39 N., R. 14 E., Third Principal Meridian, Cook County, Illinois, and more particularly described as follows:

(1) Commencing at the SW corner of the SW ¼.

(2) Thence north 1 degree, 32 minutes, 31 seconds west, bearing based on the Illinois State Plane Coordinate System, NAD 83 east zone, along the west line of that quarter, 1810.16 feet to the southerly line of the Illinois and Michigan Canal.

(3) Thence north 50 degrees, 41 minutes, 55 seconds east along that southerly line 62.91 feet to the easterly line of South Ashland Avenue, as widened by the ordinance dated November 24, 1920, which is also the east line of an easement to the State of Illinois for highway purposes numbered 12340342 and recorded July 13, 1939, for a point of beginnings.

(4) Thence continuing north 50 degrees, 41 minutes, 55 seconds east along that southerly line 70.13 feet to the southerly line of the South Branch Turning Basin per for the plat numbered 3645392 and recorded January 19, 1905.

(5) Thence south 67 degrees, 18 minutes, 31 seconds east along that southerly line 245.50 feet.

(6) Thence north 14 degrees, 35 minutes, 13 seconds east 145.38 feet.

(7) Thence north 10 degrees, 57 minutes, 15 seconds east 326.87 feet.

(8) Thence north 17 degrees, 52 minutes, 44 seconds west 56.20 feet.

(9) Thence north 52 degrees, 7 minutes, 32 seconds west 78.69 feet.

(10) Thence north 69 degrees, 26 minutes, 35 seconds west 58.97 feet.

(11) Thence north 90 degrees, 00 minutes, 00 seconds west 259.02 feet to the east line of South Ashland Avenue.

(12) Thence south 1 degree, 32 minutes, 31 seconds east along that east line 322.46 feet.

(13) Thence south 00 degrees, 14 minutes, 35 seconds east along that east line 11.56 feet to the point of beginnings.

SEC. 6007. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6008. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

SEC. 6009. LAKE GEORGE, HOBART, INDIANA.

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

SEC. 6010. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.

The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821), is not authorized.

SEC. 6011. MUSCATINE HARBOR, IOWA.

The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166), is not authorized.

SEC. 6012. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.

The project for recreation facilities at Big South Fork National River and Recreational Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

SEC. 6013. EAGLE CREEK LAKE, KENTUCKY.

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

SEC. 6014. HAZARD, KENTUCKY.

The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621), is not authorized.

SEC. 6015. WEST KENTUCKY TRIBUTARIES, KENTUCKY.

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.

SEC. 6016. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the of the Act of August 18, 1941 (55 Stat. 644, chapter 377), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6017. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

SEC. 6018. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.

The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), is not authorized.

SEC. 6019. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the ''Flood Control Act of 1946'') (33 U.S.C. 426e et seq.), is not authorized.

SEC. 6020. GULF INTERCOASTAL WATERWAY, LAKE BORGNE AND CHEF MENTEUR, LOUISIANA.

The project for the construction of bulkheads and jetties at Lake Borgne and Chef Menteur, Louisiana, as part of the Gulf Intercoastal Waterway authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635), is not authorized.

SEC. 6021. RED RIVER WATERWAY, SHREVEPORT, LOUISIANA TO DAINGERFIELD, TEXAS.

The project for the Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6022. CASCO BAY, PORTLAND, MAINE.

The project for environmental infrastructure, Casco Bay in the Vicinity of Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6023. NORTHEAST HARBOR, MAINE.

The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, chapter 19), is not authorized.

SEC. 6024. PENOBSCOT RIVER, BANGOR, MAINE.

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6025. SAINT JOHN RIVER BASIN, MAINE.

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

SEC. 6026. TENANTS HARBOR, MAINE.

The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, chapter 95), is not authorized.

SEC. 6027. FALMOUTH HARBOR, MASSACHUSETTS.

The portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172), beginning at a point along the eastern side of the inner harbor N200,415.05, E845,307.98, thence running north 25 degrees 48 minutes 54.3 seconds east 160.24 feet to a point N200,559.20, E845,377.76, thence running north 22 degrees 7 minutes 52.4 seconds east 596.82 feet to a point N201,112.15, E845,602.60, thence running north 60 degrees 1 minute 0.3 seconds east 83.18 feet to a point N201,153.72, E845,674.65, thence running south 24 degrees 56 minutes 43.4 seconds west 665.01 feet to a point N200,550.75, E845,394.18, thence running south 32 degrees 25 minutes 29.0 seconds west 160.76 feet to the point of origin, is not authorized.

SEC. 6028. ISLAND END RIVER, MASSACHUSETTS.

The portion of the project for navigation, Island End River, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), described as follows: Beginning at a point along the eastern limit of the existing project, N507,348.98, E721,180.01, thence running northeast about 35 feet to a point N507,384.17, E721,183.36, thence running northeast about 324 feet to a point N507,590.51, E721,433.17, thence running northeast about 345 feet to a point along the northern limit of the existing project, N507,927.29, E721,510.29, thence running southeast about 25 feet to a point N507,921.71, E721,534.66, thence running southwest about 354 feet to a point N507,576.65, E721,455.64, thence running southwest about 357 feet to the point of origin, is not authorized.

SEC. 6029. MYSTIC RIVER, MASSACHUSETTS.

The portion of the project for navigation, Mystic River, Massachusetts, authorized by the first section of the River and Harbor Appropriations Act of July 13, 1892 (27 Stat. 96), between a line starting at a point N515,683.77, E707,035.45 and ending at a point N515,721.28, E707,069.85 and a line starting at a point N514,595.15, E707,746.15 and ending at a point N514,732.94, E707,658.38 shall be relocated and reduced from a 100-foot wide channel to a 50-foot wide channel after the date of enactment of this Act described as follows: Beginning at a point N515,721.28, E707,069.85, thence running southeasterly about 840.50 feet to a point N515,070.16, E707,601.27, thence running southeasterly about 177.54 feet to a point N514,904.84, E707,665.98, thence running southeasterly about 319.90 feet to a point with coordinates N514,595.15, E707,746.15, thence running northwesterly about 163.37 feet to a point N514,732.94, E707,658.38, thence running northwesterly about 161.58 feet to a point N514.889.47, E707,618.30, thence running northwesterly about 166.61 feet to a point N515.044.62, E707,557.58, thence running northwesterly about 825.31 feet to a point N515,683.77, E707,035.45, thence running northeasterly about

50.90 feet returning to a point N515,721.28, E707,069.85.

SEC. 6030. GRAND HAVEN HARBOR, MICHIGAN.

The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is not authorized.

SEC. 6031. GREENVILLE HARBOR, MISSISSIPPI.

The project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is not authorized.

SEC. 6032. PLATTE RIVER FLOOD AND RELATED STREAMBANK EROSION CONTROL, NEBRASKA.

The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149), is not authorized.

SEC. 6033. EPPING, NEW HAMPSHIRE.

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS, CLAREMONT TERMINAL, JERSEY CITY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is not authorized.

SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.

The project for navigation, Eisenhower and Snell Locks, New York, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258), is not authorized.

SEC. 6036. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.

The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), is not authorized.

SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.

The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817), is not authorized.

SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA.

The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121), is not authorized.

SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is not authorized.

SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is not authorized.

SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION OF CUT #4, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion of Cut #4), Ohio, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595), is not authorized.

SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAMMOND, OREGON.

The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078), is not authorized.

SEC. 6043. TIOGA-HAMMOND LAKES, PENNSYLVANIA.

The project for flood control and recreation, Tioga-Hammond Lakes, Mill Creek Recreation, Pennsylvania, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313), is not authorized.

SEC. 6044. TAMAQUA, PENNSYLVANIA.

The project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14), is not authorized.

SEC. 6045. NARRAGANSETT TOWN BEACH, NARRAGANSETT, RHODE ISLAND.

The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861), is not authorized.

SEC. 6046. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788), is not authorized.

SEC. 6047. ARROYO COLORADO, TEXAS.

The project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is not authorized.

SEC. 6048. CYPRESS CREEK-STRUCTURAL, TEXAS.

