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Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

O God, our Father, in spite of the violence and the strife in our world, we pause to thank You for Your blessings. Thank You for the resiliency of the human spirit that often shines brightest during the darkest hours. Thank You for the examples of those who are willing to sacrifice even life itself for freedom. Thank You for the visions and ideals You have planted in the hearts of our legislative leaders and for their commitment to excellence. Thank You for the opportunity to labor for a world at peace and for those who toil for the day when we will study war no more.

Above all, we thank You for the blessing of Your love revealed by Your gift of salvation to our world. Accept this, our sacrifice of thanksgiving and praise.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 10 a.m. with the time equally divided.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning at 10 a.m. we will resume debate on the stem cell issue with each 30 minutes alternating between the two sides. We have the designated times locked in with three votes occurring in a stacked sequence beginning at 3:45 today.

I thank the Members who were available yesterday for the debate. We had a good debate, an important debate, on the whole range of ethical and scientific issues which were introduced and talked about yesterday in that debate, and I am sure it will be constructive, with that same cooperative dialog and spirit today. We have a limited amount of time for closing remarks, so Senators should be on the floor of the Senate during their speaking blocks, and if there is any time available in those speaking blocks, that time will be appropriately allocated.

We will recess today as usual from 12:30 until 2:15 for the weekly policy meetings, and later on this afternoon, we will also begin work on the Water Resources Development Act. We have a time agreement which limits the amendments to the so-called WRDA—the Water Resources Development Act—and we expect to begin debate on some of those amendments this afternoon and evening.

Other items that may be considered this week include some circuit and district judges that have been reported by the Judiciary Committee. We mentioned the Child Custody Protection Act, and we have mentioned the Voting Rights Act. So we will have a busy week.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, with respect to the debate time today regarding the stem cell legislation, I ask unanimous consent that the Democratic time be controlled as follows: From 10:30 to 11 a.m, Senators LAUTENBERG, CLINTON, and MIKULSKI each controlling 10 minutes; from 11:30 to 12 o'clock noon, Senators KOHL and LINCOLN each controlling 5 minutes, and Senators CARPER and JOHN KERRY each controlling 10 minutes; from 12:15 to 12:30, Senators FEINGOLD and SCHUMER each controlling 7½ minutes; and from 2:45 to 3:15 p.m, Senator MENENDEZ, 3 minutes, Senators FEINSTEIN, KENNEDY, and HARKIN each controlling 8 minutes.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Would the Chair advise me as to the current state of business on the floor?

The PRESIDENT pro tempore. The time until 10 a.m. is equally divided between the parties.

STEM CELL RESEARCH

Mr. DURBIN. Thank you very much, Mr. President. Speaking on the minority side, I would like to say that we face a historic vote today on stem cell

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

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research. This is a vote that millions of Americans are watching. People who are suffering from diabetes, Parkinson's, Alzheimer's, spinal cord injuries, they can't understand why America, for the last 5 years, has shut down medical research that promises hope—hope for cures. They can't understand that the President of the United States made the decision—almost unprecedented in our history—to close down medical research. He didn't do it absolutely, and that is the curious thing.

If this is a question of being driven by moral values, I don't understand how the President could conclude that using existing stem cell lines, 78 of them, is permissible, but using 1 more is immoral. I don't follow his logic. Frankly, I don't believe it is logical.

What we have before us is an opportunity to move forward on stem cell research with very strict ethical guidelines. We have a choice: Will we take these thousands of stem cells—which, frankly, will be discarded as waste and surplus—will we allow that to happen or use them in a laboratory to give a 12-year-old girl suffering from juvenile diabetes a chance for a normal, happy life?

Will we use these stem cells to try to explore possibilities for the epidemics of Parkinson's and Alzheimer's and Lou Gehrig's disease and finally have some avenue toward a cure? Are we going to tie our hands as a nation?

The Senate has a chance today to vote for the real bill: H.R. 810. That is the only bill dealing with stem cell research. There are two other bills we will be voting on, and honestly, they don't mean anything. They mean so little. One prohibits practices that are not occurring, and the other is just words—words that don't really lead to research.

What is really troubling is the President has sent us a message, and we received it yesterday. The President said, with his Statement of Administration Policy, if H.R. 810, the real stem cell research bill, were presented to the President, he would veto the bill. This President, who calls himself a compassionate conservative, has a chance with the stem cell research bill to show his compassion for the millions of people suffering from disease, people who are clinging to the possibility of hope in medical research. I hope the President will reconsider. I hope he will not just dig in and say: That's it, I won't even think about it.

I hope the President will pray on this because he is a prayerful man, and if he does, I hope he will understand that throwing away these stem cells, discarding them, declaring they are medical waste, is a waste of opportunity and a waste of hope.

We have a chance with this stem cell bill to give hope to people. I have gathered those in Chicago who are interested in the issue, and there are so many of them: Representatives of groups, a mother who wakes in the middle of the night two or three times to take a blood test on her little girl to see if she needs insulin; a couple sitting before me—I will never forget them—he is suffering from Lou Gehrig's disease. He is in his thirties. He has reached the point now where he cannot speak or move. She brings him to our meeting, and as she describes what they have been through, tears are rolling down his cheeks, realizing he can't do anything to help himself at this point.

Well, there is a chance—a chance, perhaps, for him but certainly for others—a chance for them, for those suffering from Parkinson's.

My colleague from Illinois in the House, LANE EVANS, is my buddy. We came to the House together in 1982. What a great guy. He is a Vietnam era Marine Corps veteran. He wins an upset victory in Illinois, comes in, he is a great Congressman, and then Parkinson's strikes. He had to announce this year he is ending his public career to continue this valiant battle against Parkinson's.

He said, when he came to the floor and spoke on behalf of this bill: This is not just about the right to life, it is the right to live, the right for him to live, the right for others to live.

I implore my colleagues on both sides of the aisle to pass this bill today with a strong vote. Say to the President: Please, in prayerful reflection, think about these people who are counting on us. Think about our chance to show that we are not just compassionate conservatives and compassionate progressives and compassionate liberals, we are compassionate Americans.

I urge my colleagues to pass this bill, and I urge the President to reconsider his veto.

The PRESIDING OFFICER (Mr. DEMINT). The Senator's time has expired.

Mr. HATCH. Mr. President, I see the distinguished Senator from Alaska on the Senate floor. I believe he would like to introduce some people.

VISIT TO THE SENATE BY MEMBERS OF THE SENATE OF SPAIN

Mr. STEVENS. Mr. President, it is my high honor to introduce to the Senate a delegation from the Senate of Spain. Senator Rojo is the leader of this group, the President of the Senate of Spain. With him is Senator Lucas, Senator Anasagasti, Senator Caneda, Senator Garcia-Escudero, Senator Lerma, Senator Aleu, Senator Zubia, Senator Macias, Senator Mendoza, and Senator Cuenca.

Senator Rojo is the President. Senator Lucas is the Vice President. Senator Anasagasi is the First Secretary, and Senator Caneda is the Third Secretary. Senator Garcia-Escudero is the Spokesperson for the Popular Party, Senator Lerma is the Spokesperson for the Socialist Party. Senator Aleu is the Spokesperson for the Progressive Catalonian Parties, and Senator Zubia is the Spokesperson for the Basque Nationalists. Senator Macias is the Spokesperson for the Catalonian Coalition. Senator Mendoza is the Spokesperson for the Canary Islands Coalition, and Senator Cuenca is the Deputy Spokesperson for the Mixed Group.

Mr. President, we thought we had it bad. There are many parties represented here from our distinguished ally, Spain. I hope Senators will take a moment to say hello.

I explained to my colleagues that we are in a debate which is a prelude to a debate which will come up very soon.

RECESS

Mr. STEVENS. Mr. President, I will ask the Senate stand in recess for just a few moments to say hello to our distinguished colleagues.

With the Senate's indulgence, I would like to announce we will have a coffee reception for the President of the Senate of Spain and his colleagues, the Senators from Spain, in the President pro tempore's room starting immediately. All staff and Senators are invited.

I ask unanimous consent that the Senate stand in recess so we can greet our distinguished colleagues.

The PRESIDING OFFICER. The Senator will stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:03 a.m. recessed until 10:04 a.m. and reassembled when called to order by the Presiding Officer (Mr. DEMINT).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

FETUS FARMING PROHIBITION ACT OF 2006

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will resume consideration of S. 3504, S. 2754, and H.R. 810, en bloc, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 810) to amend the Public Health Service Act to provide for human embryonic stem cell research.

A bill (S. 3504) to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

A bill (S. 2754) to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

Mr. HATCH. Mr. President, I rise to speak in support of stem cell research.

I plan to vote in favor of each of the three bills that we will be considering today. I call upon my colleagues to pass all three of these bills. I call upon the President to sign all of them into law.

Make no mistake about it. This is an important debate. We will cast important votes today.

Even with all the events taking place the world today, including the developments in Lebanon, Syria, and Iran, it is my hope—and the hope of many others—that when the history of our time is written, the ultimate outcome of today's debate over stem cell research will have been a major breakthrough in our understanding of, and ability to promote, human health and prevent and treat disease.

I admire and respect President Bush tremendously for being the first President to dedicate Federal funds for stem cell research. As many may recall, in August 2001, the President announced that Federal funds would be used for research on 60 stem cell lines that were created from embryos that have already been destroyed. Unfortunately, many of these stem lines became contaminated so the cells could never be used for scientific research. I believe that H.R. 810 must be signed into law in order to make the President's policy work because in my view, the President already made the decision to use the cells. H.R. 810 just changes the guidelines for stem cell research by allowing embryos that would otherwise be discarded to be made available for research. I believe that by using these embryos for medical research, we are, in fact, promoting life.

One of the reasons why so many are so interested in this debate is that literally everyone either has, or knows, a loved one who has, one of the diseases or conditions that may one day benefit from stem cell research.

One reason why I support stem cell research so strongly is because I have heard from so many of my fellow citizens of Utah and fellow Americans about how important this issue is to them and their families.

That is the reason why Nancy Reagan wrote me the following letter about stem cell research:

MAY 1, 2006

DEAR ORRIN: Thank you for your continued commitment to helping the millions of Americans who suffer from devastating and disabling diseases. Your support has given so much hope to so many.

It has been nearly a year since the United States House of Representatives first approved the stem cell legislation that would open the research so we could fully unleash its promise. For those who are waiting every day for scientific progress to help their loved ones, the wait for United States Senate action has been very difficult and hard to comprehend.

I understand that the United States Senate is now considering voting on H.R. 810, the Stem Cell Research Enhancement Act, sometime this month. Orrin, I know I can count on friends like you to help make sure this happens. There is just no more time to wait.

Sincerely,

NANCY.

I want to make it clear that there is broad consensus among leading scientists that among the three bills we will vote upon today—the Stem Cell Research and Enhancement Act, H.R. 810; the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754; and the Fetus Farming Prohibition Act of 2006—it is H.R. 810 that can most immediately advance science.

The vote on H.R. 810 is the one that really counts.

Some in this debate suggest that passage of the Specter-Santorum alternatives bill would obviate the need for H.R. 810. Neither Senator SPECTER nor I believe that. Nor do the leading scientists in America believe that. Nor should you believe that.

To put a point on it, the other two bills, S. 2754 and S. 3504, are most emphatically not a substitute for H.R. 810. These bills complement H.R. 810. In no way can, or do, they replace H.R. 810.

I support the alternatives bill, S. 2754, for a lot of the same reasons why I coauthored the cord blood stem cell research bill that President Bush signed into law last year. I believe that all scientifically credible and ethically sound avenues of stem cell research ought to be pursued. I might add that when we passed the cord blood legislation, that form of research had already yielded tangible results for several types of diseases, such as some forms of bone marrow cancer.

In sharp contrast, whatever benefits the alternatives bill may yield, experts tell us that they are largely unrealized today and, as often the case with cutting edge science, uncertain in the future. But that is the way science works. Advance in science often progresses in fits and starts. Sometimes, actually most of the time, particular avenues of research are found to be blind alleys and advances do not come. Many seeds of discovery have to be planted for the flower of progress to bloom.

Today's votes give us an opportunity to move forward on several fronts.

Let us be clear that the centerpiece of today's debate is H.R. 810. This is the bill that will help provide the long overdue expansion of the number of stem cell lines eligible for federally funded biomedical research. This is what our leading scientists have told us they want and need to move the field of stem cell research forward.

I have worked with leading scientists throughout my 30-year career in the Senate. Few, if any, issues have created the genuine sense of excitement among the scientific community as have the current opportunities in stem cell research.

Listen to what Dr. Harold Varmus has said about the promise of stem cell research. Dr. Varmus is a Nobel Laureate. He is the former Director of the National Institutes of Health. He currently runs the prestigious Sloan-Kettering Cancer Center. By all accounts, he is one of the leading scientists in the world. I met with Dr. Varmus on several occasions to learn what scientists think about stem cell research.

Here is Dr. Varmus' assessment:

(t)he development of a cell that may produce almost every tissue of the human body is an unprecedented scientific breakthrough. It is not too unrealistic to say that this practice has the potential to revolutionize the practice of medicine.

More than 40 other Nobel prize-winners and as well most of our Nation's leading scientists, disease advocacy organizations, and many other interested citizens and organizations share this view.

For example, here is what Dr. Edward Clark of the University of Utah Department of Pediatrics has told me about stem cell research:

. . . I can assure you that the scientific progress of stem cell research is extraordinary.

. . . In pediatrics, stem cell research offers therapy, and indeed possibly a cure, for a wide variety of childhood diseases, including neurologic disease, spinal cord injuries, and heart disease . . .

I can think of nothing that will provide as much meaningful therapy for children and children's problems than the promise offered by stem cell research.

It is not hard to understand why the additional stem cell lines that can and will be used by federally funded scientists if H.R. 810 becomes law is so exciting for scientists and important for the American public.

The stakes of today's debate are high. As a report of the influential National Academy of Sciences Institute of Medicine has stated:

(S)tem cell research has the potential to affect the lives of millions of people in the United States and around the world.

This Institute of Medicine Report goes on to cite the following high prevalence diseases as likely candidates for stem cell research: Cardiovascular Disease—58 million U.S. patients; Autoimmune Diseases—30 million U.S. patients; Diabetes—16 million U.S. patients; Osteoporosis—10 million U.S. patients; Cancer—10 million U.S. patients; Alzheimer's Disease—5.5 million U.S. patients; Parkinson's Disease—1.5 million U.S. patients.

What family in America does not include someone afflicted with a disease on this list? And a complete list includes many other diseases and conditions such as spinal cord injuries, burns, and many birth defects. Experts believe that upward of 100 million Americans—and hundreds of millions of others around the world—may one day benefit from stem cell research.

For example, let us consider spinal cord injuries. Who does not know, or know of, someone whose life has been devastated by a spinal cord injury?

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received just last month from Michael Armstrong, Chairman of the Board of the Johns Hopkins School of Medicine.

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

JOHNS HOPKINS MEDICINE,
Naples, FL, June 26, 2006.

Hon. ORRIN G. HATCH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATCH: I'm writing to let you know about an exciting recent breakthrough in biomedical research at the Johns Hopkins University. Using mouse embryonic stem cells, scientists led by Dr. Douglas Kerr have regenerated damaged nerve tissue in paralyzed rats, thereby restoring motor function. The details of Dr. Kerr's research are described in a press release attached to this letter.

This breakthrough represents the first time that scientists have actually re-grown damaged components of a nervous system, and it could lead to human therapies that seemed previously to be beyond our reach. Treatments not only for paralysis, but for ALS, multiple sclerosis, and similar diseases of the brain now seem possible. The exact timeframe is impossible to predict, but it will almost certainly depend on the availability of federal funding.

Due to restrictions on federal funding of embryonic stem cell research, Dr. Kerr will likely seek state support for his continuing work. We at Johns Hopkins applaud the courageous efforts of the Maryland General Assembly to make that support possible by passing the Maryland Stem Cell Enhancement Act earlier this year.

The level of funding that will ultimately be required to advance this field of science to human trials, however, suggests that federal funding will be necessary. Yet under current federal policy, the only stem cell lines eligible for federal funding were created using mouse feeder cells and could never be used in clinical trials with humans. It is therefore crucial that current federal stem cell policy be revised.

We are grateful for your ongoing commitment to biomedical research. I'm sure your leadership on this issue will continue to uphold the best interests of American researcher, physicians, and above all, patients.

Sincerely,

C. MICHAEL ARMSTRONG,
Chairman.

Mr. HATCH. Mr. President, this letter describes groundbreaking research conducted by a Johns Hopkins scientist, Dr. Douglas Kerr, on how mouse embryonic stem cells have been able to regenerate damaged nerve tissue in paralyzed rats. According to the letter from Johns Hopkins University, one of the world's most respected biomedical research institutions in the world, Dr. Kerr's ''breakthrough represents the first time that scientists have actually re-grown damaged components of a nervous system, and it could lead to human therapies that seemed previously to be beyond our reach. Treatments not only for paralysis, but for ALS, multiple sclerosis, and similar diseases of the brain now seem possible.''

The current Director of the National Institutes of Health, Dr. Elias Zerhouni, has said that this research is ''a remarkable advance that can help us understand how stem cells can begin to fulfill their great promise.''

However, unless H.R. 810 becomes law and the number of stem cells lines eligible for Federal funding is expanded, this promising research could die on the vine.

As Mr. Armstrong explains in his letter:

The level of funding that will that will ultimately be required to advance this field of science to human clinical trials, however, suggests that federal funding will be necessary. Yet, under current federal policy, the only stem cell lines eligible for federal funding were created using mouse feeder cells and could never be used in clinical trials with humans. It is therefore crucial that current stem cell policy be revised.

The precise type of revision that the scientists at Johns Hopkins tell us is needed is precisely the change in Federal policy that H.R. 810, the Castle-DeGette bill, will bring about.

And the scientists at Johns Hopkins are hardly alone.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Dr. Darrel Kirch, President of the Association of American Medical Colleges.

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

ASSOCIATION OF
AMERICAN MEDICAL COLLEGES,
Washington, DC, July 11, 2006.

DEAR SENATOR: The Association of American Medical Colleges (AAMC) urges you to vote in favor of the ''Stem Cell Research Enhancement Act of 2005'' (H.R. 810) when it is considered by the Senate. The AAMC, which represents the nation's 125 accredited medical schools, some 400 major teaching hospitals, and more than 105,000 faculty in 94 academic and scientific societies, endorses this legislation to expand Federal support for stem cell research while adhering to strict federal oversight and standards. In accordance with current law, the legislation ensures that no Federal funding shall be used to derive stem cells or destroy embryos.

The discovery of human pluripotent stem cells is a significant research advance and Federal support to American researchers is essential both to translate this discovery into novel therapies for a range of serious and intractable diseases, and to ensure that this research is conducted under a rigorous and credible ethical regime. The therapeutic potential of pluripotent stem cells is remarkable and could well prove to be one of the important paradigm-shifting advances in the history of medical science. These cells have the unique potential to differentiate into any human cell type and offer real hope of life-affirming treatments for diabetes, damaged heart tissue, arthritis, Parkinson's, ALS and spinal cord injuries, to name but a few examples. There is also the possibility that these cells could be used to create more complex organ structures that could replace diseased vital organs, such as kidneys, livers, or even hearts.

We recognize the significant ethical issues that are raised about embryonic stem cell research and we respect the view of those who oppose such research, including some in our own medical school community. However. we are persuaded otherwise by what we believe is an equally compelling ethical consideration, namely, that it would be tragic to waste the unique potential afforded by embryonic stem cells, derived from embryos destined to be discarded in any case, to alleviate human suffering and enhance the quality of human life.

This legislation recognizes the need to expand Federal support of research on pluripotent stem cells so that the tremendous scientific and medical benefits of their use may one day become available to the millions of patients who so desperately need them. Again, we urge you to vote for this bill, which will help ensure the potential of this research is translated into treatments and cures.

Sincerely,

DARRELL G. KIRCH, M.D.,
President.

Mr. HATCH. Mr. President, this organization represents our Nation's 125 accredited medical schools, 400 teaching hospitals, and more than 105,000 medical school faculty in 94 academic and scientific societies. This letter, sent to all Senators last Tuesday, call for us to support H.R. 810. The AAMC letter states:

> The therapeutic potential of pluripotent stem cells is remarkable and could well prove to be one of the important paradigm-shifting advances in the history of medical science.

Support for H.R. 810 is not confined solely to academicians. Last year, when the House took up and passed H.R. 810 on a bipartisan basis, over 200 organizations gave their wholehearted support for this legislation. This includes many leading patient advocacy organizations such as the Coalition for the Advancement of Medical Research, the Juvenile Diabetes Research Foundation, the Elizabeth Glaser Pediatric Aids Foundation, the Christopher Reeve Foundation, the American Association for Cancer Research, and the Alliance for Aging Research, to name a few.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of organizations that support the passage of H.R. 810.