The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6049. EAST FORK CHANNEL IMPROVEMENT, INCREMENT 2, EAST FORK OF THE TRINITY RIVER, TEXAS.

The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), is not authorized.

SEC. 6050. FALFURRIAS, TEXAS.

The project for flood damage reduction, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6051. PECAN BAYOU LAKE, TEXAS.

The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is not authorized.

SEC. 6052. LAKE OF THE PINES, TEXAS.

The project for navigation improvements affecting Lake of the Pines, Texas, for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6053. TENNESSEE COLONY LAKE, TEXAS.

The project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091), is not authorized.

SEC. 6054. CITY WATERWAY, TACOMA, WASHINGTON.

The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, is not authorized.

SEC. 6055. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.

The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153), is not authorized.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 44 and 108; that the nominations be confirmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

IN THE ARMY

The following named officer for appointment as the Chief of Engineers/Commanding General, United States Army Corps of Engineers, and appointment to the grade indicated in the United States Army, while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3036:

To be lieutenant general

Lt. Gen. Robert L. Van Antwerp, Jr., 0000

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) Craig E. Bone, 0000
Rear Adm. (lh) Robert S. Branham, 0000
Rear Adm. (lh) John S. Burhoe, 0000
Rear Adm. (lh) Ronald T. Hewitt, 0000
Rear Adm. (lh) Wayne E. Justice, 0000
Rear Adm. (lh) Daniel B. Lloyd, 0000
Rear Adm. (lh) Joseph L. Nimmich, 0000
Rear Adm. (lh) Robert C. Parker, 0000
Rear Adm. (lh) Brian M. Salerno, 0000

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MEASURE PLACED ON THE CALENDAR—S. 1419

Mr. REID. Mr. President, S. 1419 is at the desk. I ask for its first and second readings, and then ask unanimous consent that the measure be placed on the calendar today.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1419) to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

ENCOURAGING THE ELIMINATION OF HARMFUL FISHING SUBSIDIES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 208.

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

The legislative clerk read as follows:

A resolution (S. Res. 208) encouraging the elimination of harmful fishing subsidies that contribute to overcapacity in the world's commercial fishing fleet and lead to the overfishing of global fish stocks.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I have come to the floor to discuss the overcapitalization of the world's fishing fleets, which is being fueled by the subsidies foreign governments direct to their fishing industries. The problems caused by these subsidies affect not only our global fisheries resources, but also the coastal communities which depend upon them. I introduced a Senate resolution condemning these subsidies and the unsustainable fishing practices they enable.

Fisheries resources—especially large predatory species and other commercially valuable fish stocks—have been overexploited by foreign industrial fishing fleets for years. As a result, these stocks have declined precipitously. In fact, the Food and Agriculture Organization of the United Nations estimates that one-quarter of global fish stocks are overexploited, depleted, or recovering from overexploitation.

To a significant extent, the decline of fisheries resources around the world is intensified by the outdated and mistaken assumption—still held by many nations—that our oceans' productivity is infinite and that fish stocks can be harvested without consequence.

In the United States, we know this is not the case. While we once used subsidies to increase our harvesting capacity, we have since eliminated this practice. Today, we have developed a fisheries management system which respects and conforms to the requirements of fisheries conservation. The Magnuson-Stevens Act, including the amendments added in January, continues to ensure our harvests are guided by science-based catch limits. These controls prevent overfishing and provide managers with the tools they need to limit entry and prevent overcapitalization.

Unfortunately, sustainable fishing policies are not the norm among all fishing nations. Many countries with subsidized industrial fishing fleets have sought to exploit not only their own waters, but also the high seas. Fisheries in international waters are largely unregulated, but even where international management bodies do exist, these damaging practices are carried out in defiance of international quotas and other harvest limits. Not surprisingly, those countries engaged in illegal, unregulated, and unreported—or ''IUU'' fishing—are often the same ones that use subsidies to expand their fleets.

These subsidies, and the IUU fishing associated with them, must end. Today, the capacity of the global fishing fleet is far greater than what is needed to catch the oceans' sustainable level of production. Subsidies also create an uneven playing field among fish trading countries by masking the true cost of fishing. To the economic detriment of the U.S. and other nonsubsidizing nations, up to one-quarter of global fish trade is currently generated by subsidized fisheries. Ultimately, if nations are allowed to stay on this unsustainable path, fish stocks in the global ocean commons will be reduced even further.

The United States, with the support of other countries opposed to subsidies, is now leading an international initiative against harmful fisheries subsidies. Last month, the United States Trade Representative presented a proposal to the World Trade Organization which would eliminate this type of subsidy among WTO members. This proposal, being negotiated in the Doha Development Round, holds great promise for ending those subsidies which distort trade, weaken economic conditions in fishing communities, and lead to IUU fishing and other unsustainable harvesting practices.

This resolution condemns these harmful foreign fishing subsidies, and I urge each of my colleagues to give it their full support.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 208) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 208

Whereas 2.6 billion people in the world get at least 20 percent of their total dietary animal protein intake from fish;

Whereas the Food and Agriculture Organization of the United Nations has found that 25 percent of the world's fish population are currently overexploited, depleted, or recovering from overexploitation;

Whereas scientists have estimated that populations of many large predator fish such as tuna, marlin, and swordfish have been overfished by foreign industrial fishing fleets;

Whereas the global fishing fleet capacity is estimated to be considerably greater than is needed to catch what the ocean can sustainably produce;

Whereas the United States Congress recognized the threat of overfishing to our oceans and economy and therefore included the requirement to end overfishing in United States commercial fisheries by 2011 in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479);

Whereas the United States Commission on Ocean Policy and the Pew Oceans Commission identified overcapitalization of the global commercial fishing fleets as a major contributor to the decline of economically important fish populations;

Whereas harmful foreign fishing subsidies encourage overcapitalization and overfishing, support destructive fishing practices that would not otherwise be economically viable, and amount to $10 to $15 billion annually, an amount equivalent to 20 to 25 percent of the global commercial trade in fish;

Whereas such subsidies have also been documented to support illegal, unregulated, and unreported fishing, which impacts commercial fisheries in the United States and around the world both economically and ecologically;

Whereas harmful fishing subsidies are concentrated in relatively few countries, putting other fishing countries, including the United States, at an economic disadvantage;

Whereas the United States is a world leader in advancing policies to eliminate harmful fishing subsidies that support overcapacity and promote overfishing; and

Whereas members of the World Trade Organization, as part of the Doha Development Agenda (Doha Development Round), are engaged in historic negotiations to end harmful fishing subsidies that contribute to overcapacity and overfishing: Now, therefore, be it

Resolved by the Senate, That the United States should continue to promote the elimination of harmful foreign fishing subsidies that promote overcapitalization, overfishing, and illegal, unregulated, and unreported fishing.

EXPRESSING SUPPORT FOR NEW POWER-SHARING GOVERNMENT IN NORTHERN IRELAND

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to S. Res. 209.

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

The legislative clerk read as follows:

A resolution (S. Res. 209) expressing support for the new power-sharing government in Northern Ireland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, I am delighted to join Senators DODD, BIDEN, COLLINS, KERRY, MCCAIN, CLINTON, LEAHY, SMITH, SCHUMER and OBAMA in support of a Senate resolution commending the extraordinary success of achievement last week in the peace process in northern Ireland.

Ten days ago, on May 8, I was in Belfast to witness the dawn of a new day in the history of northern Ireland—a day that reaffirmed that peace is possible, even in the face of tragic history.

It was an honor to participate in a White House delegation to Belfast and to join Prime Minister Blair of Great Britain and Prime Minister Ahern of Ireland, who have been powerful forces for peace and reconciliation, as former foes in northern Ireland took the oath of office and agreed to share power on an equal basis.

This success could not have been achieved without the courage and determination of the political leaders of northern Ireland over many years in securing a new way forward and forming a new government that offers hope for a brighter future for all the people of that land and a healing of the terrible wounds of the past.

The courageous example of the people of northern Ireland, who have chosen peace and reconciliation, also offers a lesson of hope to other troubled areas of the world.

The resolution we are introducing expresses the strong support of the United States for the new power-sharing Government. It recognizes the contributions of British and Irish and American leaders whose efforts over the years have been indispensable in to the formation of the new Government and the achievement of lasting peace and stability in northern Ireland.