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

JULY 14, 2006.

U.S. Senate,
Washington, DC.

DEAR SENATOR: We, the undersigned patient advocacy groups, health organizations, research universities, scientific societies, and other interested institutions and associations, representing millions of patients, scientists, health care providers and advocates, write you with our strong and unified support for H.R. 810, the Stem Cell Research Enhancement Act. We urge your vote in favor of H.R. 810 when the Senate considers the measure next week.

Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country. This is the bill which holds promise for expanding medical breakthroughs. The other two bills—the Alternative Pluripotent Stem Cell Therapies Enhancement Act (S. 2754) and the Fetus Farming Prohibition Act (S. 3504)—are NOT substitutes for a YES vote on H.R. 810.

H.R. 810 is the pro-patient and Pro-research bill. A vote in support of H.R. 810 will be considered a vote in support of more than 100 million patients in the U.S. and substantial progress for research. Please work to pass H.R. 810 immediately.

Sincerely,

Alliance for Aging Research; Alliance for Stem Cell Research; Alpha-1 Foundation; ALS Association; American Association for Cancer Research; American Association of Neurological Surgeons/ Congress of Neurological Surgeons; American Autoimmune Related Diseases Association; American College of Neuropsychopharmacology; American

College of Obstetricians and Gynecologists; American Diabetes Association; American Gastroenterological Association; American Medical Association; American Parkinson's Disease Association (Arizona Chapter); American Society for Cell Biology; American Society for Microbiology; American Society for Neural Transplantation and Repair; American Society for Reproductive Medicine; American Society of Hematology.

American Thyroid Association; Association of American Medical Colleges; Association of American Universities; Association of Independent Research Institutes; Association of Professors of Medicine; Association of Reproductive Health Professionals; Axion Research Foundation; Biotechnology Industry Organization; B'nai B'rith International; The Burnham Institute; California Institute of Technology; Californians for Cures; Cancer Research and Prevention Foundation; Cedars-Sinai Health System; Children's Neurobiological Solutions Foundation; Christopher Reeve Foundation; Columbia University Medical Center; Cornell University; CuresNow.

Duke University Medical Center; Elizabeth Glaser Pediatric AIDS Foundation; FasterCures; FD Hope Foundation; Genetics Policy Institute; Hadassah; Harvard University; Hereditary Disease Foundation; International Foundation for Anticancer Drug Discovery (IFADD); International Longevity Center—USA; International Society for Stem Cell Research; Jeffrey Modell Foundation; Johns Hopkins; Juvenile Diabetes Research Foundation; Leukemia and Lymphoma Society; Massachusetts Biotechnology Council; National Alliance for Eye and Vision Research; National Association for Biomedical Research; National Coalition for Cancer Research.

National Council on Spinal Cord Injury; National Health Council; National Partnership for Women and Families; National Venture Capital Association; New Jersey Association for Biomedical Research; New York University Medical Center; Parkinson's Action Network; Parkinson's Disease Foundation; Pittsburgh Development Center; Project A.L.S.; Quest for the Cure; Research!America; Resolve: The National Infertility Association; Rett Syndrome Research Foundation; Robert Packard Center for ALS Research at Johns Hopkins; Rutgers University; Sloan-Kettering Institute for Cancer Research; Society for Women's Health Research; Stanford University.

Stem Cell Action Network; Stem Cell Research Foundation; Steven and Michele Kirsch Foundation; Student Society for Stem Cell Research; Take Charge! Cure Parkinson's, Inc.; Texans for the Advancement of Medical Research; Tourette Syndrome Association; Travis Roy Foundation; University of California System; University of Minnesota; University of Rochester Medical Center; University of Southern California; University of Wisconsin—Madison; Vanderbilt University and Medical Center; Washington University in St. Louis; WiCell Research Institution; Wisconsin Alumni Research Foundation; Wisconsin Association for Biomedical Research and Education.

Mr. HATCH. Mr. President, support for the passage of H.R. 810 is not limited to the not-for-profit sector. While it is sometimes typical for the private sector to keep out of some controversial issues, this is not the case with stem cell research.

Last week, I received a letter of support for H.R. 810 from the Biotechnology Industry Organization. BIO represents more than 1,100 biotechnology companies, state biotechnology centers, and academic institutions. The BIO letter notes:

Expanded support of embryonic stem cell research could also go a long way toward reducing the time and expense needed to develop drugs because new chemical or biological compounds meant to treat diseases could be tested in specific human cells prior to their use in live human beings.

Mr. President, I ask unanimous consent to have printed in the RECORD the July 12, 2006, letter from BIO calling for passage of H.R. 810.

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

BIOTECHNOLOGY INDUSTRY ORGANIZATION,
Washington, DC, July 12, 2006.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: As President & CEO of the Biotechnology Industry Organization (BIO), I am writing to express BIO's support for H.R. 810, the Stem Cell Research Enhancement Act. Other stem cell legislation being debated by the Senate has merit, but only H.R. 810 expands the research that our nation's leading scientists believe holds the promise of finding cures and treatments for the millions of patients who currently suffer from a variety of diseases and disabilities.

BIO is the national trade association representing more than 1,100 biotechnology companies, academic institutions, state biotechnology centers and related organizations in all 50 U.S. states and 33 foreign nations. BIO members are involved in the research and development of health-care, agricultural, industrial and environmental biotechnology products.

Our nation's top scientists agree that embryonic stem cell research has the potential to lead to cures and treatments for many of our society's most devastating diseases and disabilities such as cancer, diabetes, ALS, Parkinson's disease, Alzheimer's disease, and spinal cord injuries. Embryonic stem cell research will further the development of cell-based therapies by leading to greater scientific understanding of cell differentiation—the process by which our cells become specialized to perform certain functions—and proliferation—the process where cells expand, or multiply for controlled use as a potential therapeutic.

Expanded support of embryonic stem cell research could also go a long way toward reducing the time and expense needed to develop drugs because new chemical or biological compounds meant to treat diseases could be tested in specific human cells prior to their use in live human beings.

Importantly, the legislation creates an ethical framework for this research. It prohibits funding unless the cell lines were derived from excess embryos from in vitro fertilization clinics that were created for reproductive purposes and would otherwise be discarded. It also requires voluntary informed consent from the couples donating the excess embryos and prohibits any financial inducements.

H.R. 810 provides hope to millions of patients and their families by expanding current federal policy regarding federal funding of stem cell research. I urge you to support its passage.

If you have any questions, please feel free to call me or Brent Del Monte, BIO's Vice President for Federal Government Relations, at 202–962–9200.

Thank you for your attention to this important matter.

Sincerely,

JAMES C. GREENWOOD,
President & CEO,
Biotechnology Industry Organization.

Mr. HATCH. Mr. President, some aspects of this issue involve complicated scientific facts and complex moral questions. Elected officials and the American public alike have had much to learn and consider since this issue first arose on the scene in 1998.

The more the American public thinks about this issue, the more it coalesces around the policy embraced by H.R. 810 which will significantly improve and expand taxpayer supported stem cell research.

Public opinion polls show that U.S. citizens are squarely behind stem cell research and H.R. 810.

For example, a poll commissioned by the Coalition for the Advancement of Stem Cell Research and taken in May of this year found that 72 percent of Americans support embryonic stem cell research and 70 percent favor the Senate adopting H.R. 810, the Stem Cell Research Enhancement Act. This finding of broad public support is consistent with other previously conducted polls. For example, a Harris poll taken in August 2004 found that 73 percent of Americans think stem cell research should be allowed and a June 2004 Wall Street Journal/NBC News poll placed public support for this research at 71 percent.

Some may try to quibble about how particular poll questions were phrased in particular surveys, but few would question the fact that for some time most Americans have wanted the type of research that H.R. 810 will help enable to go forward.

I can tell you this. The poll results I have just cited are consistent with what I hear from my neighbors and constituents in Utah. I come from a conservative State. But whenever the issue of stem cell research comes up at one of my meetings in Salt Lake City or other places in my State, somebody will come up to me to tell me their personal story with the diseases of a loved one and tell me that I am doing the right thing on stem cell research.

One of the reasons why I got involved with the issue of stem cell research in the first place was because of a little boy named Cody Anderson, whose family used to live in West Jordan, UT.

Cody and his family came to visit me in Washington in 2001 to tell me their tragic family struggle with diabetes. Cody's grandfather succumbed to diabetes at age 47 after a series of painful amputation operations. Cody, his grandfather's namesake, never got the chance to meet or know his grandfather because of diabetes.

Let me read you part of a letter that Cody and his family wrote me:

I don't want other small children like me to have to go through the things that I have already had to go through. I do not want to suffer the effects that my grandfather did throughout his life because of this disease. I want to grow old and not have to worry about all the bad things that could happen to me because of diabetes. We have seen what diabetes can do to an innocent life. Please don't let this happen to me in my life now. I hope you will take it in your hearts to listen to us, the people who live with this disease for every minute of every day for now and the rest of our lives.

In a few hours we can pass a bill that can only help Cody and thousands of others suffering from diabetes and millions of others who suffer from other diseases and conditions that may benefit from stem cell research.

How do you think young Cody's parents felt when they learned of their son having the same diagnosis as his grandfather?

How would you feel if you were told that your child would lead a life revolving around multiple daily blood tests, insulin injections, and a tightly regulated diet and constricted activity schedule that no child would relish?

The answer of any parent is that you would want your government to leave no stone unturned in finding a cure for that disease. And you would want the cure found as soon as possible.

Let me say a few sobering words about the immediacy of the promise of stem cell research. Cures are not around the corner. While stem cell research may prove in time to be a revolutionary advance in science such progress does not come quickly or on the cheap.

If we start a vigorous program of federally funded stem cell research program progress will not likely be measured in hours and days. It will take years, perhaps 10 or 20 years, before American patients are administered a new class of products and treatments derived from stem cell research.

In this regard I am reminded of an instance in which, when advised that a certain type of rare plant took years and years to bloom if placed in a certain hostile environment, a great French General simply said, ''Then we must not delay, we must plant today.''

We have to proceed with stem cell research with a passion and urgency today precisely because we do not know how long it will take to find tomorrow's cure. But we do know that the sooner we start, the faster we will get there.

Nor will this research be inexpensive. No doubt one reason why the biotechnology industry is supporting H.R. 810 is because since the end of World War II basic biomedical research in this country has primarily been funded by taxpayers through the programs conducted or supported by the National Institutes of Health. Today, about 80 percent of the $28 billion NIH budget is invested in highly-competitive, peer-reviewed research that is undertaken by universities and research hospitals.

There has been a continuum of effort between the public sector basic research and private sector applied research that attempts to translate the new basic knowledge gleamed from federally supported NIH research into tangible FDA-approved products or other treatments before they can reach even the first patient's bedside. Americans should take pride in the fact that virtually every major advance in the biological sciences in the last 50 years emanated in some way from our investment in the NIH.

In my view, it would be in tragic and nearly incalculable mistake for our country to continue our present policy that materially constricts the cadre of investigators leading over 46,000 ongoing university based, NIH research grants from pushing the envelope of stem cell research. To cede our leadership in such a promising field of endeavor of biomedical research as stem cell research can only be shortsighted in the long run.

For example, the University of Utah is the proud home of one of the world's foremost mouse stem cell researchers. His name is Dr. Mario Capecchi and he has already won one of the most prestigious awards in American science, the Lasker Award. A great deal of the support for Dr. Capecchi and other researchers at the University of Utah and other research universities across the country come from NIH grants and contracts.

I want Dr. Capecchi to stay in Utah. I want the world's leading scientists to stay in the United States. It is critical to relax the current straitjacket on testing new stem cell lines if we are to keep the best stem cell researchers in this country.

Some might say good riddance to this research and to stem cell researchers. Look what happened in South Korea when a group of stem cell researchers conducted unethical experiments, faked the results and lied to the public.

I say that if the NIH is involved in this research and it is conducted in America, federally supported researchers will have to live within long-standing NIH ethical guidelines and principles as well as special rules that will apply only to stem cell research. In this way, as we have done so many times in the past with breakthrough research such as with recombinant DNA technology and organ transplants, the United States can help set a moral and ethical climate that our neighbors in the world community will emulate and follow.

I hope we never reach the day when the best biomedical researchers trained in America must go elsewhere to conduct the most cutting-edge basic biomedical research. Once that happens, we could face the day when sick Americans must actually leave our country to get the latest in treatments. I sure would not want to see a day when a citizen of Salt Lake City has to go to South Korea or any place else to get the best medical treatment possible.

Today, for all of its warts, the U.S.A. is widely recognized as the world's leader in developing and disseminating the latest in medical breakthroughs.

Passage of H.R. 810 will help us keep it that way.

The purpose of H.R. 810 is to expand the opportunities for the type of federally funded basic biomedical research that has proven so beneficial to the American public time and time again in the past.

Having described how many experts and interested parties believe that the promise of stem cell research is so great, I want to spend the next few minutes describing why some are opposed to this research and why I think their opposition is misplaced.

In order to do this, I feel compelled to spend a few minutes to define and discuss some technical scientific terms. I know that others have used many or all of these terms during the course of the debate but please bear with me if I am repeating some one or get too technical.

Perhaps the best place to start a discussion of stem cell research is with a broader term that many scientific experts believe more accurately describes the field and what is at stake.

The term is regenerative medicine.

Regenerative medicine seeks to uncover knowledge about how healthy cells contained in tissues and organs are formed and how they are lost through normal wear and tear or impaired more extensively through injury or degenerative disease.

The growing field of regenerative medicine is increasing our understanding of embryonic development, birth defects, organ transplantation, and the developmental biology of both healthy and diseased tissues. A key avenue of research of regenerative medicine involves stem cells. A stem cell is an undifferentiated cell that has the unique capacity to renew itself and give rise to specialized cell types. These stem cells are called pluripotent because of this ability to develop into different kinds of specialized cells, perhaps into all or most of the 200 known types of tissues that comprise the human body. Stem cells have the ability to divide and replicate for long periods of time in a laboratory colonies called cell lines.

The flexibility of these pluripotent stem cells is distinct from most cells in the body, because most cells are typically dedicated to performing a specific task such as heart muscle cells and specialized nerve cells. Scientists, like Dr. Kerr, the Johns Hopkins nerve cell researcher whom I talked about earlier, hope to be able to use stem cells to study how healthy and diseased cells work and, one day use this knowledge and use stem cell lines to treat or repair diseased tissues or organs. If this research is successful, many currently untreatable diseases and conditions may go the way of small pox and polio.

There are several different sources of stem cells.

Adult stem cells are undifferentiated cells that are found in specialized adult tissues. These cells can renew themselves and, with certain limitations, can differentiate to yield all the specialized cells types of the tissue in which they are found, and perhaps others as well. Adult stem cells have been found in many tissues including bone marrow, blood, the brain, skeletal muscle, dental pulp, liver, skin, eye, and the pancreas.

There is no serious opposition to adult stem cell research. I fully support this research.

There is, however, much debate over the potential limitations of adult stem cell research. For example, the seminal 2001 National Academy of Sciences study I mentioned earlier summarized the concerns:

(I)t is not clear whether . . . adult stem cells . . . truly have plasticity or whether some tissues contain several types of stem cells that each give rise to only a few derivative types. Adult stem cells are rare, difficult to identify and purify, and when grown in culture, are difficult to maintain in the undifferentiated state. It is because of those limitations that even stem cells from bone marrow, the type most studied, are not available in sufficient numbers to support many potential applications of regenerative medicine.

Although some opponents of H.R. 810 have taken exception to this characterization of the limitations of adult stem cells, it is my understanding that most experts in the field believe that embryonic stem cells offer advantages over adult stem cells because of the reasons I have just reported from the NAS study.

Moreover, some proponents of adult stem cell research claim that many diseases have been effectively treated with adult stem cells. Unfortunately, the weight of evidence does not support many of these claims. Nor do most of the leading experts in the field agree with the notion that adult stem cell research exceeds the promise of embryonic stem cell research despite the fact that adult stem cell research has at least a 40-year head start on embryonic stem cell research and has enjoyed a sustained funding commitment from the NIH.

The current issue of Science magazine contains a detailed letter written by three scientists, Shane Smith, William Neaves, and Steven Teitelbaum challenging claims made by a leading advocate of adult stem cell research, Dr. David Prentice. I understand that most experts come down on the Smith-Neaves-Teitlebaum side of the debate concerning the scientific limitations and opportunities of embryonic stem cells relative to adult stem cells.

Additional sources of stem cells are those acquired from placental and umbilical cord blood. Last fall the Congress passed and President Bush signed into law legislation that I co-authored to expand the use of the valuable and proven source of stem cell therapy. Due to the work of pioneers like Dr. Joanne Kurtzberg from Duke University and Dr. Pablo Rubinstein of the New York Blood Center, cord blood has become an important mode of treatment for diseases like bone marrow disorders and has proven to be particularly useful in the African-American community where it is often difficult to find suitable bone marrow matches.

Yet another source of stem cells is those derived from human embryos. Public debate and discussion have centered on two types of embryonic stem cells.

First, stem cells may be derived from embryos created for, but no longer needed in, the in vitro fertilization process.

Second, stem cells can potentially be derived from so-called cloned embryos through the process of somatic cell nuclear transfer.

Today's debate centers on the first source of embryonic stem cells—excess embryos formed in fertility clinics slated for destruction.

Under the terms of the unanimous consent agreement—and it is an agreement I fully support and commend Senators FRIST and REID for negotiating—the bills we debate today do not involve cloned embryos formed by somatic cell nuclear transfer. This is the process whereby the nucleus of an egg and its complement of 23 chromosomes is removed and replaced with the nucleus of one of the standard 46-chromosome containing somatic cells that constitute the 200-plus tissues of the human body.

Senator FEINSTEIN and others have developed legislation that would ban and criminalize the act of using the somatic cell nuclear transfer process to give birth to a cloned human being. In addition, our bill, the Human Cloning Ban and Stem Cell Research Protection Act, S. 876, would set forth a tightly defined set of ethical restrictions and NIH oversight for anyone in the private sector that undertakes somatic cell nuclear transfer in order to produce new stem cell lines.

Others, led by Senator BROWNBACK, have offered legislation that would effectively ban somatic cell nuclear transfer altogether, even purely for research purposes and even with tight ethical controls that will govern wholly private sector funded experiments.

One day we will have that debate. We will not have it today under the rules of this debate. As I will describe, those opposed to deriving additional stem cell lines through the somatic stem cell process also oppose using spare embryos as a source of additional stem cell lines and do so for the same basic argument.

The great topic of today's debate is whether it is ethical and proper for taxpayer funded scientists to use stem cells derived from embryos no longer needed in fertility treatment.

The process of in vitro fertilization consists of fertilizing a woman's egg in a laboratory and then placing the fertilized egg in a woman's womb so that gestation and childbirth can occur. This is what is done when couples have fertility problems. Although IVF procedures were very controversial when they were first developed and used back in 1983, over 200,000 Americans have been born through this technique that is widely accepted today.

Many had grave reservations about the IVF process when it was developed. Some of the fiercest opponents of IVF back then are also the most ardent opponents of S. 810. While I respect their views—and these are sincere and earnest individuals—I think they were wrong then and wrong now.

As part of the fertility treatment process, it is inevitable that there will be some test tube embryos that will not be needed and will never be implanted in a mother's womb. And let me be clear here, I believe that the highest and best use of a human embryo is to be used by loving parents to add to their family. I wholeheartedly support adoption of spare embryos and would give adoption precedence over use for research. I think most would agree with me on this.

But the fact of the matter today is that there may exist at any point in time more than 400,000 such unused embryos in the United States and each year tens of thousands of such spare embryos are routinely and unceremoniously discarded and destroyed. It is important to note that more than 11,000 of these embryos have already been used for research.

It is from these embryos that scientists have derived stem cell lines.

Here is how it works.

During the first few days of embryo development, whether in a mother's womb or in a Petri dish inside a fertility clinic, the fertilized egg—called a zygote—begins to divide and transform into a sphere of cells called a blastocyst. Depending on its stage of development, a blastocyst is comprised of about 30 to 150 cells. It is from the inner layer of the blastocyst that scientists can derive the unspecialized but pluripotent stem cells that hold so much promise.

As I said earlier, while there is some debate on this issue, the great bulk of the evidence and consensus view of leading experts is that, at this point in time, research on the embryonic stem cells holds at least as much, and probably a lot more, promise than research on adult stem cells and cord blood. That is because the experts believe that embryonic stem cells appear to be easier to identify and work with and appear to be more flexible than other sources of stem cells.

The sole purpose of H.R. 810 is to expand the number of stem cell lines eligible for Federal funding. If H.R. 810 passes and is signed into law, Americans will finally get the vigorous program of federally funded stem cell research complete with a rigorous system of Federal oversight of the ethical protections that the National Institutes of Health will place on this research.

The policy dispute that requires the legislative fix set forth in H.R. 810 revolves around the moral status of a spare embryo. Some, including President Bush and some in Congress, have reservations about using stem cells derived from embryos for research purposes. This concern is anchored in the perspective that human life begins at the moment of conception, be it in the womb or in the lab of a fertility clinic.

While I respect this view and those who hold it, I do not agree with it.

Let me say that I come into this debate as longtime, right-to-life Senator. I oppose abortion on demand. I think that Roe v. Wade was wrongly decided. I have worked to return the power to outlaw abortion from the courts to the states. In 1981, I proudly worked to report an anti-abortion constitutional amendment from the Senate Judiciary Committee.

In the 108th Congress, I served as chairman of the House-Senate Conference Committee that finalized long-overdue legislation to outlaw the barbaric practice of partial birth abortion. I was at the President's side when he signed this bill into law.

When it comes to a right-to-life philosophy, I do not take a back seat to anyone in this Chamber or the House of Representatives. I will put my pro-life track record up against anyone inside or outside of Congress.

When I considered the question of the moral status of stem cells created for, but no longer needed in, the in-vitro fertilization process, I did so from a long and fervently held pro-life philosophy.

I have discussed this issue with many experts in science and ethics on all sides of this issue. I spoke to many Utahns and other citizens about their views on this matter. I consulted books ranging from medical texts and the Bible.

I thought long and hard about this matter.

Sometimes, I simply prayed to God for guidance.

I take my pro-family, pro-life philosophy very seriously.

I believe the worth of each soul is absolute.

Accordingly, I reject any purely utilitarian argument that the promise of stem cell research is so great that the ends justify the means.

I do not think that research can ever justify the taking of even a single human life, no matter how frail or defenseless that person may be.

Let me just say that there is not a fairer or finer man in the U.S. Senate than my friend from Kansas, Senator SAM BROWNBACK. As he has attempted to frame the issue:

> The central question in this debate is simple: Is the embryo a person or a piece of property? If you believe . . . that life begins at conception and that the human embryo is a person fully deserving of dignity and the protection of our laws, then you have to believe that we must protect this innocent life from harm and protection.

After much thought, reflection, and prayer, I concluded that life begins in, and requires, a nurturing womb. Human life does not begin in a Petri dish.

I do not question that an embryo is a living cell.

But I do not believe that a frozen embryo in a fertility clinic freezer constitutes human life.

To my knowledge, as a matter of law, no member of the U.S. Supreme Court has ever taken the position in even a dissenting opinion, let alone a majority opinion, that fetuses, let alone embryos, are constitutionally protected persons.

I cannot imagine, for example, that many Americans would view an employee of a fertility clinic whose job it is to destroy unneeded embryos as a criminal—and a murderer at that. Yet this is a task that is performed thousands of times each and every year by hundreds of fertility clinic employees.

As well, the logical extension of Senator BROWNBACK's life-begins-at-conception view might be to criminalize the actions of a woman or her doctor from using, or recommending the use of, some longstanding forms of contraception that impede fertilized eggs from attaching onto the uterine wall.

I simply do not believe that passing H.R. 810 and allowing federally funded researchers to use new stem cell lines derived from spare embryos from fertility clinics is somehow ethical.

It seems to me that you would have to believe that the in vitro fertilization process was unethical to begin with if you believe that it is unethical to use spare embryos that would never be used for fertility purposes and were slated for routine destruction.

I find both fertility treatment and embryonic stem cell research to be ethical.

I believe that being pro-life involves helping the living.

Regenerative medicine is pro-life and pro-family; it enhances, not diminishes human life.

My friend and colleague, Senator GORDON SMITH, and I share a similar perspective on this important issue. Here is Senator SMITH's eloquent response to the concerns raised by our friend, Senator BROWNBACK:

> . . . when does life begin? Some say it is at conception. Others say it is at birth. For me in my quest to be responsible and to be as right as I know how to be, I turn to what I regard as sources of truth. I find this: ''And the Lord God formed man of the dust of the ground and breathed into his nostrils the breath of life, and man became a living soul.'' This allegory of creation describes a two-step process to life, one of the flesh, the other of the spirit . . . Cells, stem cells, adult cells, are, I believe, the dust of the earth. They are essential to life, but standing alone will never constitute life. A stem cell in a petri dish or frozen in a refrigerator will never, even in 100 years, become more than stem cells. They lack the breath of life. An ancient apostle once said: ''For the body without the spirit is dead.'' I believe that life begins in the mother's womb, not in a scientist's laboratory. Indeed, scientists tell me that nearly one-half of fertilized eggs never attach to a mother's womb, but naturally slough off. Surely, life is not being taken here by God or by anyone else.

I find much wisdom in Senator SMITH's remarks and ask all of you to reflect upon his thoughtful and valuable perspective.

When the roll is called on H.R. 810, I will vote yea. I urge my colleagues to do likewise.

I applaud President Bush's decision to allow Federal funds to be used in connection with a limited number of stem cell lines that preexisted his August 9, 2001 speech. Frankly, I had hoped back in 2001 that President Bush would announce a more expansive policy.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I wrote to President Bush on this matter in June, 2001 on the issue of stem cell research as well as an accompanying letter to then Secretary of Health and Human Services, Tommy Thompson.

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

U.S. SENATE,
Washington, DC, June 13, 2001.

The President GEORGE WALKER BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I urge you to support federal funding of human pluripotent embryonic stem cell research. Upon substantial reflection, I find—and hope you will as well—that proceeding with this research is in the best interests of the American public and is consistent with our shared pro-life, pro-family values.

After carefully analyzing the factors involved, I conclude that, at this time, research on human pluripotent embryonic stem cells is legal, scientifically compelling, and ethically sound. I want to emphasize that my support for such research is contingent upon adherence to the applicable statutes, regulations and guidelines. For your information, I have provided a copy of my correspondence to Secretary Thompson that more fully explains my reasoning on this important matter.

Mr. President, one of the great legacies of your father's Presidency was the fall of the Berlin Wall which represented the victory of democracy in a 50-year battle with totalitarian regimes. Through sacrifice and love of country ''the Greatest Generation'' prevailed over both fascism and communism and proved more than equal to the challenges of the times. As a result, today the United States is in a unique position of leadership in the world. How America exerts this influence and invests our resources and energies will be observed closely by all of our global neighbors. It seems to me that leading the way in finding new cures for disease is precisely the type of activity that accrues to our benefit both at home and abroad.

In the opening days of your term in office, scientists have completed the task of sequencing the human genome. While this acccomplishment—the work of many in the public and private sectors—is of historical significance, it is only the end of the beginning in a new era of our understanding of the biological sciences, Over your next eight years in office, you have an unprecedented opportunity to provide the personal leadership required to see to it that your Administration will be remembered by future historians as the beginning of the end for such deadly and debilitating diseases as cancer, Alzheimer's, and diabetes.

To accomplish this, all promising and proper avenues of research must be explored. Throughout my career I have been proud to have worked with patients and families struggling with the daily realities of disabling high prevalence illnesses such as cancer, diabetes, and heart disease. As author of the Orphan Drug Act, I also am proud that over 200 drugs have been approved since this law was enacted in 1984 for such small population, but devastating diseases, as Hemophilia, Cystic Fibrosis, and ALS. In my 25 years of working to sustain and build America's formidable biomedical research enterprise, I have rarely, if ever, observed such genuine excitement for the prospects of future progress than is presented by embryonic stem cell research.

Mr. President, once you have considered the complexities of the questions at hand, I hope you will conclude, as other pro-life, pro-family Republicans such as Strom Thurmond, Gordon Smith, Connie Mack, and I, that the best course of action is to lead the way for this vital research.

Sincerely,

ORRIN G. HATCH,
United States Senator.

U.S. SENATE,
Washington, DC, June 13, 2001.

Hon. TOMMY G. THOMPSON,
Secretary of Health and Human Services, Washington, DC.

DEAR MR. SECRETARY: I am writing to express my views regarding federal funding of biomedical research involving human pluripotent embryonic stem cells. After carefully considering the issues presented, I am persuaded that such research is legally permissible, scientifically promising, and ethically proper. Therefore, at this time, I support the use of federal funds to conduct research involving human pluripotent stem cells derived from embryos produced through the in vitro fertilization process. My support is, of course, conditioned upon such research being conducted in strict accordance with the relevant statutes and the protections set forth in the applicable regulations and guidelines, including those issued by the National Institutes of Health (NIH).

I am mindful that this is a matter over which reasonable, fair-minded persons may ultimately disagree. Despite this likely outcome, I believe it constructive for public dialogue to take place over this issue. For that reason, I recommend that you convene the National Institutes of Health Human Pluripotent Stem Cell Review Group (HPSCRG) or a similar expert advisory body to help bring resolution to this matter. The HPSCRG, to be chaired by Dr. James Kushner of the University of Utah, can become a key forum to provide information and advice for policymakers.

At the outset, let me be clear about one of my key perspectives as a legislator: I am pro-family and pro-life. I abhor abortion and strongly oppose this practice except in the limited cases of rape, incest, and to protect the life of the mother. While I respect those who hold a pro-choice view, I have always opposed any governmental sanctioning of a general abortion on demand policy. In my view, the adoption of the Hyde Amendment wisely restricts taxpayer financed abortions. Moreover, because of my deep reservations about the Supreme Court's decision in Roe v. Wade, I proposed—albeit unsuccessfully—an amendment to the Constitution in 1981 that would have granted to the states and Congress the power to restrict or even outright prohibit abortion.

In 1992, I led the Senate opposition to fetal tissue research that relied upon cells from induced abortions. I feared that such research would be used to justify abortion or lead to additional abortions. It was my understanding that tissue from spontaneous abortions and ectopic pregnancies could provide a sufficient and suitable supply of cells. Unfortunately, experts did not find these sources of cells as adequate for their research needs. Subsequently, the 1993 NIH reauthorization legislation changed the legal landscape on this issue.

Because of my strong pro-life beliefs, I am a co-sponsor of the Unborn Victims of Violence legislation that makes it a separate criminal offense to cause death of or bodily injury to unborn children. I also support the Child Custody Protection Act that addresses the problem of minors crossing state lines to obtain abortions in avoidance of home state parental consent or notification requirements. I have also helped lead the effort to outlaw partial birth abortion, a procedure I find to be particularly repugnant. I hope that the 107th Congress will succeed in adopting, and transmitting for the President's signature, legislation that will end late term abortions unless necessary to save the life of the mother.

I am proud of my strong pro-life, anti-abortion record. I commend the Bush Administration for its strong pro-life, pro-family philosophy. In my view research, on stem cells derived from embryos first created for, but ultimately not used in, the process of in vitro fertilization, raises questions and considerations fundamentally different from issues attendant to abortion. As I evaluate all these factors, I conclude that this research is consistent with bedrock pro-life, pro-family values. I note that our pro-life, pro-family Republican colleagues, Senators Strom Thurmond and Gordon Smith, as well as former Senator Connie Mack, support federal funding of embryonic stem cell research. It is my hope that once you have analyzed the issues, you will agree with us that this research should proceed.

THE LEGAL FRAMEWORK

After reviewing the relevant statutes and regulations, I conclude that there is no mandatory legal barrier under federal law to federal funding of research on human pluripotent embryonic stem cells. On January 15, 1999, the then-General Counsel of the Department of Health and Human Services, Harriet Raab, issued a legal opinion regarding federal funding for research involving human pluripotent stem cells. This opinion summarized the applicable law as follows:

''The statutory prohibition on the use of funds appropriated to HHS for human embryo research would not apply to research utilizing human pluripotent stem cells because such cells are not within the statutory definition. To the extent human pluripotent stem cells are considered human fetal tissue by law, they are subject to the statutory prohibition on sale for valuable consideration, the restrictions on fetal tissue transplantation research that is conducted or funded by HHS, as well as to the federal criminal prohibition on the directed donation of fetal tissue. Research involving human pluripotent stem cells excised from a nonliving fetus may be conducted only in accordance with any applicable state or local law. Finally, the Presidential Directive banning federal funding of human cloning would apply to pluripotent stem cells, only if they were to be used for that purpose.''

While some take exception to this reading of the law, I believe that it sets forth a permissible interpretation of the current state of the law with respect to research on human pluripotent stem cells. I would also note that while subsequent to the issuance of the HHS Legal Opinion in January, 1999 attempts have been and are being made to change the law, Congress has not passed a bill that has altered the legal status quo. For example, Senator Brownback and others have attempted to change the law to prohibit flatly such research on fetal and embryonic stem cells. On the other hand, Senator Specter and others have supported legislation that would expand the range of permissible federally funded research activities to include derivation of pluripotent stem cells from totipotent stem cells. The considerable disagreement over what the law in this area should be stands in contrast to the common understanding of how the law has been interpreted by the Department.

It is worth noting that NIH has a carefully crafted network of regulations and guidelines that govern stem cell research. These guidelines, finalized in the Federal Register, on August 25, 2000 (65 FR 51976) were the subject of over 50,000 public comments. Among the key provisions of these requirements are:

NIH funds may only be used for research on human pluripotent stem cells derived from embryos, if such cells were derived from frozen embryos that were produced for the purpose of procreation but subsequently were not intended to be used for that purpose.

No financial or other inducements, including any promises of future remuneration from downstream commercialization activities, may be used to coerce the donation of the embryo.

A comprehensive informed consent must be obtained that includes recognition that the donated embryo will be used to derive human pluripotent stem cells for research that may include transplantation research; that derived cells may be stored and used for many years; that the research is not intended to provide direct medical benefit solely to a donor and that the donated embryo will not survive the derivation process; and, there must be a distinct separation between the fertility treatment and the decision to donate the embryos for research.

The donation may not be conditioned on any restrictions or directions regarding the individual who may receive the cells derived from the human pluripotent stem cells.

All recipients of NIH funds to conduct stem cell research must comply with guidelines and all laws and regulations governing institutional review boards.

NIH funds may not be used to: clone a human being; derive pluripotent stem cells from human embryos; conduct research using pluripotent stem cells derived from a human embryo created solely for research purposes; conduct research that creates or uses pluripotent stem cells derived from somatic cell nuclear transfer; or, combine human pluripotent stem cells with an animal embryo.

If there is a need to further strengthen the applicable guidelines and regulations, this should be done. But let us recognize that there already exists a thorough and thoughtful regulatory framework to build upon. It should also be noted that these guidelines build upon an extensive body of earlier work of the National Bioethics Advisory Committee, the Advisory Committee to the Director, NIH, and a special Human Embryo Research Panel convened by your predecessor. At this juncture, it appears that NIH is developing its stem cell research policies in an informed fashion within an area of its expertise, and is operating within a statutory environment such that, once finalized, the agency's actions will likely survive legal challenge due to the deference the courts grant these types of decisions.

THE SCIENTIFIC OPPORTUNITIES

Scientific experts believe that stem cells have tremendous potential in benefiting human health. Stem cells are thought to be a unique biological resource because these cells apparently have the potential to develop into most of the specialized cells and

tissues of the body, including muscle cells, nerve cells, and blood cells. As the American Association for the Advancement of Science has characterized the promise of stem cell research: ''Research on these cells could result in treatments or cures for the millions of Americans suffering from many of humanity's most devastating illnesses, including Alzheimer's disease, diabetes, spinal cord injury, and heart disease.'' Potentially, stem cell research can help virtually every American family. It has been estimated that over 28 million Americans are afflicted with conditions that may benefit from embryonic stem cell research.

It is also worth noting in the pro-family context that stem cell research is of particular interest to pediatricians. Consider the views of Dr. Edward B. Clark, Chairman of the Department of Pediatrics, University of Utah School of Medicine:

''. . . I can assure you that the scientific promise of stem cell research is extraordinary.

''In pediatrics, stem cell research offers therapy, and indeed possibly a cure, for a wide variety of childhood diseases, including neurologic disease, spinal cord injuries, and heart disease . . .

''I can think of nothing that will provide as much meaningful therapy for children and children's problems than the promise offered by stem cell research.''

''We citizens of Utah are proud to be home of the Huntsman Cancer Institute at the University of Utah. The medical director of the Huntsman Cancer Institute, Dr. Stephen Prescott, advises me that in his expert opinion stem cells research 'is an incredibly promising area that has potential application in many different fields of medicine. One of these is in the treatment of cancer, particularly as a way to control the side effects following standard treatments.' ''

I am also aware that some believe, including highly-respected scientists and many of my friends and colleagues in the Right to Life community, that adult stem cells actually hold greater promise than embryonic stem cells and that research on adult stem cells should be pursued to the exclusion of fetal or embryonic stem cells. It is my understanding that, at the present time, the view that adult stem cell research is sufficient or even scientifically preferable to embryonic stem cell research is not the predominant view within the biomedical research community.

While I have great admiration for, confidence in, and strongly support America's biomedical research enterprise, and I believe that our policy should be made on the best science available, I am hardly one who invariably follows the lead of what some may term ''the science establishment.'' With Senator Harkin, I authored the legislation that created the Center for Complementary and Alternative Medicine (CCAM) at NIH and believe there is great benefit in encouraging challenges to scientific orthodoxy. Similarly, I authored the Dietary Supplement Health and Education Act that set parameters on how the Food and Drug Administration may regulate dietary supplements as well as establishing the Office of Dietary Supplements (ODS) at NIH. To be sure, the creation of CCAM and ODS had their fair share of critics at NIH and among mainstream scientists. So be it.

In parallel to funding research on human pluripotent embryonic stem cells, I believe it is essential to carry out significant research on adult stem cells. I strongly urge the Administration to continue to provide sufficient resources to investigate fully the utility of adult stem cells as well cells derived from adipose tissue.

Policymakers should also consider another advantage of public funding of stem cell research as opposed to leaving this work beyond the reach of important federal controls. Federal funding will encourage adherence to all of the safeguards outlined above by entities conducting such research even when a particular research project is conducted solely with private dollars.

I also think it important to recognize explicitly that the knowledge gained through biomedical research can be harnessed for critical pro-life, pro-family purposes. When one of our loved ones is stricken by illness, the whole family shares in the suffering. The quality of life for America's families can improve as strides are made in biomedical research. This is why we are making good on the bipartisan commitment to double the funding of the NIH research program by 2003. I commend the Administration for its leadership in allocating resources for this worthy pro-life, pro-family purpose.

ETHICAL APPROPRIATENESS

While society must take into account the potential benefits of a given technological advance, neither scientific promise nor legal permissibility can ever be wholly sufficient to justify proceeding down a new path. In our pluralistic society, before the government commits taxpayer dollars or otherwise sanctions the pursuit of a field of research, it is imperative that we carefully examine the ethical dimensions before moving, or not moving, forward.

I would hope there is general agreement that modern techniques of in vitro fertilization are ethical and benefits society in profound ways. I have been blessed to be the father of six children and the grandfather of nineteen grandchildren. Let me just say that whatever success I have had as a legislator pales in comparison to the joy I have experienced from my family in my roles of husband, father, and grandfather. Through my church work, I have counseled several young couples who were having difficulty in conceiving children. I know that IVF clinics literally perform miracles every day. It is my understanding that in the United States over 100,000 children to date have been born through the efforts of IVF clinics.

Intrinsic with the current practice of IVF-aidcd pregnancies is the production of more embryos than will actually be implanted in hopeful mothers-to-be. The question arises as to whether these totipotent embryonic cells, now routinely and legally discarded—amid, I might add, no great public clamor—should be permitted to be derived into pluripotent cells with non-federal funds and then be made available for research by federal or federally-supported scientists?

Cancer survivor and former Senator, Connie Mack, recently explained his perspective on the morality of stem cell research in a Washington Post op-ed piece:

''It is the stem cells from surplus IVF embryos, donated with the informed consent of couples, that could give researchers the chance to move embryonic stem cell research forward. I believe it would be wrong not to use them to potentially save the lives of people. I know that several members of Congress who consider themselves to be pro-life have also come to this conclusion.''

Senator Mack's views reflect those of many across our country and this perspective must be weighed before you decide.

Among those opposing this position is Senator Brownback, who has forcefully expressed his opinion:

''The central question in this debate is simple: Is the embryo a person, or a piece of property? If you believe that life begins at conception and that the human embryo is a person fully deserving of dignity and the protection of our laws, then you believe that we must protect this innocent life from harm and destruction.''

While I generally agree with my friend from Kansas on pro-life, pro-family issues, I disagree with him in this instance. First off, I must comment on the irony that stem cell research—which under Senator Brownback's construction threatens to become a charged issue in the abortion debate—is so closely linked to an activity, in vitro fertilization, that is inherently and unambiguously pro-life and pro-family.

I recognize and respect that some hold the view that human life begins when an egg is fertilized to produce an embryo, even if this occurs in vitro and the resulting embryo is frozen and never implanted in utero. To those with this perspective, embryonic stem cell research is, or amounts to, a form of abortion. Yet this view contrasts with statutes, such as Utah's, which require the implantation at a fertilized egg before an abortion can occur.