May 8 will long be remembered as a historic day for peace in northern Ireland. All friends of Ireland in the United States commend the First Minister of the new Government, Reverend Ian Paisley of the Democratic Unionist Party and the Deputy First Minister, Martin McGuinness of Sinn Fein for coming together in peace to begin this new era of hope for all the people of northern Ireland, and we wish them continuing success in meeting the challenges that lie ahead.

The United States stands ready to support their new Government. I urge my colleagues to support this resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 209) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 209

Whereas, on May 8, 2007, the Reverend Ian Paisley and Martin McGuinness became Northern Ireland's first minister and deputy first minister, marking the beginning of a new era of power-sharing;

Whereas Reverend Paisley, the Democratic Unionist leader, and Mr. McGuinness, the Sinn Féin negotiator, have put aside decades of conflict and moved towards historic reconciliation and unity in Northern Ireland;

Whereas, on May 8, 2007, Reverend Paisley declared, ''I believe that Northern Ireland has come to a time of peace, a time when hate will no longer rule.'';

Whereas Mr. McGuinness declared this new government to be ''a fundamental change of approach, with parties moving forward together to build a better future for the people that we represent'';

Whereas British Prime Minister Tony Blair declared that ''today marks not just the completion of the transition from conflict to peace, but also gives the most visible expression to the fundamental principle on which the peace process has been based. The acceptance that the future of Northern Ireland can only be governed successfully by both communities working together, equal before the law, equal in the mutual respect shown by all and equally committed both to sharing power and to securing peace. That is the only basis upon which true democracy can function and by which normal politics can at last after decades of violence and suffering come to this beautiful but troubled land.'';

Whereas the Taoiseach of Ireland, Bertie Ahern, declared that ''on this day, we mark the historic beginning of a new era for Northern Ireland. An era founded on peace and partnership. An era of new politics and new realities.''; and

Whereas President George W. Bush, like his predecessor President William J. Clinton, has worked tirelessly to bring the parties in Northern Ireland together in support of fulfilling the promises of the Good Friday Accords.

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States stands strongly in support of the new power-sharing government in Northern Ireland;

(2) political leaders of Northern Ireland, Prime Minister Tony Blair, and Taoiseach Bertie Ahern should be commended for acting in the best interest of the people of Northern Ireland by forming the new power-sharing government;

(3) May 8, 2007, will be remembered as an historic day and an important milestone in cementing peace and unity for Northern Ireland and a shining example for nations around the world plagued by internal conflict and violence; and

(4) the United States stands ready to support this new government and to work with the people of Northern Ireland as they achieve their goal of lasting peace for those who reside in Northern Ireland.

ORDERS FOR MONDAY, MAY 21, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 1 p.m., Monday, May 21; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of the motion to proceed to S. 1348, comprehensive immigration legislation; and Senator SESSIONS be recognized, as provided for under a previous order; that following Senator SESSIONS, the remaining time until 5:30 p.m., be equally divided and controlled between the two leaders, or their designees; provided further that at 5:30 p.m., without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed.

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

ADJOURNMENT UNTIL MONDAY, MAY 21, 2007, AT 1 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:04 p.m., adjourned until Monday, May 21, 2007, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, May 17, 2007:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) CRAIG E. BONE, 0000
REAR ADM. (LH) ROBERT S. BRANHAM, 0000
REAR ADM. (LH) JOHN S. BURHOE, 0000
REAR ADM. (LH) RONALD T. HEWITT, 0000
REAR ADM. (LH) WAYNE E. JUSTICE, 0000
REAR ADM. (LH) DANIEL B. LLOYD, 0000
REAR ADM. (LH) JOSEPH L. NIMMICH, 0000
REAR ADM. (LH) ROBERT C. PARKER, 0000
REAR ADM. (LH) BRIAN M. SALERNO, 0000

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF ENGINEERS/COMMANDING GENERAL, UNITED STATES ARMY CORPS OF ENGINEERS, AND APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY, WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

LT. GEN. ROBERT L. VAN ANTWERP, JR., 0000