Query whether a frozen embryo stored in a refrigerator in a clinic is really equivalent to an embryo or fetus developing in a mother's womb? To me, a frozen embryo is more akin to a frozen unfertilized egg or frozen sperm than to a fetus naturally developing in the body of a mother. In the case of in vitro fertilization, extraordinary human action is required to initiate a successful pregnancy while in the case of an elective abortion an intentional human act is required to terminate pregnancy. These are polar opposites. The purpose of in vitro fertilization is to facilitate life while abortion denies life. Moreover, as Dr. Louis Guenin has argued: ''If we spurn [embryonic stem cell research] not one more baby is likely to be born.'' I find the practice of attempting to bring a child into the world through in vitro fertilization to be both ethical and laudable and distinguish between elective abortion and the discarding of frozen embryos no longer needed in the in vitro fertilization process.

In evaluating this issue, it is significant to point out that no member of the United States Supreme Court has ever taken the position that fetuses, let alone embryos, are constitutionally protected persons. To do so would be to thrust the courts and other governmental institutions into the midst of some of the most private of personal decisions. For example, the use of contraceptive devices that impede fertilized eggs from attaching onto the uterine wall could be considered a criminal act. Similarly, the routine act of discarding ''spare'' frozen embryos could be transformed into an act of murder.

As much as I oppose. partial birth abortion, I simply can not equate this offensive abortion practice with the act of disposing of a frozen embryo in the case where the embryo will never complete the journey toward birth. Nor, for example, can I imagine Congress or the courts somehow attempting to order every ''spare'' embryo through a full term pregnancy.

Mr. Secretary, I greatly appreciate your consideration of my views on this important subject. I only hope that when all relevant factors are weighed both you and President Bush will decide that the best course of action for America's families is to lead the way to a possible new era in medicine and health by ordering that this vital and appropriately regulated research proceed.

Sincerely,

ORRIN G. HATCH,
United States Senator.

Mr. HATCH. Mr. President, although at one time it appeared that as many as 78 stem cell lines might qualify under the President's policy, as many had feared, the number of lines that might be practically accessed today is no more than around a dozen at best. Moreover, all of these cell lines were

grown with so-called mouse feeder cells so could never pass muster with the FDA for use to make products for humans. Thus for the President's initial goals to be accomplished, new embryonic stem cell lines must be made available.

It has been over a year since he House has taken its historic action of passing H.R. 810 by a bipartisan 235-to-189 vote. I commend the leadership of Representatives MIKE CASTLE and DIANA DEGETTE for moving the bill through the House.

I must pay special respects to Senator ARLEN SPECTER and Senator TOM HARKIN for their dogged determination in conducting a series of some 15 oversight hearings on the issue of stem cell research since this breakthrough science was first reported in 1998. In fact, it was the work of the Specter-Harkin Labor-HHS Appropriations Subcommittee that developed the factual basis and legal analysis that resulted in the legislation that became H.R. 810.

At long last, today the Senate will finally vote on this important legislation.

I hope that it will pass and if it does, I will strenuously urge President to reconsider his position and sign this bill into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. 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. HARKIN. 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. HARKIN. Mr. President, I am awaiting the arrival shortly of Senator LAUTENBERG on our side, but in the meantime I thank Senator HATCH for the eloquent statement he made, to thank him for his long-time support of this endeavor to open more stem cell lines for research. It shows clearly, as I said earlier today, this is not a partisan issue. I see no real partisan cleavage lines anywhere. It was passed with a bipartisan majority in the House. The leader in the House was Congressman MIKE CASTLE, a Republican from Delaware. The Democrat was Congresswoman DIANA DEGETTE from Colorado. Our leader here is Senator SPECTER, leader on the bill, and I am his counterpart on the Democrat side. We have had great support from both sides of the aisle on this legislation. I don't cast it in any type of partisan terms.

There are those who obviously spoke yesterday very eloquently about their moral objections to using embryos. But, again, I point out this bill does not create any new embryos. All we are talking about is using the leftover embryos from in vitro fertilization and only if (a) the donors give their written, informed consent; (b) that no money changes hands; and (c) that the embryo will never be implanted in a uterus and will be discarded.

Fifty thousand healthy babies were born last year to couples who went to fertility clinics. Obviously, there are some embryos left over after that. They are frozen. After the parents have the children they want to have, they call the clinic or the clinic calls them and asks, do you want to continue to pay to keep these embryos frozen; and they say, no, we have our family. The clinic will then discard them. That is all we are talking about. Those embryos are going to be discarded, and with the donor's written, informed consent. They can say, no, I don't want them used for that, and then we wouldn't. You cannot induce anyone to do that by saying we will pay you for it. This clearly has to be kept in mind, that this is what we are talking about in this legislation.

Senator LAUTENBERG of New Jersey is here. I yield 5 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Iowa. I ask I be notified when 4 minutes 30 seconds has passed.

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

Mr. LAUTENBERG. Mr. President, this is one of those debates that makes the American people scratch their heads and ask, what are those people in Washington thinking about? From the perspective of everyday people, this should not even be a debate. Of course we should fully fund research with embryonic stem cells because it has the potential to save lives and alleviate the suffering of millions of Americans. It is common sense.

But our President is a captive of ideologs and extremists of his political party. Nearly 5 years ago President Bush enacted a policy that made no scientific contribution, only political fodder for another election. He put a stop to the development of new stem cell lines for research. It was a devastating blow to Americans suffering from diabetes, cancer, Parkinson's, Alzheimer's, multiple sclerosis, and other injuries and diseases.

For many years, I have met with children stricken with juvenile diabetes. We have established friendships, their parents and I, and the children and I. These children ask their parents, brothers, sisters, and me why the President won't allow research to move forward so their disease can be cured. There is no decent answer I can give them.

When I ask them what the worst thing about living with diabetes is, they respond plaintively, begging for help, so they can stop drawing blood from their finger six times a day. They are pleading to live their lives like other kids. One child said he is forbidden something so simple—to sleep at other friends' houses—because of the fear that he will go into insulin shock.

I promised these kids I would do everything I possibly could to get the message to the President of the United States, to help us find the cure for them. Today we have an opportunity, finally, to help these children.

It has been over 1 year since the House passed this bill. Why the delay? There is no comprehensible reason. All we know is that people wanted to obstruct this discussion today. We can only wonder how many people have had their hopes dashed and their spirits broken during that wasted year.

Americans in large majorities support stem cell research. I don't understand this ''fiddling while Rome burns'' policy. Seventy-two percent of Americans register support for embryonic cell research, a 3-to-1 margin over opposition. One of the most outspoken supporters of stem cell research is former First Lady Nancy Reagan. She spent 10 years watching her husband's memory fade from life, probably not even recognizing her. I have friends whose parents do not know who they are.

Virtually every major medical, scientific, and patient group supports embryonic stem cell research. In my home State of New Jersey, support for stem cell research is overwhelming. We were the second State after California to authorize embryonic stem cell research. Unfortunately, President Bush has cut off Federal funding for those projects.

My colleague Senator MENENDEZ and I recently visited the Coriell Institute in Camden, NJ. They are not well known, but they were founded in 1953 and hold the world's largest collection of human cells for research. Coriell has everything in place to find cures and help millions of people. But there is one problem: President Bush is undermining their efforts with his irrational policy on stem cell research.

Because of the scarcity of embryonic stem cell lines caused by his Executive Order, the Coriell Institute in New Jersey had to go overseas to the Technion Institute in Israel to get access to an embryonic stem cell line so they could continue their research.

The President denies hope to millions of people based on his standard of ''ethics and morality.'' But what is ethical about denying a cure to children suffering from diabetes? What is moral about denying paralyzed people the chance to walk again?

Any real, ethical issues are addressed by this bill. New stem cell lines will come from embryos donated by fertility parents under strict guidelines. There will not be embryos created for research.

What we are talking about in this bill are embryos that would otherwise be disposed of—thrown away.

I believe compassion and common sense must prevail over rigid ideology

If we pass this bill, I understand that the President intends to veto it. That would be a terrible and tragic mistake.

President Bush has never vetoed a bill. In the nearly 6 years of his Presidency—not one veto.

What would it saw to the American people if his first veto was of a bill that could save millions of lives?

And I say to the American people: don't be fooled by the sleight of hand we are seeing today. There are three bills being considered but only one of them matters.

The other two bills are part of a shell game. They are there to give President Bush something to sign.

But will those two bills do much to help the American with a shaky hand from being cured of Parkinson's disease?

Will those two bills make real strides toward relieving a child with diabetes from the constant shots of insulin? I don't think so.

Only one bill can do that—the House stem cell bill. Let's vote to approve it.

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

Mr. LAUTENBERG. Mr. President, I hope our colleagues will look in the faces of their children and their grandchildren and say: We do not want them to be sick. And if they get sick, we want to help them. I hope this bill will pass overwhelmingly.

Mr. HARKIN. Mr. President, I yield 9 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, thank you very much. And I thank the Senator from Iowa for his real leadership on this issue.

This Stem Cell Research Enhancement Act debate is one of the most important debates the Senate will have in this year and in this decade. I believe this is such a great opportunity to be able to save lives. I believe it is like when we announced the endeavor to map the human genome, like when we announced the national war against cancer. That is how important this issue is.

I am a firm, unabashed supporter of stem cell research. It is a cornucopia of opportunity for new breakthroughs for some of the diseases that are the most devastating and costly conditions facing thousands of Americans, including Alzheimer's disease, from which my father died, diabetes, of which our family faces an inherent propensity, spinal cord injuries, which we see through accidents like Christopher Reeve had, and spina bifida, from which little children suffer.

Stem cell research has the potential for saving lives, and we need to be able to pursue it. I also would urge that this research be done in the sunshine. One of the reasons we need a national framework is so it will not be done in dark corners of the world without the United States of America participating.

We need a national framework to establish bioethical standards based on sound science and ethical principles. I fear that without national standards and national legislation, this could be conducted outside of the public eye, without national and international scrutiny, where dark and ghoulish things could occur.

One of the reasons I came to the Senate was to help save lives. In my home State, we are the home to the National Institutes of Health, the Federal Drug Administration, the University of Maryland, and also Johns Hopkins University. I, every day, know that in my own home State they are working on new ideas for new cures. Whether it is to ensure that women have accurate mammograms to diagnose breast cancer, streamlining the drug approval process so that lifesaving drugs can reach patients more quickly, or fighting to double the budget at NIH, we have consistently fought to improve the lives and health of the American people.

This is why I am such an advocate of stem cell research. It holds the potential to prevent, diagnose, and treat diseases, such as Alzheimer's disease, Parkinson's disease, heart disease, all those autoimmune diseases, such as MS and spinal cord injuries.

Just imagine if scientists could find a cure or the cognitive stretchout ability for Alzheimer's. Even giving individuals with a disease a longer mental capacity would be a big breakthrough. Eighty percent of Medicaid costs go to paying for long-term care for seniors. Eighty percent is primarily spent on Alzheimer's and Parkinson's. Think of just the financial savings we could have, let alone dealing with the tragedy in lives.

I, along with Senator BOND, am the lead sponsor of the Ronald Reagan breakthrough legislation to sponsor breakthroughs. We have spoken personally with Nancy Reagan, and she has endorsed this legislation, just as Senator LAUTENBERG has talked about. We need this opportunity to pursue the opportunity.

If we do not have national legislation, we are going to do it one State at a time. California has done it. My own home State of Maryland has done it. But do you know what. There is $30 million here and $30 million there, but we do not have national standards, which means, can we replicate the research? Can we have international cooperation?

For too long, this Federal health research has been operating with one hand tied behind its back. Scientists have been prohibited from doing embryonic stem cell research.

Five years ago, President Bush restricted Federal funding for embryonic stem cells. He said: Oh, we have these little lines, these little stem cell lines.

Those little stem cell lines did not turn out very well. The result is, federally funded research was almost halted. Stem cell research is conducted by private entities, and there are no national Federal bioethical standards.

I want bioethical standards. I want to ban human cloning. I want to make sure the ghoulish is not done in laboratories.

I support the other legislation. We should not turn this into financial opportunity. We should sign it into pure opportunity.

What I like about this legislation is that it removes the restrictions imposed by the Bush administration, but it does provide for an ethical and medical framework and allows for sound science and sound ethics to be able to proceed. This ensures transparency and public accountability. But most of all, it ensures opportunity.

When my father was in that nursing home and he could no longer recognize me or the woman to whom he had been married for 50 years, it did not matter that I was a Senator. There was no cure for Alzheimer's. It did not matter that I could get five Nobel Prize winners on the phone because they did not have the answer.

My father, when he passed away, was a modest man. He would not have wanted big, lavish testimonials. What he would have liked to have had was the fact that I cared enough to look out that no family would go through what we went through. And whether you were the First Lady of the United States, like Nancy Reagan, and the first caregiver, or my mother, who was by my father's bed when he passed away, we watched what that disease did. And now I will not stand patiently by and watch the opportunity to find a cure pass by.

So let's remember President Reagan. Let's remember the little guys like Mr. Willy, who ran a grocery store in Highlandtown, and who looked out for his neighbors and for his girls, as he called his daughters. Let's look out for the American people and pass stem cell research.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. HARKIN. Mr. President, I yield the remainder of the time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I welcome this vote on such an important piece of legislation, the Stem Cell Research Enhancement Act. As we have heard eloquently from my colleagues on both sides of the aisle, stem cell research holds the promise of new cures and treatments for countless diseases and millions of Americans with chronic, incurable conditions.

The wide range of applications for stem cells may lead to unparalleled achievements on behalf of research concerning Alzheimer's disease, as my friend and colleague, Senator MIKULSKI, so passionately described with respect to her own family and her own experience; spinal cord injuries, like my dear friend Christopher Reeve; diabetes, and other conditions.

For example, in my State of New York, research at Memorial Sloan-Kettering Cancer Center has shown real

promise for the use of stem cell research in bone, cartilage, and muscle replacement therapies. At Columbia University researchers have shown that stem cells can develop into neurons, special nervous system cells that would allow us to actually treat vision loss. Other scientists at Columbia University and at the University of Rochester Medical Center are working to cultivate stem cells into spinal cells that control motor function as possible treatments for ALS, otherwise known as Lou Gehrig's disease.

And researchers from Rockefeller University, also in New York City, have explored ways in which stem cells can be used to develop dopamine-producing cells which could help Americans living with Parkinson's disease who experience a decline in these types of important cells.

A broad consensus in New York and across our country has brought us to this debate and vote. There has been an upsurge of demand. It has crossed every line we can imagine, certainly partisan lines, ethnic, racial, geographic lines. People in every corner of our Nation are demanding that we in Washington open the doors to this promising science.

It is long overdue, but finally we are at this point. My friends, Christopher and Dana Reeve, whom we have lost in the last several years, were eloquent, passionate advocates for this research. Christopher, from his wheelchair, performed his greatest role. He may have been Superman in the movies, but he was a super human being after his accident which paralyzed him, consigned him to a wheelchair to help with his breathing and respiratory functions. But he never gave up.

He launched his greatest battle to try to bring our Nation to the point where we would take advantage of the science that is there. He worked and struggled on behalf of all who might benefit from stem cell research and other scientific breakthroughs.

His brave, beautiful wife Dana, who passed away just this past March, showed a devotion to her husband and her son that was just inspirational. She, too, continued Christopher's work through the Reeve Foundation. And I know that both of them are looking down upon this debate and so pleased and relieved that this day has come.

As I travel around New York, I run into constituents who speak to me about this issue. They are living with type I diabetes or their children are. They are suffering from Parkinson's. They have a relative who is struggling with Alzheimer's. They are paralyzed from an accident, as Christopher was. And they believe that this holds promise for their lives, for their futures, and if not for them in their lifetimes, certainly for their children and their grandchildren.

Yet we know that the work of researchers in New York and across our country has been stymied, has been held back by the ban on certain kinds of scientific research. In 2001, when President Bush put a stop to all Federal funding for this type of research, it was limited to using already existing stem lines, which has proven to be a barrier to scientific advancement. We only have 20 lines, not 70 as was advertised, that scientists can use. And the utility of these lines has been outstripped by the scientific advances made in the past 5 years.

But the ban still stands, and we have to pass this legislation. The House already did. We are now joining with the House. We need to have additional stem cell lines in order to pursue the promising avenues for research. I am worried the President has signaled he intends to veto this legislation, the first veto he will use since he has been President.

This research is not standing still around the world. We are looking at other countries putting billions of dollars into supporting stem cell science. They are creating establishments of all kinds, centers of research, special clinical centers because they know they can attract scientists from the United States who will come to pursue this research. We are losing ground instead of doing what Americans do best, leading the world in innovation, ingenuity, new ideas.

We can send this legislation to the President's desk, as I anticipate us doing after our vote this afternoon. And then the President has a decision to make: Will he support the scientific community at this moment of unequaled optimism and discovery or will he set us back?

I am going to support the other two bills that are going to be before us as well because I think we have to clearly put an ethical fence around this research, send a very clear message about what is permitted and what is not.

Right now we have no Federal laws prohibiting the worst of some of this research. That is one of the results of the fact that we have an Executive order, but we don't have any legal prohibitions on some of the worst things people might decide to do. I think it is important that we have a strong ethical stand, a strong legal stand, strong prohibitions and penalties for people who don't pursue research in the way that we set forth.

But we cannot make the progress that we need to make for the sake of new treatments, new discoveries, and new hope for countless millions of people who are alive today and are suffering, for those born with diseases and conditions that could be ameliorated or even cured.

This is a delicate balancing act. I recognize that and acknowledge it. I respect my friends on the other side of the aisle who come to the floor with grave doubts and concerns. But I think we have struck the right balance with the legislation we will vote on this afternoon. I think we will make a serious mistake if the President vetoes this measure and sets this research back.

Mr. President, I hope we will pass it with a large margin, and I hope that the President will allow it to become law so we can, once again, stand for those who need this help to face the suffering that they encounter while living day-to-day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, the majority yields 10 minutes to the Senator from Louisiana, and the Senator from Kansas will follow him.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I rise to speak in opposition to H.R. 810, the Stem Cell Research Enhancement Act. First of all, I join with everyone in the Senate—in fact, everybody around the country—in saying that, of course, we want to further research and opportunity for the cure and the treatment of very serious illnesses. Of course, we want to do everything possible, within a strong ethical framework, to push for that scientific research and that progress. But at least I want to do that in a clear, certain, ethical framework. That is why I must oppose the details of the provisions of H.R. 810.

Mr. President, I oppose it on two significant grounds. First of all, because one of my solemn duties in the Senate, I believe, is to protect and defend all human life—every case of human life, the beauty, the sanctity, and the importance of the individual which God has created.

Secondly, I do this in particular focusing on the fact that we are talking about the use of taxpayer dollars. We are not merely talking about what is allowed and disallowed. We are talking about the use of taxpayer dollars for specific purposes, when some of these types of research are so utterly controversial in terms of the impact on individual human lives.

Mr. President, a human embryo is a human life. I believe that to the core of my being. It is at the initial stages of life and development, of course; but an embryo is a human life. Each and every one of us began as an embryo. Therefore, I firmly believe neither Congress nor independent researchers, nor any human being, for that matter, should be allowed to, in effect, play God by determining that one life is inherently more valuable than another, determining that one life should essentially be sacrificed for some other purpose, to advance the welfare of other separate human lives.

Of course, supporters of embryonic stem cell research argue that this research only kills embryos that would be discarded anyway. But there are many cases that prove otherwise, where embryos have been adopted while still embryos or donated to infertile couples by their parents.

We know that as many as 99 families have adopted and given birth to children from those very same frozen embryos. These kids are often referred to

as ''snowflake babies.'' They are beautiful, they are miracles. They remind us that, of course, we are talking about human life. How can we justify killing these tiny humans by saying that these embryos would be discarded anyway, when there is proof that, in some cases, they are not discarded, they are adopted. They grow up to be full, mature, healthy children, human beings.

Supporters of embryonic stem cell research argue that this research is essential to curing many diseases and federally funding it is our only hope for curing diseases. I point out that there are many other alternatives. In fact, those alternatives are more promising, in many ways, than the type of research we are debating today. The facts show that adult stem cells have been used to perform at least 69 successful treatments for human patients. So we have 69 treatments in human patients using adult stem cells which do not require the taking of human life. These were clinical applications, successful applications.

What is the experience in terms of embryonic stem cells? Zero successful treatments in human patients, zero direct clinical applications.

There have been 25 years of this research, and there are still no successful direct human clinical trials, and there have been many stops and starts and complications with regard to other research.

The following are some disorders and diseases with treatments from adult stem cell research that are worth noting: brain cancer, testicular cancer, ovarian cancer, skin cancer, acute heart damage, multiple sclerosis, rheumatoid arthritis, spinal cord injury, stroke damage, Parkinson's disease, chronic liver failure, sickle cell anemia, end-stage bladder disease. Again, these were not just promising but successful in many cases—human clinical trials that directly focus on these very serious diseases.

So if one weighs all of these factors in the balance, I truly believe that the thing to do is to respect all human life, to respect the very heartfelt feelings of millions upon millions, tens of millions of Americans who have fundamental problems with this sort of research. Again, it is worth underscoring that we are not debating whether this research can happen. We are debating if we are going to use taxpayer dollars to fund it, if we are going to forcibly take money from those Americans who, like me, have fundamental moral reservations with the research and spend it on that very research.

I am happy to say that there is other legislation that we are considering today. I strongly support those two other bills. First of all, the Fetus Farming Prohibition Act, S. 3504, which prohibits the creation and gestation of human beings for the purpose of harvesting spare organs, body parts, and tissue. Many people think fetus farming sounds akin to something out of a science fiction movie, and it does. But it is already being explored in animals. This is something that is advancing scientifically. Congress must prevent science from subjecting human beings to organ, body part, and tissue harvesting before it is too late.

The second bill which I proudly support today is the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754. It requires that the NIH support research into alternative methods, other than destroying human embryos, of creating pluripotent stem cells. These pluripotent stem cells are valuable for treating diseases because they are capable of forming most or all of the tissues of the adult body.

So, again, this would forge a new path to make sure we explore other avenues to create these stem cells that do not involve the destruction of precious embryos, human beings, human life. I believe this alternative path is far more productive. I believe it is far more in keeping with upholding the values of our society, the very strongly held belief of tens of millions of Americans who, like myself, have fundamental moral reservations with the destruction of individual human life for these other purposes.

So I urge all of our Senate colleagues to join me and others in supporting those two bills about ethical alternatives but in opposing this underlying bill, H.R. 810, because it would involve the destruction of individual, precious embryos, human life.

Mr. President, I don't come to this conclusion quickly or easily or rashly. Similar to virtually every American family, mine has been touched by very serious diseases to which this research pertains. My dad had Parkinson's disease. He suffered with it for about 8 years. It was very debilitating and, of course, eventually, similar to most folks with Parkinson's disease, he passed from that and complications of it. With that personal history, of course, I want to advance research in every ethical way possible. But we must do it, again, in a strong, moral framework. We must do it within clear, reasonable bounds, particularly when we are talking about taxpayer funding of research.

I believe that defeating H.R. 810—but also passing the two bills that set up alternative paths toward promising research—is the correct way to proceed. I urge all of my colleagues to join me in adopting that path.

With that, I yield back my time.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask the Chair to advise me when I have 2 minutes left. I want to start with a picture of Dennis Turner because this is a real-life case of Parkinson's disease. The prior speaker, Senator VITTER, talked about his dad dying of Parkinson's disease; it is a terrible disease. It is incredibly debilitating. I met with a friend of mine last week who has something similar. It is not Parkinson's, but it is also debilitating.

Dennis Turner testified at a hearing we had in the Senate Commerce Committee. He had been cured of his symptoms for 5 years. We had difficulty getting him in because he was out doing fun things such as safaris. After a period of 5 years, the symptoms started to return. He had received an adult stem cell therapy, not embryonic stem cell therapy. His symptoms went away for 5 years, and then they started coming back. He needed to have another treatment; he could not get it. International doctors—to try to get their help and support, we need to fund that type of work, which is working, for people like Dennis Turner.

My colleagues say we need to do this with embryonic stem cell research, that that is going to cure Dennis, Dennis Turner will be cured that way. I want to remind some of my colleagues that they said this about fetal tissue research about 10 years ago in this debate. In 1993, this was a typical statement debate at that time:

There is substantial evidence that fetal tissue research—

Taking a human embryo, fetal tissue, and let's work and mold and work with this and put it inside a person, and let's deal with issues like Parkinson's this way.

—will offer new hope of prolonged life, greater quality of life, perhaps one day even a cure for many of these diseases, and a tremendous economic and social cost-saving to the country.

So we funded fetal tissue research for a long period of time, like we are funding embryonic stem cell research, to the tune of half a billion dollars over the last 5 years in human and animal models.

We funded fetal tissue research. Now, this is tissue and cells that are further developed than embryonic cells. They are further differentiated and they are more stabilized, so they go off in fewer tangents. So if they are put in some particular area of the body, like they come from the brain, from the fetal tissue, and you put them back in the brain, they are more stable. We did this research. We funded this. We even tried it in humans, to disastrous results—disastrous results.

This is Parkinson's research set back by failure of fetal cell implants. Disastrous side effects are the quotes from the people who did the testing. Absolutely devastating. It was tragic, catastrophic. It is a real nightmare. And we can't selectively turn it off. My goodness, this is strong wording that is taking place, to be catastrophic for fetal cell implants. Catastrophic? What happened? These cells, the fetal cells, formed tumors, and in some cases these tumors, they were implanted in the brain, the fetal cells implanted in the brain, and these tumors ended up being fingernail or hair that was in the brain, and we can't selectively turn it off.

Think about this just for a minute, if we could. Everybody is saying we want to cure people. I want to cure people. If we have a route that is working in 72 different disease areas with the adult

cord blood—and here is real research we funded. We tried it in humans even, with fetal cells. These are further developed cells than embryonic. They formed tumors, to disastrous results in Parkinson's patients.

Yesterday, I entered into the RECORD a series of six one-page—this is the front-page summary of peer-reviewed articles on the formation of tumors using embryonic stem cells, and these were all articles saying: OK, we use embryonic stem cells; they formed tumors.

Now, I am not a scientist, but it seems that if you got it in fetal tissue, which was further developed cells, and you found out that these are wild and they grow too fast and they form in other areas, and you back it up to embryonic stem cells and they are even younger, more malleable, and less formed, and we now have research saying they are forming tumors, you would look at that and say: Well, I don't think this is working particularly well.

Now, it is interesting science. We may learn something of how the cell works in this process. I don't deny that at all. But if I am looking for a cure for Dennis, and I have—I want a cure for Dennis. I want something that works for him, and he has had a treatment that has worked for 5 years in him, in the adult field, and I have research that says, in the embryonic field, it is going to form tumors, and I have research earlier in fetal tissue that says it did form tumors in humans, how am I going to cure Dennis in this case by putting more into embryonic stem cell lines, taking precious dollars from adult stem cell work and cord blood and putting it into a speculative field, the embryonic field, which is producing no results and, in fact, the results it is producing are producing tumors? That doesn't seem to make much sense to me as far as how we would invest these sorts of dollars.

People are talking about spinal cord injuries, and I think we should because we are going to deal with this area. I hope that in the next 10 years we are going to see for people, once they get a spinal cord injury, there is an immediate therapy they have and it starts to knit that spinal cord back together, so they are not waiting years and letting it further atrophy but immediately there is a therapy.

The therapy you see right here in Jacki Rabon—I have had her in to speak at a press conference. This was a spinal cord injury accident—paraplegic from the hips down. Now she has feeling in her spinal cord. She had to go overseas to get this treatment. It should have been done in America. It wasn't. Adult stem cells from the base of the nose—olfactory—taken, harvested, and put in. She is getting feeling. My guess is she is going to need several treatments.

Now, one of the greatest dismays we have is that a number of people are citing a rat model that has been shown on television of embryonic stem cells helping a rat to walk again. And that is fine. I am glad people are showing it. But a lot more people know about this rat model than know about Jacki Rabon. It seems as if there has been a media blackout on the adult stem cell successes and treatments and cord blood, and this rat has gotten all the publicity, even though we know that if you do this in humans, you are going to form tumors. Why? Why wouldn't we embrace what is working and has no ethical problem?

I wish to close this section with a letter from a child. This is the first snowflake baby. This was a frozen embryo that was adopted—Hannah. She wrote this last year. It is her letter. She is a pioneer. She says: ''We're kids. I love you.'' X's and O's—hugs and kisses. I love these letters. When my youngest daughter Jenna does them, they are absolutely precious. Then she draws three faces. This is her face as an embryo. She is happy. She got adopted. She is no longer frozen. Here is a sad face as an embryo that is still frozen, and her explanation of this letter is he is sitting there frozen, hoping somebody adopts him. Here is a third face with a straight line, and her explanation is this is a young embryo saying: What, you are going to kill me?

This is a child's explanation of a frozen embryo. A frozen embryo that is life, that is human life. If you destroy Hannah at this stage, you don't get any sweet letters from Hannah to her parents. And we have a lot of frozen embryos.

We are saying: Well, let's make some utility out of them. Isn't that against human dignity, to say, We will just research on this, when this could be this child? This is this child? We don't need to do it. Even the research we are funding in this area isn't working.

I ask my colleagues to vote against H.R. 810.

I yield the floor.

Mr. SMITH. Mr. President, I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I have listened to a lot of debate today, and I have heard a lot of statements. Let me just go through a few.

Cures are not around the corner; that is right. Embryonic stem cell groups are now starting to realize they have years upon years upon years to offer any hope of cure of any disease using embryonic stem cells.

Yesterday in the debate, I challenged those on the other side of this issue to deny the fact that the only way we will ever have a treatment will be that you will have to clone yourself to be able to get a treatment. Nobody has refuted that, and the reason they can't refute that is because that is the only way embryonic stem cells will ever be successfully used to treat a human condition. You will have to clone yourself. That raises all sorts of other ethical conditions.

The fact that cures are not around the corner with embryonic stem cells belies the fact that cures are here with adult stem cells, with cord blood stem cells, and it belies the fact that we are not recognizing the latest advance just available in the last 6 months, confirmed in Germany, of what is called germ cell pluripotent stem cells. They can make any type of cell, and it makes sense. What has been constant through the history of man that has survived? The ability to propagate and to repeat the species. And the unique thing about germ cell pluripotent stem cells is they come from both the testes and the ovaries of us, and we can capture from ourselves pluripotent stem cells that do all the things and have all the potential that an embryonic stem cell might have.

The real question before us is, If there was a way for us to establish this research and avoid any ethical questions, wouldn't we all want to go there? And what I am putting forward today is that way is here today. That way is here. The scientific community, in terms of their money-raising and fundraising and grant-seeking, hasn't caught up with it. But mark my words: The real research in the pluripotent stem cells, those that can do anything and regenerate themselves and also have the advantage of not creating teratomas or tumors, are going to be the germ cell pluripotent stem cells. It is important for us to look at it.

Another quote: It won't involve cloned embryos. The only way a stem cell therapy from an embryonic stem cell can work for you is in one of two ways: you either clone yourself, and you will still have some problems with rejection, or you will get from multiple, multiple lines a close match.

I wanted to ask the leader yesterday—his biggest problem as a heart-lung transplant surgeon is the availability of organs, No. 1, and rejection, No. 2. The wonderful thing about adult stem cells is there is no rejection because you are giving yourself your own cells. The same thing will be true of germ cell pluripotent stem cells. There will be no rejection because you are giving identical DNA to yourself. All the other treatments with embryonic stem cells will have rejection as a component of their treatment. So is it a wonder that we want to research the miracles of life and look at this? No. It is great research that should be going forward.

But it is not true that there is not embryonic stem cell research going on in this country outside of the Government and around the world. The question is, Are we going to use taxpayer money to do additional research?

The other question that I raised is, Where is the money up to now going? The people who are investing outside of Government grants, where is the money going in terms of research? It is not going into embryonic stem cell research. It is going into every other type of research where they can actually see treatments.

Senator HATCH talked about heart disease. We now know that if you have had an infarct and you get a bypass and you are injected with your own stem cells, a good portion of your scar goes away and the generation of new blood vessels around the heart is accelerated and accentuated to the degree of about 70 percent more than your body would naturally do, if you are injected with your own stem cells at the time you get your bypass. We are curing heart failure with adult stem cells today. We are curing new vessels in the heart.

There is recent research in the last 6 months where we are treating lung disease—pulmonary fibrosis. CHARLIE NORWOOD, a Congressman from Georgia, has had pulmonary fibrosis and has had a lung transplant. In 5 years, somebody with pulmonary fibrosis will be cured with their own stem cells—not with embryonic stem cells, with their own stem cells—and they won't have a problem with rejection. Yet CHARLIE has to take drugs to keep from rejecting the lung transplant that he has.

Over time, we will recognize the value of what is really happening today in terms of treatments. We don't want the false promise. There is no question some great things will come out of embryonic stem cells. I don't deny that. But if we could do it a different way, if we could do it in a way where we didn't approach the ethical question, almost everybody would agree, let's do that. What I am saying is that is coming today.

Other quotes: Researchers have been prohibited from doing research on embryos. That is not true. That is not true. There is research ongoing today, with $41 million of your money last year on embryos. We haven't prohibited the research. We have said it is going to be limited. This bill, H.R. 810, says: There is no limit. Whether you agree with it or not, your money is going to be used to go in this direction.

I have not approached the ethical issues on pro-life—I am pro-life, but I am not claiming that as a defense on this issue. I am claiming that the smart science will avoid it and look at where the benefits are. There is no question.

I wish to quote from Lord Winston, the most prominent fetal embryonic stem cell researcher in England: ''I view the current wave of optimism about embryonic stem cells with growing suspicion.''

He says we have overpromised. He is right. It is going to be decades before a response comes from embryonic stem cells. There is not one viable treatment with embryonic stem cells in an animal model today, let alone a human model. There are hundreds in animal models and there are 72 in humans. To me, this is an easy question which doesn't have anything to do with ethics. Put the money where the results are. The results are here. I will promise you, germ cell pluripotent stem cells will be the end-all for our ethical question. It is just a shame that the politics isn't up with the science.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. Under the previous order, the majority still has 2 minutes remaining.

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

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

Under the previous order, the minority is in control of the next 30 minutes.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield 5 minutes to the Senator from Wisconsin, Mr. KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I thank the Senator.

I rise today in support of H.R. 810, the Stem Cell Research Enhancement Act of 2005, which is a bill that will expand the number of stem cell lines that are eligible for federally funded research ensuring that scientists at NIH and laboratories around the country have access to new, uncontaminated stem cell lines. America's best scientific minds have told us that harnessing the power of these cells could one day lead to a cure for a number of diseases that afflict families all across our country.

Nearly every family in America has experienced the tragedy of watching a loved one suffer through a deadly or debilitating illness. Diseases such as Parkinson's and Alzheimer's take a terrible toll on families' lives and livelihoods. While we have made great strides in biomedical research in recent years, we still do not have all the keys to unlock the secrets of disease.

Today the Senate has the opportunity to reach across partisan lines and touch the millions of individuals and families who suffer the ravages of diseases such as Parkinson's and Alzheimer's. We are not researchers, but today we can give our best researchers the material they need to understand these diseases. We are not doctors, but today we can give our best doctors the weapons to fight back for their dying patients. And we are not patients—at least not yet—but today we can give patients hope for not just relief but a cure.

The University of Wisconsin at Madison was the first to isolate the human embryonic stem cells that have the ability to develop into virtually any cell type in the human body. They have stated unequivocally that they need H.R. 810 in order to continue their groundbreaking work. Without H.R. 810, they fear America will fall behind the rest of the world in medical and biotechnical research.

We all understand that this research is not without controversy. I respect the concerns that some have about the use of embryonic stem cells. We must closely monitor this research to ensure that it is done ethically, and our passage today of S. 3504 and S. 2754 demonstrates the unanimous bipartisan commitment to do just that.

We must step carefully, but we also must step forward, and that is what H.R. 810 is all about, opening new cell lines so we can move forward toward new understanding, new hope, and new cures.

Last year, the House took that step forward decisively and in a bipartisan manner, and so this year it is our turn. It would be unconscionable for our Government to turn its back to the discoveries that expanding stem cell research promises. Now more than ever it is important to grasp this opportunity in an ethical manner by making sure that potentially lifesaving research does not slow or stall.

We may not be in the laboratories where scientists are working around the clock to develop new vaccines, treatments, and cures. We may not be in the hospitals diagnosing and caring for the sick and the infirm. But today the Senate will openly decide to stand with the scientists, doctors, and patients. I urge my colleagues to look past the politics of this debate and embrace a promise of progress.

With that I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield 5 minutes to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I thank the Chair. I thank the Senator for yielding.

I, too, Mr. President, come to the floor today with tremendous respect for the sensitivity of this very critical issue that we in the Senate and in the Congress have worked so diligently to ensure—that we not only respect the sensitive nature but that we also look toward the possibilities of what we can do for the constituents we represent.

I am very pleased that the Senate is debating stem cell research, and particularly H.R. 810, the Stem Cell Research Enhancement Act, and I thank the majority leader, Senator FRIST, for scheduling a vote on this very important bill today.

I am a proud cosponsor of the Senate companion bill, S. 471, because it offers new hope for patients, for grandmothers and grandfathers, children, daughters, mothers, fathers, and for their families who love them so dearly.

Four years ago I watched my mother give her utmost of devotion to the man she had loved—and still loves—and shared her life with for more than 52 years. She had pledged to care for him and to honor his life until he departed this world, even if he no longer remembered her name or could recognize her face. My sweet father suffered from Alzheimer's disease. My sisters and my brother had been by his side helplessly for years watching as, first, he lost the

most precious of all things, his memory, his ability to see his family and to remember the cherished moments that we had spent as family, and then, unfortunately, also, the dignity of life, in his ability to care for himself. My mother's commitment to my father during his long illness remains a tremendous source of inspiration to me and to the rest of our family.

Unfortunately, my family's experience with the ravages of Alzheimer's is not unique. Millions of victims and their families are suffering from debilitating diseases such as Alzheimer's, Parkinson's disease, diabetes, heart disease, multiple sclerosis, burns, and spinal cord injuries. Fortunately, we have within our power the potential to relieve their suffering and the possibility of cure.

I believe embryonic stem cell research conducted ethically and under Government supervision holds the potential to offer lifesaving treatments for many diseases that have frustrated the medical community for ages. I also believe that whenever we have the power to heal the sick we have the responsibility to do so. It is a commandment as old as the Scriptures themselves.

In 2001, President Bush made the decision to use Federal dollars to fund embryonic stem cell research. By allowing embryonic stem cell research to move forward, the President signaled that he believed this was both a morally acceptable and potentially lifesaving form of research. Since the President's decision, we have discovered that in order for embryonic stem cell research to reach its fullest potential and for science to be accurate, it is essential to expand the number of stem cell lines that are eligible for federally funded research. H.R. 810 will allow Federal funding for research on an expanded number of embryonic stem cell lines according to strict ethical requirements. The bill would restrict Federal funding to only those stem cells from embryos that would otherwise be discarded. In addition, the bill requires that any individuals wanting to donate embryos do so with written consent and not receive any financial inducement.

Also, the bill does nothing to change the current law banning the use of Federal money to destroy human embryos. H.R. 810 gives us the opportunity to expand lifesaving research with proper ethical safeguards. Furthermore, it will be a step forward in helping us to fulfill our moral obligation to heal the sick. And in the end, that obligation is one that we must keep.

I thank the Chair. I yield my time back to Senator HARKIN.

The PRESIDING OFFICER. Who seeks time?

Mr. HARKIN. I thank the Senator from Arkansas.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The minority has 20 minutes.

Mr. HARKIN. I yield 10 minutes to the Senator from Delaware, Mr. CARPER.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I thank my colleague for yielding. I am moved by the comments of Senator LINCOLN, and I suspect we could go throughout the Senate Chamber from desk to desk, from Member to Member, and each of us could tell a personal story from our own family as moving as I found her description of the life of her father.

In my own family, my grandfather, a wonderful role model as a butcher from West Virginia, had Parkinson's disease. He got up every morning and drove through the mountain roads to the butcher shop to cut meat. Every day I would watch him leave the House, his hands shaking, fingers shaking, wondering if he was going to chop one off, and he never did in all the years that he ran that butcher shop.

I think of the time, looking at Senator HARKIN and myself and some others in the Chamber who served in the House, we served with Mo Udall. I remember riding back and forth on the subway between the House buildings, the Rayburn Building, riding over to the Senate Chamber with Mo Udall and watching his body slowly deteriorate. I think of Ford King, my brother in law, now deceased, who was controlled by ALS over a decade or so ago and watching his life slowly fade away as ALS took its toll on him. I think of Alzheimer's and my own mom who passed away last year, her mom who was a victim of Alzheimer's, and the millions of others who die from that disease in our country.

I think of my own healthy sons, thank God, 16 and 18 years of age, and I think of their friends having to prick their bodies or their fingers several times a day, as much as 10 times a day, to take insulin shots and know that is the way they are going to have to live for the rest of their life.

Today is a day of tremendous opportunity. It is an opportunity to push for the kind of medical research that will make a difference in the lives of the people—not the people I just mentioned, unfortunately, for the most part, but in the lives of their children and their grandchildren. It is an opportunity to help find treatment for diseases such as the ones I mentioned, Parkinson's disease and juvenile diabetes and autoimmune disorders and heart disease and even, if we are lucky, cancer.

We know that stem cells hold great promise. Already stem cells have been used to help paralyzed rats regain the ability to move. Stem cells have been converted into motor neurons which could help treat spinal cord injuries or Lou Gehrig's disease—ALS.

Stem cells have also been coaxed into becoming brain cells to one day help patients with Parkinson's disease, such as my own grandfather, such as our old colleague, Mo Udall.

Today, though, is about more than just curing diseases. It is also about keeping America's research centers competitive and relevant. Stem cell research is likely to be an important area of science and medicine for a long time to come. Instead of treading water, as we have done under President Bush's stem cell policy, America should be leading the way and making other countries play catchup, instead of us playing catchup to them.

We have done this in the past. The United States has always been a valuable contributor to the prevention and treatment of illness. We have developed vaccines and antibiotics that have saved literally millions of lives. We have made tremendous advances in the areas of biotechnology and pharmaceutical research.

Now we have an opportunity to make a national commitment to expand the frontiers of medical research once again.

If we focus our resources and attention today to find cures, we will save lives, and we will save money in the long run.

H.R. 810, the Stem Cell Research Enhancement Act which is before us today, was introduced in the House of Representatives by my own Congressman, MIKE CASTLE. Here in the Senate, it has been shepherded by two of our finest colleagues, Senator SPECTER and TOM HARKIN of Iowa. This bill would greatly expand our ability to take the next steps in stem cell research by expanding the number of stem lines eligible for Federal funding. It would also strengthen the ethical rules that govern stem cell research.

Under the administration's current policy, the number of stem cell lines available for federally funded research has continued to shrink. There are now, I am told, only 22 lines available. What is more, many of those current lines are contaminated or have reached the end of their useful life.

The Castle bill would allow new lines to be derived from excess in vitro fertilization embryos that would otherwise be thrown away. The choice seems clear, at least to me and I know to a lot of people in my State. Rather than allow these embryos to be discarded and thrown away, with the consent of the couple who want to donate those embryos, with their permission, we can use those embryos to further lifesaving research.

These new stem cell lines will dramatically expand our ability to study and find treatments for a wide range of illnesses. The benefits will come not only from having more stem cell lines but from having better lines. By expanding our research policy, we can create stem cell lines that help us study specific diseases or create specific treatments.

I urge all our colleagues to support H.R. 810. I know there are a couple on the brink, who are undecided. They know who they are. I encourage them to listen to the folks from their own

States and their own families whose lives could have been enhanced, been lengthened—or in the future will be. Let's vote today to expand stem cell research so we, our children, our grandchildren, and a whole lot of people beyond them can benefit in the future.

Mr. HARKIN. Mr. President, I yield the remainder of our time to the Senator from Massachusetts, Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I want to begin by thanking the Senator from Iowa, Senator HARKIN, for his long leadership on this and other issues of importance to research and to people with disabilities.

For each of us, and for millions of Americans, this is a very personal issue. It is impossible to separate it from our own experiences. I have heard colleagues on the floor talking about grandparents and other members of their family and the experiences they have had. I will never forget, personally, almost 2 years ago standing in an amphitheater in Denver, talking to many people—many of them in wheelchairs, many who had lost loved ones to disease, many who knew a cure would never come in time for them—who held out hope, nevertheless, that stem cell research might save a loved one, might save someone else in similar circumstances.

What they wanted, above all, was leadership. They wanted someone back in Washington to fight for them. I promised them that I would do all that I could, and I will never forget the look of yearning and hope in their eyes, the pleading, if you will, that people would come to a place of common sense. They placed enormous hope in all of us in the Congress.

When I think about them and I think about people all over the country who are so personally invested in this issue, I am deeply troubled to see that today we find ourselves in a place of division, where we could have been united. We are divided principally by the promise of President Bush to veto a bipartisan bill that funds stem cell research.

In more than 5 years, President Bush has not vetoed a single bill—not one. He signed 1,129 bills into law, without raising his pen to veto one—not a bill that overspent, not a bill that moved in any other direction that he disagreed with. Now he wants to use the first veto of his Presidency to stomp on the hopes of millions of Americans suffering from devastating illnesses.

A veto now would send a profound message to all Americans that, on crucial issues, our differences are greater than our shared convictions. It would also tell the world that America no longer wants to be the country that leads the world in scientific knowledge and discovery.

The bipartisan legislation before Congress shows that Congress has found a way to take the politics out of the debate on stem cell research. It is time that the White House does the same.

Our current policy is eroding America's national advantage on stem cell research. We are tying our scientists' hands. We are holding back our doctors. We need a policy that is not driven by a narrow view but, rather a broader, consensus-driven approach to life and to science itself. We need a Federal policy that builds on the advances being made in our States, in our universities, in our private foundations, and research centers. I believe that Senate passage of H.R. 810, with vetoproof majorities, can put us on that path.

What a tragedy it would be if the first veto of the Bush Presidency were used as a political wedge. This is something that Washington and the rest of America overwhelmingly supports, regardless of political party. It is a promise that offers hope to millions and could put America on the path to leading the world in the discovery of cures. This is not a wedge issue. This is about common sense and about people's lives.

For all of us, the issue of stem cell research is personal, as I mentioned. Yes, it does raise profound moral questions and nobody should skip by those questions. I am not seeking to. But I do believe that any legitimate examination of conscience and any legitimate examination of the moral questions about life that are at stake can be resolved in a way that respects life and that properly puts morality on the side of the decision we are making.

When it comes to stem cell research—and all scientific research—we ought to demand no less than that kind of effort. I acknowledge, yes, there are those moral and ethical issues. But I believe the legislation that was passed by the House of Representatives with bipartisan support does provide strong ethical guidelines, strong ethical safeguards, and it limits what this research would do in a way that does respect those moral questions that are at issue.

First of all, federally funded research with respect to embryos would only go to, or be limited to, those that are donated by in vitro fertilization clinics, so you don't create some new business or create some disrespectful effort that is outside the effort of reproduction and of life itself.

Second, they would only be permissible when created specifically for fertility treatment—which is going to occur anyway, which does occur anyway—and which is in keeping with our efforts to respect life.

In addition, we live in a situation today where those embryos that are created in the context of in vitro fertilization are either going to be used for the purpose of creating life or those numbers that are in excess are going to be discarded. That is the fact. That is what is going to happen. So this legislation limits the use of those embryos only that are donated by treatment-seeking individuals who provided written and informed consent and who were not offered financial inducements in order to do so.

As the Los Angeles Times editorialized 2 years ago:

> The moral decision is between putting those few so-called embryos in the trash or using them to possibly bring back lost memory, keep people out of wheelchairs or free them from the life of insulin injections. It is not a simple decision, but it is also not a close call.

Growing numbers of conservatives, from JOHN MCCAIN, BILL FRIST, and ORRIN HATCH to Nancy Reagan, have looked carefully at the scientific facts and searched their own consciences and arrived at the same conclusion: Opposing stem cell research, with the restrictions and the appropriate ethical guidelines that have been put in place, is the opposite of a pro-life policy. In the Senate and across the country, Americans are approaching an ethical consensus that bans human cloning while protecting stem cell research.

The stakes could not be higher. More than 100 million Americans suffer from illnesses that one day might be cured with stem cell therapy. Stem cells could replace damaged heart cells or cells destroyed by cancer. They could offer a new lease on life to those with a diagnosis that once came as a death sentence. Research has the potential to slow the loss of a grandmother's memory, calm the hand of an uncle with Parkinson's, save a child from a lifetime of daily insulin shots or permanently lift a best friend or a colleague from a wheelchair.

There is a young woman on the floor of the Senate who shares this hope. Her name is Beth Kolbe. She is a summer intern in my office, and she has followed the stem cell research debate very closely over the years and especially this week. Beth has spent the last 2 days watching the debate on the Senate floor, and her presence now is a silent, powerful reminder of what is at stake.

At the age of 14, Beth was in a car accident and suffered a terrible spinal cord injury. In that instant, she was paralyzed from the chest down. After two neck surgeries, 2 weeks in intensive care, 2 months as an inpatient in a rehab hospital and 2 years as an outpatient in physical therapy, she is now living a very full life. She just told me that she is in the Paralympics as a swimmer, and she lives her life and loves her life as a junior at Harvard, studying biology and health care, navigating the campus in her wheelchair. But she told me also that it would be a lie to say that there are not challenges that she would like to have overcome.

She wants more, not just for her but for others. Here is what she said:

> Since that day 6 years ago, my family and I have been following stem cell research because it can help so many people. I'm just one of the millions who can be helped. As a person in the disability community, I've met so many people whose main goal is just to get better, and stem cell research is their one opportunity to find a cure. I hope to be

a face that the Senators can see, so that they can see what they are voting for.

Beth is here because she wants to see the Senate vote for hope. Some of the most pioneering treatments and miraculous cures could be at our fingertips, right around the next corner, but because of politics they could remain beyond reach. Every day we wait, more than 3,000 Americans die from diseases that might someday be treatable because of the discoveries made through stem cell research.

Americans have been presented with a false choice between the sanctity of human life and the scientific knowledge that can save it.

The President's veto rests on the false assumption that we have to choose between our dreams and our principles. I believe we can have both and we can protect both.

We can support our scientists, help the sick, and ensure that our legal and ethical boundaries continue to reflect our unshakable sense of human dignity and the value of human life.

If we get votes from 72 out of 100 Senators—then we can send the President a vetoproof message. Stop tying our scientists' hands, put down your veto pen, stop being part of the problem and become a part of the solution.

The American people believe in stem cell research for many of the same reasons as a remarkable woman I met at a town hall meeting on stem cell research.

She stood up in the back of the room. I will never forget it. Her body was shaking. She was petrified, but her body was also shaking because of the disease she had. She pleaded, with tears, for her government to embrace stem cell research.

It was the moral clarity of her message that will stay with me forever. Many Americans know a woman like her—maybe it's a grandparent with Alzheimer's or a friend in a wheelchair. ''It's too late for me,'' she said, ''but we need to do this for those who still have hope.''

It's too late for my and TOM HARKIN's friend, Christopher Reeve, who passed away in 2004. But it's not too late for this President to change his mind before tying the hands of doctors, scientists, and ethicists with a preemptive veto. Chris would agree that it's not too late to give millions of Americans what they want most of all, which is hope.

And in closing, I want to share one more story. It's from Lauren Stanford of Plymouth, MA. She is 14 years old and has suffered from juvenile diabetes for 9 years. She and her mother, Moira McCarthy, came down to Washington, DC each year as citizen lobbyists in support of stem cell research and finding a cure for diabetes.

I want to read you a few passages from an essay she wrote as follows:

For as long as I can remember, I've had to take a lot of leaps if faith. I've had to believe my parents when they told me taking four or five shots a day and pricking my finger eight or more times a day was just ''a new kind of normal.''

I've had to smile at the world and say I really don't mind wearing the insulin pump that's now connected to my body 24 hours a day, seven days a week.

Yes, in my nine years of life with Type 1 diabetes, I've learned to accept a lot of it is and the way it things as ''just the way it is and the way it has to be.''

But when I watched, with my parents, President Bush's decision on Stem Cell research in the summer of 2001—and his vows now to veto the bill—I just could not accept it.

You see the one thing that has helped me accept all I've had to accept these years is the presence of hope.

When I feel like I might just scream if I have to live another day fighting this endless disease, I think about all the researchers out there working to help me be cured. Now, it might seem corny to think of a teenage girl dreaming about researchers in labs, but that's what kids who have incurable diseases do.

Stem cell research could mean I can go to college without a machine attached to my belly keeping me alive. It could mean I can have children just like anyone else; not with teams of doctors working with me daily just to make it happen. . . . It might mean my children won't even know what diabetes was.

President Bush talks about protecting the innocent. I wonder, what about me? I am truly innocent in this situation. I did nothing to bring my diabetes on. . . . How, I ask my parents, is it more important to throw discarded embryos into the trash than it is to let them be used to hopefully save my life—and to give me back a life where I don't have to accept a constant, almost insane level of hourly medical intervention as ''normal?'' How could my nation do this to me?

Her hopes are here today, and I hope the Senate will do the right thing.

The PRESIDING OFFICER. Under the previous order, the majority is recognized for 15 minutes.

Mr. SMITH. Thank you, Mr. President. I am very grateful the Senate is considering the issue of stem cell research today. This debate marks the culmination of years of work by many of my colleagues and certainly by myself, and a host of dedicated advocates.

I thank Senators SPECTER and HARKIN for their leadership on this issue, as well as Senators HATCH, FEINSTEIN, and KENNEDY. The work the six of us have done since the House considered embryonic stem cell research last May has helped keep the issue alive in the Senate.

I also would also like to recognize Senator FRIST, who helped negotiate the package of bills before us. His willingness to take up this important, yet divisive issue is very much appreciated.

While all three bills are important to the advancement of ethical stem cell research, there is one that stands apart from the others. That is H.R. 810, the Stem Cell Research Enhancement Act Simply, this bill would allow federal dollars to support research on stem cells derived from human embryos.

The tension surrounding this issue, I believe, pits the benefits that all can see and the potential that may be derived against the ethical uncertainties or the religious convictions our colleagues have. I think it is very important to respect both perspectives—and I certainly do. But I believe their reservations are misplaced when a full understanding is made of this very important area of research.

I think it is also important to point out as a show of respect for the differences of opinion that everyone in the Senate supports the bill's intent of furthering medical research—research that could possibly lead to a cure for a number of chronic diseases and debilitating health conditions.

The promise of embryonic stem cell research is very real. But I think we must emphasis and admit it is but a promise. It has yet to be fully realized because of the current restrictions which we have placed on it. While I appreciate the President allowing research to move forward on existing stem cell lines, over time these lines have become degraded and we are in desperate need of new, uncontaminated lines.

Stem cell science has the potential to cure dreadful illnesses such as Parkinson's, Alzheimer's, diabetes, cardiovascular disease, and many cancers. But we can't expect scientists to make progress in developing treatments if we limit them to yesterday's science.

I believe the Federal Government has a vital but a moral role to play in the development of stem cell science to ensure that the appropriate ethical guidelines are followed. To leave this to the private sector, with insufficient funding and no moral boundaries—we don't know where we will windup. But I do know the Federal Government can guide it in the right direction. I believe we will run into very serious problems if we do not as a Federal Government show up to work on this issue.

The real issue that is troubling to so many of us in this Chamber is questions of morality. I am pro life and throughout my political career I have supported policies that respect the sanctity of all human beings. I realize that many pro-life advocates oppose embryonic stem cell research on the ground that it destroys a human life. But as I have consulted with scientists and reflected upon my own conscience, I have come to a different conclusion. I feel that embryonic stem cell research is a pro-life policy. The key question that looms over this debate is, When does life begin? For me it begins with mother, with the implantation of an embryo. I believe the Scriptures provide ample support showing that flesh and spirit become one with the mother. This is one of womankind's supernal gifts. I find these verses in the Old and the New Testaments—in Jeremiah, the Psalmist, Job, Matthew, Mark, Luke, John, and in the letters of Paul. All of these things lead me to feel comfortable with an ethical conclusion that life begins when flesh and spirit are united and not before.

The embryos created as part of the in vitro fertilization process were intended to provide infertile couples the

gift of life. Those embryos that go unused in fertility treatments should still have the opportunity to give the gift of life either by later implantation or to those living with debilitating diseases through this dramatic medical research.

Without being implanted in a mother's womb, an IVF embryo is a group of cells growing in a petri dish. But if those cells are left there for thousands of years, they have no possibility of developing into anything. They remain a group of cells, the dust of the Earth, one of the building blocks leading to life. It is the act of implantation within the mother that gives them life. So instead of storing or discarding unused embryos, we have the opportunity to allow them to be used to derive stem cell lines to advance much needed medical research.

I believe it would be a tremendous loss to science and to all humanity if we choose to hold back the key to unlocking the mysteries that have long puzzled scientists and physicians. That is why it is so important that my colleagues cast a vote in favor of H.R. 810, a very pro-life vote.

Some of the bill's opponents may claim that you can equally support stem cell research by voting for Senator SANTORUM's bill which authorizes a number of research alternatives. I support Senator SANTORUM's bill and plan to vote for it today, but it is by no means a substitute for H.R. 810.

Alternative forms of stem cell research are in their very early stages—just like embryonic stem cell research. Considering the enormous medical benefits that may come from these emerging fields of science, we cannot afford to promote some methods while restricting others.

After years of reflecting on this issue, it has become increasingly clear to me that being pro life requires protecting both the sanctity and the quality of life. By allowing research on stem cell lines derived from unused IVF embryos, we could forge a path that would one day lead to cures of some of mankind's most dreadful medical maladies.

If only one life-improving application of stem cell science comes from this vote—from my vote—then I believe I have done my job and done it correctly, for on this issue I choose to err on the side of hope, healing, and health.

I encourage all of my colleagues—even those who have some ethical reservations or religious feelings on this issue—to do the same.

I heard on the radio last night a radio commentator describing embryonic stem cell research as a conflict between science and religion. I do not believe that religion and science are in conflict on this issue. I believe one of the great gifts of the United States—the best example of the United States to the world—is our pluralism, religious pluralism. It is something we see an absence of, tragically, in too many places of the world. You see blood running in the gutters of the Middle East as we speak because of sectarian views which are held to the point of murdering those with divergent views. Therefore, I do not believe we serve the public well by taking the narrowest theological position and trying to impose it on public policy. We should be open enough to include other considerations of ethical ideas, scriptural interpretations, and scientific hope.

For me, as I consider issues of life and death, I often turn to the Good Book to try to discern wisdom that I do not have myself. What I find in the earliest pages of the Torah—or the Old Testament—is this statement. And I quote:

> The Lord God formed man of the dust of the ground and breathed into his nostrils the breath of life, and man became a living soul.

I am not a scientist, and I am not a theologian. But as I use my agency to interpret this early description of the sanctity of mankind's life, what I read is that we are made of dust. We ourselves are dust. Unto dust we will return.

Then you come to the conjunction in this verse, the conjunction ''and.'' ''And breathed with his nostrils the breath of life.'' Then you come to another conjunction, ''and man became a living soul.''

I believe that pluripotent stem cells are one of the building blocks of life. Clearly they are. Even if you leave them in a petri dish for an eternity, they will remain cells, the dust of the Earth. I believe we are missing the understanding of the importance of the spirit, the breath of life—the spirit of mankind—as the essential ingredient as to when life begins.

I do not find that religion and science are in conflict in the Senate today. I believe they are in harmony. I believe we should have a broad enough view to include the many views that comprise American pluralism.

I urge President Bush not to veto H.R. 810. I believe it offers hope. It offers promise. We can't overpromise. But it opens the key to the future, to unlocking mysteries of science, to improve the quality of life now. What could be more pro life than that?

Finally, my position is formed by my family history. My mother's name was Jessica Udall. I watched my grandmother, Lela Lee Udall, die of Parkinson's. I watched my uncle, Addison Udall, die of Parkinson's. I watched my cousin, former Democratic Presidential candidate and Arizona Congressman Morris K. Udall, die of Parkinson's. To watch people die of such a malady is to instill in one's heart a desire to err on the side of health, hope, and healing, to find the cure if a cure can be found. We will all die but no one should have to die as they died.

I appeal to my friend President Bush in the memory of my Udall ancestry, please, do not veto this bill. Do not deny them, people such as the Udalls, the hope that can come from this research. I believe this is an important debate. If this bill is vetoed, another election will occur, another chapter of American democracy will be opened, and ultimately the will of the American people will be reflected in our policy. I believe the sooner, the better. So, to my pro-life friend, President Bush, I urge in the name of life to let this bill become law.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the majority still controls 1 minute 45 seconds.

Mr. SMITH. I yield back the remainder of that time.

The PRESIDING OFFICER. Under the previous order, the minority is recognized for 15 minutes.

Mr. HARKIN. I will soon yield 7 minutes each to Senators FEINGOLD and SCHUMER, in that order.

First, I had a meeting I was supposed to go to at noon. I am sorry I missed the meeting; people are waiting for me. I am not sorry that I was here to hear the profound statement made by my friend Senator SMITH. It was one of the more touching, more profound, and more insightful statements made during these 2 days of debate. I thank the Senator for that.

I yield 7 minutes to Senator FEINGOLD, and at the end of 7 minutes, to the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 7 minutes.

Mr. FEINGOLD. Mr. President, as we debate this important legislation regarding stem cell research, we are reminded of the millions of patients and families across America who await treatment and cures for our most deadly and tragic diseases. As of Friday afternoon, over 92,000 Americans were on waiting lists for organ transplant. Seventeen of these people will die every day waiting for a vital organ. Scientists believe that over half of Americans over 85 may suffer from Alzheimer's disease, and at least half a million Americans currently have Parkinson's disease. As we all know, these kinds of serious diagnoses affect not only the patient, but that patient's family, friends, and community. Illness is a burden we all share.

Fortunately, over the past century, science has turned many of our worst medical fears into manageable chronic conditions, sometimes into mere nuisances, and, in some instances, has erased them entirely.

Today we stand at the threshold of a new era of scientific achievement. Stem cell research has vast potential for curing diseases and saving lives. We must recognize the enormous potential of this research for discovering new cures and therapies for disease such as diabetes, Parkinson's disease, and spinal cord injuries. Millions of patients and their families across the Nation

cannot afford to wait any longer for enactment of this urgently needed legislation.

I am a strong supporter and proud cosponsor of the Stem Cell Research Enhancement Act. I have heard from many of my constituents in Wisconsin in support of this legislation, and I am glad that the Senate is addressing this today and responding to the requests of millions across the country. As the Senator from Oregon eloquently said a few minutes ago, for many people this is a deeply personal issue. When an individual or loved one suffers from an incurable disease or medical condition, it can be devastating. Everyone knows someone who has suffered from diabetes, Alzheimer's Parkinson's, or another debilitating disease, and we all know the physical and emotional pain inflicted as a result. It is vitally important that we move this legislation into law as expeditiously as possible and provide the resources that scientists need to develop treatments and cures for these diseases.

Researchers can unlock enormous potential in stem cell research if Congress will only give them the key. At the University of Wisconsin in 1998, Dr. James Thomson became the first scientist to break into this new frontier by isolating human embryonic stem cells. Since then, researchers at the university have been able to coax embryonic stem cells to develop into mature blood cells, which could provide treatments and cures for people with a range of currently incurable diseases. By further examining the potential of stem cells, scientists at the University of Wisconsin have also successfully developed neural cells, and they have even transferred these cells successfully into mice, where the cells continued to thrive. The possibilities here are clear: If technology such as this is able to expand, those with neurological disorders and bleak prognoses may now have hope.

Despite its incredible promise, this research has unfortunately been limited by the President since 2001. It is time for Congress to take the necessary action to provide more stem cell lines to scientists so that this research can go forward, without the Federal Government standing in the way.

The Stem Cell Research Enhancement Act would allow federally funded research to be conducted on stem cell lines derived from excess embryos created for in vitro fertilization, IVF, that are no longer needed and are donated by couples for research. It is estimated that there are more than 400,000 embryos that were created for fertility treatments and are likely to be destroyed.

There is much work that needs to be done to further understand the role that embryonic stem cells can play in providing answers to some of the most troubling medical diseases and conditions that affect so many Americans. The Stem Cell Research Enhancement Act will help our Nation's researchers get closer to unlocking what this research holds by increasing the quantity and quality of stem cell lines available for research.

Embryonic stem cell research is very important to me and to Wisconsin. I am proud that the University of Wisconsin has played a prominent role in stem cell research in this country. I know that my constituents, and Americans across the country, are eagerly awaiting the benefits that this research will provide.

I hope my colleagues will join me in supporting this incredibly important science which would expand our research horizons and bring hope to so many people.

The PRESIDING OFFICER. The Senator from New York is recognized for 7 minutes.

Mr. SCHUMER. Mr. President, I rise today in support of H.R. 810, the Stem Cell Research Enhancement Act. Any one of us who has met people who have petitioned us for this act has to be moved. I have looked into the eyes of a mother who brought her beautiful 4-year-old daughter to my office and said, Senator, please allow this research to go forward because I am worried my daughter will be blind at the age of 20 without it.

I have met families whose patriarch is suffering from ALS, Lou Gehrig's disease. Again, they have pleaded with us, allow the research to go forward so maybe that person or his children, who might get the disease, will be able to be cured.

I have met with so many people my age whose parents are suffering from Alzheimer's or Parkinson's. Again, they plead with us, allow stem cell research to move forward so that maybe my parent or other parents such as mine could be cured.

Americans struggle with diseases every day. The confounding and amazing thing is, when scientists are on the edge of a breakthrough, the President stops them. Scientists are on the cusp of making incredible progress through stem cell research, a process that has the potential to cure diseases as widespread as diabetes and heart disease, but progress came to a grinding halt in 2001 when President Bush limited federally funded stem cell research to only 19 sources. With that Executive Order, President Bush shut the door on hope for millions of American families. With that one action, the President not only stopped current research in its tracks, he sent a message to future scientists that they should not pursue this line of work. As they see a limited funding stream for the work they do, fewer and fewer graduates are specializing in this kind of work. We need the best minds there.

Substantively, there is no doubt this is the right thing to do. But I put it in a broader context. There is a group of people in America of deep faith. I respect that faith. I have been in enough inner-city Black churches, working-class Catholic parishes, rural Methodist houses of worship, and small Jewish synagogues, to understand that faith is a gift. The trouble with this group, which I call the theocrats, is they want that faith to dictate what our Government does. That, in a word, is un-American. It is exactly the reason the Founding Fathers put down their plows and took up muskets to fight.

If you do not like stem cell research, don't use it for yourself or your family, but don't tell millions of Americans who may not share your faith that they cannot use it, as well.

We have seen this repeatedly with Schiavo, or the required teaching of creationism in the schools, and now with stem cell research. Unfortunately, the President and too many in this Chamber and too many in the other Chamber have gone along and said that faith, wonderful and noble as it is, should determine what our Government does.

This administration is not pursuing what most Americans want, but following the dictates of the narrow few. Fortunately, we live in a democracy. In a democracy these issues are debated.

I assure everyone in this Chamber, this issue will be debated and debated strongly in November. Those who have stood in the way of scientific progress and research, those who have told that wonderful mother that her child cannot get the research she needs so she might not be blind, will be held accountable. This will be one of the largest issues that will face us in November, and it should. That is what democracy is all about. All of those, including the President, who have tried to hide their actions with false promises or bills that accomplish nothing, will be held accountable.

Thank God we have a democracy. Thank God that a narrow band of people, few in number, deep in conviction, cannot dictate what our Government does. The fact that H.R. 810 has come to the Senate, the fact that it will get a large majority of votes here as it did in the House, and the fact that the President and some of his allies in this Chamber and others have stood in the way of saving lives and of scientific progress because they believe their faith should dictate what the rest of us do—again, they will be held accountable for that.

I hope this measure passes. It would be a miracle, a miracle that could save lives if it got a veto-proof majority in this Senate. I doubt that will happen. But one can always hope, because the hopes, the futures, of millions of Americans, born and unborn, rest on us pursuing this research, doing what science tells us it needs to do to enhance and preserve life, and not be blocked by a small group that wishes to impose its views on everyone else.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now

stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m.; and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

FETUS FARMING PROHIBITION ACT OF 2006

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005—Continued

The PRESIDING OFFICER. The majority controls the next 30 minutes.

The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

Mr. President, I would like to begin this discussion, talking about the three pieces of legislation that are before us, to talk about the one I believe is the least controversial of all; and that is the issue of fetus farming. It is a piece of legislation that I introduced, thanks to the great help of my staff, Heather MacLean, who has worked diligently on both pieces of legislation that are on the floor today that I happen to be the sponsor of, the alternatives bill as well as the fetus farming bill.

This legislation comes as a result of a recommendation from the President's Council on Bioethics. That council, as you know, is not made up of people who share the President's viewpoint on the issue of stem cell research. In fact, it is a rather diverse group. But they unanimously agreed with what they see out in the scientific world with respect to research being done—where animals are being implanted with embryos grown to a certain gestational age and then aborted for purposes of research—that this should not be allowed in humans; that we should not be developing embryos, implanting them in women, and then having those women abort the fetus for the purposes of doing research.

So the bill I have introduced follows on with the unanimous recommendation of the President's Council on Bioethics. Again, it is a diverse group. And they said: We should prohibit the transfer of a human embryo produced ex vivo—that is, outside of the mother's womb—to a woman's uterus for any purpose other than to attempt to produce a live-born child.

That is what the first piece of legislation does, what is referred to as the fetus farming bill. I am hopeful we can have a broad consensus, hopefully a unanimous vote, on the floor of the Senate in favor of this legislation. The House will hopefully pass that later today and the President will move forward and sign it.

The other issues I want to talk about get into a lot more detail with respect to how we deal with these very difficult moral questions. I have heard some say on the floor of the Senate there is no moral question here. In fact, I heard the senior Senator from New York calling those who oppose this H.R. 810—which calls for the destruction of human embryos for purposes of deriving embryonic stem cells—he called people who oppose H.R. 810 theocrats.

I do not agree with the Senator from New York on a lot of things. I am sure the Senator from New York is motivated by his faith to do a lot of things in his life. I am sure there are things on the floor of the Senate for which the Senator from New York is motivated by his faith tradition and uses it as a tool which has provided him a moral framework for this world. But I would never call him a theocrat for taking that element of his faith, which he happens to believe is valuable, and applying it to a fact of circumstances before him in the Senate. So I would hope we would tone down that type of rhetoric. No one is advocating theocracy here.

But to suggest there are not moral questions at stake, I think is blatantly dishonest. There was a doctor that was on a C–SPAN program this morning, a doctor from Johns Hopkins, who was in favor of H.R. 810, who got up and said it very clearly, if you believe that killing a 5-day-old embryo is the taking of a human life, then I can understand, she said, you having problems with H.R. 810. If you do not, then I can understand why you do not have a problem with H.R. 810.

Now, to suggest that someone who happens to believe that a 5-day-old embryo, that is genetically human, that if implanted in a woman would have as good a chance as any other embryo in a woman to develop into any one of us—that we believe that killing that embryo is the taking of a human life—I am not too sure that goes into the bounds of imposing a theocracy on America.

I think that is, yes, to some degree, a moral question but I would argue, to some degree, very much a scientific question as to whether that is actually human and is it alive. And the answer is, yes, it is genetically human. It is like every one of us. And it is alive. If it were dead, no one would be implanting it, no one would be killing it. So it is human and it is alive.

You can say it is not human life. I can say this piece of paper is not a piece of paper, but that does not make it what it is not. It is human, and it is alive. Under H.R. 810, we say that the Federal Government is going to fund research dependent on the destruction, the killing of that embryo. I think it needs to be made clear there is nothing in the legislation—in fact, there is no bill I am aware of that has been introduced—that says any individual without Government dollars cannot take, cannot buy or get donated a fertilized embryo, an embryo, a 5-day-old embryo from an in vitro fertilization clinic and do research on it. There is no law prohibiting it. There is no law prohibiting the killing of those embryos.

All of us who have concerns about H.R. 810 have concerns because this is Federal funding for research dependent on the destruction of human life. I happen to believe that is morally objectionable. I also think it is scientifically objectionable too.

Having said that, I have one final point I would make. I do not think this position is necessarily well out of the mainstream. There was a poll taken recently. In the poll, this question was asked: Stem cells are the basic cells from which all person's tissues and organs develop. Congress is considering the question of Federal funding for experiments using stem cells from human embryos. The live embryos would be destroyed in their first week of development to obtain these cells. Do you support or oppose using Federal tax dollars for such experiments? Thirty-eight percent support; almost 48 percent oppose.

I do not think those people would be called theocrats. They are not theocrats. These are honest, hard-working Americans who see human life and say: We should treat it with dignity and not do research.

Now, there are obviously a sizeable number on the other side. And, obviously, the majority of the Senate is going to support H.R. 810. I respect people who differ with me. I am not going to call them names. I am not going to label them something that sounds un-American. What I will say is I disagree with them and will try to do so respectfully. I will try to do so from the basis of someone who is a very strong supporter of stem cell research. In fact, I would put my record up against just about anybody in the Senate with respect to appropriating, asking for, and getting appropriated dollars designated to do stem cell research.

I have been working for 6 years, particularly with the Pittsburgh Tissue Engineering Institute and a whole host of companies that have developed in and around the biotech quarter in Pittsburgh that have shown great promise. Some of the research you have heard about with respect to alternatives to embryonic stem cell research with these pluripotent cells—many of these companies, many of these alternatives have come out of Pittsburgh, come out of the work that has advanced as a result of some of the Federal help that we have given to the McGowan Institute and to the Pittsburgh Tissue Engineering Institute.

In fact, we have put together such a robust program with respect to tissue engineering and regenerative medicine using stem cells that we have partnered with the Army. President Bush, earlier this year, went down to Fort Sam Houston, TX, to look at some of the work that is being done with our soldiers who have been wounded and being able to regenerate skin or parts of bodies. In fact, there is one study underway right now to regenerate an ear, actually grow back an ear of someone who lost their ear in the Iraq war.

All of that came from the support the Congress has shown, thanks to the leadership of Senator SPECTER and myself in this collaboration—the Pittsburgh Tissue Engineering Institute, the McGowan Institute for Regenerative Medicine, the U.S. Army Institute of Surgical Research, and on and on. This collaboration is based on the promise of stem cell research, to help our wounded soldiers. They are making dramatic and wonderful progress. So there is, as many have said, a tremendous opportunity for a lot of powerful things to help cure people with respect to stem cells—these adult stem cells.

But I have not foreclosed, in any respect, the possibility of other types of stem cells being used, if they can be derived in an ethical fashion; ''ethical,'' meaning we do not sacrifice life in order to do research to find out more.

So what I have pursued—and what I think this alternative bill I have introduced, working with Senator SPECTER on it—is an attempt to find this middle ground. Some have suggested—I know Senator HARKIN has repeatedly suggested—this bill does not accomplish anything, the alternatives bill I have introduced does not do anything. I would strongly disagree with that.

The alternative bill—let me give you an example. I have been working with Senator DODD over the past several months—actually, over a year now—in developing a bill to provide direction to the National Institutes of Health with respect to autism research. It is a vitally important bill for the autism community. It is one that the entire community across the Nation has mobilized around, called the Combat Autism bill. We have worked meticulously on the language to make sure Congress provides direction to the NIH to ensure proper research is being done in accordance with the sensitivities of the community.

This bill, in many respects, is no different. What we are doing—as we are doing in the Combat Autism bill, as we did by setting up centers of excellence within the NIH, congressional-sponsored coordinators such as diabetes coordinators—all of these things NIH could have done. Could NIH have put up, structured a diabetes coordinator? Sure. Could they have set up a cancer institute? Sure. Could they have done all these thing that have been congressionally mandated to do? Yes, they could have. But Congress thought it was important enough that we put it in statute. And we direct the funding so we can get a focus on what we believe as Congress—and representing the people's belief—is important for the future of medicine.

So in this case, yes, we are directing the National Institutes of Health shall invest money—not they ''may; but they ''shall'' invest money—in developing alternatives to the destruction of the human embryo for the creation of pluripotent cells. In fact, there are 16 different ideas, peer-reviewed studies showing alternative sources of pluripotent stem cells that have been published already.

What we are saying to the National Institutes of Health is: Look at these particular areas and others. You shall do research in this area. You shall look for alternatives for the development of these pluripotent cells. It is a directive. That is different. That is meaningful. It is important. It is not: Oh, they can do it already, so this is no big deal. This is a big deal. This is an important step forward in getting the NIH focused on an area of research which is ethical, moral, and potentially curative for an unknown number of diseases.

There is work being done, I can tell you, because of the work we have done, and Senator SPECTER and I have done, in Pittsburgh with a company called Stemnion which I am very proud of. They are taking cells from the lining of the placenta—I was at their lab not too long ago. They had a placenta there, and they had a technician peeling off this sheathe from the lining of the inside of the placenta.

It is a three-cell layer sheet that is opaque; you can see through it almost. But it is a three-cell layer which is put into a solution. They retrieve the middle layer of the cell. They have found that this middle layer of cell can, in fact, differentiate into various types of body tissue, which is what we are looking for with respect to embryonic stem cells. They have also found that it doesn't cause tumors, which is one of the problems with embryonic stem cells. They are not just looking at that, they are also looking at—many of these researchers who are doing research on adult stem cells, cord blood, or placenta cells, or whatever—whether they can use these cells not just for direct treatment but to create a broader based treatment—something that is not just a treatment for the particular baby who came with that placenta but whether there is a broader application with these cells.

Can they do things that many believe embryonic stem cells can do—provide some sort of cellular solution that can be replicated in large doses, instead of just individual treatments, which can be expensive and not necessarily as useful or helpful? So there is the potential for broad-based solutions out of these pluripotent cells, something which those who argue for H.R. 810 say really isn't available.

The fact is, that it is an objective. We don't know if it is available, but, again, we don't know if embryonic stem cells will result in cures because they have not to date. Senators BROWNBACK, COBURN, FRIST, and many others have talked about all of the different therapies being used today to treat people through adult stem cell research. In fact, I mentioned one, which is the soldiers, in treating wound care. There are so many others. I was at another institution in Pittsburgh where they were showing how they were treating—I know this was talked about on the floor—congestive heart failure with adult stem cells and injecting them into the heart to try to regenerate the heart. So there are all sorts of opportunities with these cells. We should pursue that.

Actually, what my bill does is focus on creating embryonic-like cells. What my bill does is provide an alternative path to get to where those who want to see embryonic stem cell research move forward want to go. We try to get them there with an ethical way of doing it.

I am hopeful—and I have not heard anybody get up and say they would oppose this legislation—that this legislation will pass with a very large number because I think it deserves passage. It does more than nothing. It does something, and it does something very important.

Also, I believe it is important that we stand firm and say that those who may be against H.R. 810 have the opportunity to stand firm and say that we are pro research, pro science, pro improving the quality of health care in this country, but we need, as public officials, to be the governor for science.

I know there have been attempts in the past—I don't think H.R. 810 does it because it is a limited use of human embryos, but there have been attempts in the past to sort of throw the gates open and allow Federal funding for any type of research in this area. I think we have an obligation, as the voice of the people, to limit, at least with Federal dollars, where science goes with taxpayer dollars. This is a scientific society that, if you can do it, they want to do it. In my mind, far too many scientists don't feel any check by the moral implications of creating a cloned individual, which we have seen in some places around the world. There have been attempts in private labs in this country and around the world, and there still are attempts to clone individuals. We need to speak clearly into this moment. I think the passage of this alternative bill does that. It says we can be pro science and do so in an ethical fashion.

I guess I will conclude my remarks by saying that this is an important moment for us in this country. This is about the value of human life. I know people will dismiss that, saying they would be discarded anyway. All I can suggest is that every life, whether it is in a suspended state in an IVF clinic or standing on the floor of the Senate attempting to defend and protect those suspended lives, has meaning. Every life deserves protection under our Constitution. Our Constitution protects persons. It is a very interesting word. They use the term ''persons.'' So we have had a debate in this country for half a century or more—actually since its founding—as to what a person is under the Constitution. We are going to say, with respect to embryos at IVF clinics, that they are not people. We are going to say that this 5-day-old embryo created by a couple who wanted life—think about that. Every one of

these embryos was created because a couple wanted desperately to create human life, and what we are going to say is that life that was created is not a person, doesn't really exist from the standpoint of the Constitution. I think that is sort of hard for my mind to square—that we create human life and then later we say it is not human life, it is not a person, it is not entitled to any constitutional protections.

Some people have drawn lines and said it is not implanted and therefore it is not human life. When the egg is fertilized, it takes a while for that embryo to implant in any normal pregnancy. In the interim, is it not human life? What is it? These are questions that I know are very difficult to grapple with. It is very easy—and this is the caution—it is very easy, because that little embryo doesn't have a pair of eyes, a color of hair, or a name, to dismiss this entity as insignificant, particularly when we see some utilization, some usefulness to us in its existence. This utilitarian view that, well, we don't really know what these are—at least we make the claim that we don't really know what they are, so we sort of claim that there is a cloudiness to what this is, and it then allows us to destroy that life and use it for our purposes.

Let's be very clear about that. That is what we are doing. We are using it for our purposes, to benefit us. We are using a human life to help those of us who are alive, without the permission of that silent embryo. You can say, well, H.R. 810 is sort of a rare circumstance. It is just these small groups of embryos that are unwanted. I have been on the floor of the Senate debating issues of life for 12 years now. It seems to me that every year I come up here we tend to debate a different issue, and if we had been debating it 10 years prior, we never would have taken that position; we would have found it morally offensive to have argued what we argued—in this case 10 years ago. But 10 years from now, if we allow this to happen, what will be the next argument of what we must do because of the potential benefit for us? What must we do next?

One of the principal reasons I am an avid supporter of the fetal farming bill is a great fear that 10 years from now, we will be back here arguing the bill again. We may find that the embryonic stem cell research that is done in the public sector—and it is being done now in the private sector, and certainly there is international support for it in the public sector—just isn't the right thing, that they don't work quite as well as expected. But if you grow that embryo to a little later stage and these cells settle down and are not as hyperactive as these embryonic stem cells are, which have the potential of creating tumors, if you wait until they are a month or 2 months old, now you have the right time to be able to harvest these tissues for—you name it. I will not say that is highly likely—I don't know, I am not a scientist—but I don't think that is without question. Then what would we say? If we can maybe just put the embryos in artificial wombs for a while and let them develop for a little bit or maybe implant them into a woman who volunteers, with no moral objection, to do so. You can say, that is repugnant. It is today.

I remember when I stood on the floor and debated the partial-birth abortion bill—how many repugnant things I had to explain regarding the killing of a child. We debated that, and it failed many times on the floor of the Senate, the banning of that procedure. No, these things do not happen in one great leap; they happen with just little steps, little defensible steps, little utilitarian steps, until the next time and the next time.

This is an important moment when we will say no to that and we will do what I believe is important to stand up for that value. At the same time, we can support a measure that is pro science. At the same time, we can support a measure that says we need to move forward, we need cures, we need scientific experimentation, we need to develop this incredibly rich field of regenerative medicine and stem cell research. It is an incredibly rich field, a promising field. We need to do it at a pace and in a way that we can be proud of over time and in a way that respects the dignity of the human person. But this is an incredibly promising field. No one on either side of this issue will deny that. It is an incredibly promising field, one we must pursue.

So that is why I introduced the alternative bill. That is why I strongly support it, and I would encourage all of my colleagues to support it. I would encourage the House to pass it, and then we will be enthusiastic supporters of Senator SPECTER's and Senator HARKIN's appropriations bill, to get as much money as the NIH can responsibly use to develop this field fully. It is an incredibly promising field that we must pursue, and we can do it. We can do it, America, ethically and morally, in a way that is consistent with the proud traditions of America. Science in an ethical and moral fashion: What a nice blend. We accomplished that with the alternative stem cell bill, and I urge the Senate's adoption.

Mr. President, I ask unanimous consent that letters I have received regarding this legislation be printed in the RECORD.

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

OREGON HEALTH & SCIENCE UNIVERSITY, OREGON STEM CELL CENTER,
Portland, OR, July 17, 2006.

DEAR SENATOR: I am a Professor in the Departments of Molecular and Medical Genetics and of Pediatrics and the current Director of the Oregon Stem Cell Center at Oregon Health & Science University in Portland Oregon. I am also on the Board of Directors of the International Society for Stem Cell Research. Last month I participated in a press conference at the Capital in support of the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754, sponsored by Senators Santorum and Specter. I am writing to affirm the solid scientific foundations for this approach and to urge you to vote in favor of this very important legislation.

Let me begin by stating clearly that I do not think that adult stem cells have all the properties of pluripotent embryonic stem cells (ESC) and could be used to replace or substitute for them in therapeutic or scientific investigations. ESC indeed hold tremendous—albeit at this point mostly unrealized—potential for significant improvements of human health. My objection to using human embryonic stem cells is the fact that their procurement involves the destruction of early human life, generated either by in vitro fertilization or by cloning. Exploitation and destruction of human embryos is morally unacceptable to me and to millions of others in the United States and around the world.

Fortunately, science strongly suggests that there is a solution to this particular moral quandary. All cells of the human body share the exact same DNA sequence, regardless of whether they are adult skin cells or embryos. The fate and nature of a cell (embryo vs. other cell type) is not determined by its DNA sequence but by which genes are active or silenced. Silent genes can be activated and active genes can be silenced through skilled laboratory manipulation. This is why it is possible to use the nucleus of an adult cell to make an embryo, as was done with Dolly the sheep. The contents of the egg are able to ''flip genetic switches''. Recently, multiple labs in the United States and from around the world have published or reported experiments in which adult cells were converted, not to embryos, but directly to pluripotent ''embryonic-like'' cells. The resulting cells were virtually indistinguishable from embryonic stem cells derived from embryos. The techniques used have included altered nuclear transfer (ANT), cell fusion and chemical reprogramming. The results were obtained by top scientists in the field and published in the best journals.

To date the direct conversion of adult cells to pluripotent stem cells without any embryo destruction has only been achieved in animals, but it is highly likely that this can be done with human cells as well. In addition to being ethically and morally unimpeachable the alternative methods also promise a major clinical/medical advantage: pluripotent cells generated by these techniques will be tissue-matched to the patient. In contrast to embryonic stem cells derived from ''discarded'' embryos, immune suppression would not be needed to use these cells in transplantation.

Thus, compelling scientific and ethical arguments exist for non-embryo destructive alternative methods. S. 2754, the Alternative Pluripotent Stem Cell Therapies Enhancement Act, represents an important tool to advance the development of these techniques to the benefit of all.

Sincerely,

MARKUS GROMPE, M.D.,
Professor.

JULY 17, 2006.

DEAR SENATOR: I am a physician and a Consulting Professor in the Neuroscience Institute at Stanford where for many years I have taught courses in biomedical ethics. I have also served on the President's Council on Bioethics since its inception in January 2002.

In May 2005, the Council issued a White Paper entitled ''Alternative Sources of Human Pluripotent Stem Cells.'' This report outlined four proposals for obtaining pluripotent stem cells (cells with the same

properties and potentials as embryonic stem cells) using techniques that do not involve the destruction of human embryos. As the author of one of these proposals, Altered Nuclear Transfer, I am writing to inform you of encouraging progress in establishing both the scientific feasibility and the moral acceptability of this proposal. In what follows, I am of course speaking for myself, not for the Council as a whole or for any other institution.

Altered Nuclear Transfer (ANT) is a broad concept with a range of possible approaches. ANT draws on the basic technique of nuclear transfer (popularly known as 'therapeutic cloning') but with a pre-emptive alteration such that pluripotent stem cells are produced without the creation and destruction of human embryos. Unlike the use of embryos produced by in vitro fertilization, ANT would allow the production of pluripotent stem cell lines of specific genetic types. This would enable standardized scientific studies of genetic diseases controlled testing for drug development, and possibly patient-specific immune-compatible cell therapies.

In the year since the publication of the Council report, major advances in this project have been documented in peer-reviewed research articles published in leading scientific journals.

In January 2006, the journal Nature reported research by MIT stem cell biologists Rudolf Jaenisch and Alexander Meissner demonstrating, in mouse studies, scientific proof-of-principle for Altered Nuclear Transfer. The authors described this technique as ''simple and straightforward,'' and, in testimony to a U.S. Senate subcommittee on stem cell research, Dr. Jaenisch stated: ''Because the ANT product lacks essential properties of the fertilized embryo, it is not justified to call it an 'embryo.'''

One month later, research by developmental biologist Michael Roberts of the University of Missouri published in the journal Science, suggested that the same ANT approach might be accomplished more directly and by an even simpler technique.

In March 2006, at a conference of scientists, moral philosophers and religious leaders organized by The Westchester Institute for Ethics and the Human Person, there was unanimous agreement that if further refinement of these techniques is successful with non-human primates, cautious extension of these approaches to studies with human cells would be morally acceptable.

This conclusion has received further support from research reported by Hans Schoeler, Chair of the Department of Cell and Developmental Biology at the Max Planck Institute in Germany. Using the same basic alterations, he was able to establish pluripotent stem cells from these non-embryonic laboratory constructs at a rate of efficiency 50% higher than current embryo-destructive techniques (that use IVF embryos). This suggests that ANT may have both scientific and moral advantages.

In the attached letter, Dr. Schoeler explains: ''Biologically (and morally), I would not consider such a . . . laboratory product to be a living being, but more rightly would consider it a single-lineage tissue culture. ''He continues, ''Although these studies have been conducted using mice, it is reasonable to expect that the mammalian pattern of embryogenesis is conserved to the degree that a similar result would be obtained with human cells. These research results suggest that Altered Nuclear Transfer may be able to produce human pluripotent stem cells (the functional equivalent of embryonic stem cells) in a manner that is simpler and more efficient than current methods. Moreover, by doing so without creating a human embryo, such a project may resolve our current impasse over embryonic stem cell research and allow social consensus in support of this important new field of biomedical science.''

Altered Nuclear Transfer is just one of several promising approaches that may allow a resolution of our current conflict over federal funding of stem cell research. There is also encouraging progress in 'direct reprogramming', another proposal discussed in the Council report. If we can learn the specific chemical factors in an egg that are necessary for reprogramming, we may be able to combine these factors with the nucleus of any adult body cell and produce a patient-specific, genetically matched pluripotent stem cell line. Furthermore, over a dozen types of cells from tissues as diverse as bone marrow, brain, fat, testis, and even placenta appear to share some of the properties of pluripotent cells. It is too early to claim these cells are the functional equivalent of embryonic stem cells, but thorough exploration of their potentials is obviously worthy of directed federal support.

Our current conflict over the moral status of the human embryo reflects deep differences in our basic convictions and is unlikely to be resolved through deliberation or debate. Likewise, a purely political solution will leave our country bitterly divided, eroding the social support and sense of noble purpose that is essential for the public funding of biomedical science. The President's Council on Bioethics Alternative Sources report challenges our nation to seek a solution that sustains the important human values being promoted by both sides of this difficult debate. These projects are feasible using current technologies, and the scientific information gained in their investigation would have broad value even beyond the immediate goals of stem cell research.

Senate bill 2754, The Alternative Pluripotent Stem Cell Therapies Enhancement Act of 2006, would provide crucial support for these projects. In reaching beyond the moral controversies that divide our nation, Senators Santorum and Specter have offered us a way forward with stem cell research, ''one small island of unity within a sea of controversy.''

Sincerely,

WILLIAM B. HURLBUT, M.D.

NATIONAL RIGHT TO LIFE COMMITTEE, INC.,
Washington, DC, July 13, 2006.

DEAR SENATOR: With the Senate scheduled to vote on H.R. 810 on July 18, we write to express the strong opposition of the National Right to Life Committee (NRLC) to this legislation, which would mandate federal funding of research that requires the killing of human embryos. NRLC will include the roll call on passage of H.R. 810 in its scorecard of key pro-life votes for the 109th Congress.

Each human being begins as a human embryo, male or female. The government should not fund research that requires the killing of living members of the species Homo sapiens. H.R. 810 would require federal funding of research projects on stem cells taken from human embryos who are alive today, and who would be killed by the very act of removing their stem cells for the research—a practice very different from that of the human being who dies by accident and whose organs are then donated to others.

Stem cells can be obtained without killing human embryos, from umbilical cord blood and from many types of ''adult'' (non-embryonic) tissue. Already, humans with at least 72 different diseases and conditions have received therapeutic benefit from treatment with such ''adult'' stem cells. In contrast, embryonic stem cells have not been tested in humans for any purpose because of the dangers demonstrated in animal studies, including frequent formation of tumors.

Those who favor federal funding of research that kills human embryos sometimes claim that these embryos ''will be discarded anyway,'' but this need not be so. Many human embryos have been adopted while they were still embryos, or simply donated by their biological parents to other infertile couples. Today they are children indistinguishable from any others.

Prior to the vote on H.R. 810, the Senate will vote on S. 3504, the Fetus Farming Prohibition Act, and S. 2754, the Alternative Pluripotent Stem Cell Therapies Enhancement Act. We encourage you to support both S. 3504 and S. 2754.

S. 3504 would make it a federal offense for a researcher to use tissue from a human baby who has been gestated in a woman's womb, or an animal womb, for the purpose of providing such tissue. Some researchers have already conducted such ''fetus farming'' experiments with animals—for example, by gestating cloned calves to four months and then aborting them to obtain certain tissues for transplantation. This research is obviously being pursued because of its potential application in humans.

S. 2754, the Alternative Pluripotent Stem Cell Therapies Enhancement Act, would require the National Institutes of Health to support research to try to find methods of creating pluripotent stem cells (which are cells that can be turned into many sorts of body tissue) without creating or harming human embryos. The bill does not endorse any particular method, and does not allow funding of any research that would create or harm human embryos.

For additional information, please contact the NRLC Federal Legislation Department at 202–626–8820 or Legfederal@aol.com. Additional resources are available at the NRLC Human Embryos webpage at www.nrlc.org/killing_embryos/index.html and at http://www.stemcellresearch.org/

Sincerely,

DAVID N. O'STEEN, Ph.D.,
NRLC Executive Director;
DOUGLAS JOHNSON,
Legislative Director.

SECRETARIAT FOR PRO-LIFE ACTIVITIES,
Washington, DC, July 12, 2006.

DEAR SENATOR: In accordance with a unanimous consent agreement approved on June 29, the Senate may soon vote on three bills relating to bioethics and stem cell research: H.R. 810, S. 2754 and S. 3504. On behalf of the U.S. Conference of Catholic Bishops I am writing to comment on each proposal.

H.R. 810, ''STEM CELL RESEARCH ENHANCEMENT ACT''

This bill violates a decades-long policy against forcing taxpayers to support the destruction of early human life. Federal funds would promote research using ''new'' embryonic stem cell lines, encouraging researchers to destroy countless human embryos to provide more cell lines and qualify for federal grants. However, no alleged future ''promise'' can justify promoting the destruction of innocent human life here and now, whatever its age or condition.

The argument that ''excess'' embryos may be discarded by clients anyway is morally deficient. Such arguments have been rejected by our government in all other contexts, as when harmful experiments have been proposed on death-row prisoners or on unborn children intended for abortion. The fact that others may do harm to these nascent lives gives Congress no right to join in the killing, much less to make everyone else complicit in it through their tax dollars.

While these moral considerations are paramount, it is also worth noting that the factual assumptions behind the embryonic stem

cell campaign are questionable. Embryonic stem cell research is not showing the remarkable ''promise'' claimed by supporters, but lags far behind adult stem cells and other approaches that are providing real treatments for dozens of conditions. Experts now predict that treatments may emerge in ''decades'' or not at all. Other experts admit that use of so-called ''spare'' embryos is only a transitional step in any case, that creating human embryos (by cloning or by in vitro fertilization) solely for destructive research will be the next essential step. We also know that only 3% of frozen embryos in fertility clinics are designated by their parents for use in research—ensuring that attempts to move toward large-scale research or treatments will require creating and destroying new human lives on a massive scale.

In the name of sound ethics and responsible science, Congress should reject H.R. 810.

S. 2754, ''ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT''

Even supporters of destructive embryo research have said that ''the derivation of stem cells from embryos remaining following infertility treatments is justifiable only if no less morally problematic alternatives are available for advancing the research'' (National Bioethics Advisory Commission, Ethical Issues in Human Stem Cell Research, Sept. 1999, Vol. I, p. 53). Congress has a responsibility to explore how such research may be advanced without creating moral problems.

S. 2754 serves this important goal, by funding efforts to derive and study cells which have the capabilities of embryonic stem cells but are not obtained from a human embryo. For example, many studies suggest that stem cells from adult tissues and umbilical cord blood already have the versatility once thought to exist only in embryonic cells, or may acquire this versatility by various forms of ''reprogramming.'' Pluripotent stem cells may or may not have advantages over other stem cells for some forms of research—and such advantages, if any, are most likely not in the area of providing direct treatments for patients. But the effort to explore all feasible avenues of research that do not attack human life is worth pursuing.

This bill does not fund research using human embryos, and references a careful definition of ''human embryo'' in the Labor/HHS appropriations bill that has served the cause of ethical research very well since 1996. In the case of any technique whose nature is uncertain, the bill provides for additional basic and animal research, to make certain that the technique does not create or harm embryos before it can be applied to humans. In short, it defines a clear and responsible policy that should be supported by defenders of the sanctity of human life, as well as by those tempted to support stem cell research that destroys life.

S. 3504, ''FETUS FARMING PROHIBITION ACT''

This bill amends current federal law against abuses in the area of fetal tissue research, to prevent the most egregious abuse of all: the use of human fetal tissue (such as fetal stem cells) obtained by growing human embryos in a human or animal uterus in order to provide such tissue.

Because no member of Congress has voiced support for such atrocities, the only argument against this bill may be that it is not needed because no one wants to do such a thing. I wish this were true. But in fact, most animal studies cited as ''proof of principle'' for so-called therapeutic cloning have required exactly this—placing cloned animal embryos in a womb and growing them to the fetal stage to obtain usable stem cells. Some researchers call this the new ''paradigm'' for human treatments from cloning. And while the biotechnology industry insists it has no interest in maintaining cloned human embryos past 14 days, it has supported state laws such as one enacted in New Jersey which allow such ''fetus farming'' into the ninth month of pregnancy to harvest body parts. (See ''Research Cloning and 'Fetus Farming''' at www.usccb.org/prolife/issues/bioethic/cloning/farmfact31805.htm.) Now is the time to enact a national policy against such grotesque abuse of women and children, by approving S. 3504.

In short, the Senate has an opportunity to approve two bills that respect both science and ethics—and to reject misguided legislation that ignores ethical demands in its pursuit or an ever more speculative and elusive ''progress.'' Technical progress that makes humans themselves into mere raw material for research is in fact a regress in our humanity. Therefore, I strongly urge you to oppose H.R. 810, and to approve the other two bills proposed as part of this agreement.

Sincerely,

Cardinal WILLIAM H. KEELER,
Archbishop of Baltimore, Chairman, Committee for Pro-Life Activities, U.S. Conference of Catholic Bishops.

THE ETHICS & RELIGIOUS LIBERTY COMMISSION OF THE SOUTHERN BAPTIST CONVENTION,
Nashville, TN, July 17, 2006.

Hon. RICK SANTORUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR SANTORUM: The U.S. Senate will vote this week on three crucial bills dealing with the sanctity of human life. Two bills promote ethical means of research, while the third promotes the unethical destruction of human embryos. We support passage of S. 3504, The Fetus Farming Prohibition Act of 2006, and S. 2754, The Alternative Pluripotent Stem Cell Therapies Enhancement Act. We oppose in strongest possible terms passage of H.R. 810, The Stem Cell Research Enhancement Act of 2005.

The Fetus Farming Prohibition Act of 2006 (S. 3504) would make it a federal offense for a researcher to use tissue from a human baby who has been gestated in a woman's or an animal's womb for the purpose of providing such tissue. This respectable bill would prevent the manufacture and ultimate abortion of human fetuses for research, a practice that would create life for the sole purpose of destroying it.

The Alternative Pluripotent Stem Cell Therapies Enhancement Act (S. 2754) would provide new federal funding for research on alternative means for producing pluripotent stem cells without creating or harming human embryos. This is an ethical alternative to the third bill, H.R. 810, which would instead provide federal tax dollars for stem cell research on embryos created at in vitro fertilization (IVF) clinics.

The Stem Cell Research Enhancement Act of 2005 (H.R. 810) would overturn President Bush's longstanding policy that bars federal funding of research that involves killing additional human embryos to obtain stem cells. Researchers who take stem cells from embryos created by IVF destroy humans who might otherwise be given the opportunity of birth, like the 100 ''snowflake'' babies who have been adopted as embryos from IVF clinics in the United States. Frozen embryos are clearly not ''unwanted'' as many of the bill's supporters claim, and must not be seen as expendable resources for the sake of so-called ''more valuable lives.'' Proponents of H.R. 810 claim that embryonic stem cell research could lead to the discovery of cures for diseases. However, to date it has been a fruitless pursuit yielding not even a single treatment for a disease. Research on non-embryonic stem cells, on the other hand, has produced treatments for 70 ailments, often with dramatic results.

We must seek to protect human life at all stages and promote only ethical stem cell research. The votes on these three bills directly affect whether or not human life will be protected from conception to birth in the United States. Your assistance in assuring passage of S. 3504 and S. 2754 and defeat of H.R. 810 will be greatly appreciated.

In His Service,

DR. RICHARD LAND.

The PRESIDING OFFICER. The minority controls the next 30 minutes.

Mr. HARKIN. Mr. President, I yield 3½ minutes to the Senator from New Jersey, Mr. MENENDEZ.

Mr. MENENDEZ. Mr. President, I rise on behalf of millions of Americans and their families holding out hope that the Senate will do the right thing today, which is to support embryonic stem cell research so that scientists have the resources they need to potentially save millions of lives.

I voted for the Stem Cell Research Enhancement Act when I was in the House, and I strongly support it.

My support for this promising research is painfully personal. When I visit my mother, who suffers from Alzheimer's, and see her vacant stare, in which she doesn't even recognize her own family, I just cannot comprehend how anyone in this body can vote against this bill and deny families their last hope for a cure from the loneliness and confusion caused by this horrible disease.

Embryonic stem cells have the ability to grow into virtually any cell in the body and thus have the potential to cure people like my mother and many others. That is why this research is so vitally important.

Millions of Americans just like my family are waiting in hope that we will do the right thing. Those with loved ones suffering from Alzheimer's, Parkinson's, or juvenile diabetes wait in hope that their prayers will be answered and cures will be found in their lifetime. Across America, families in which a child or a parent is paralyzed from a traumatic accident hold out hope that we will do the right thing and give their loved ones back the life they knew before their injury.

President Bush and other opponents of this legislation know all too well the overwhelming public support for this promising research, but they still can't bring themselves to stand up for the people's interests over the special interests, stand up for sound science over ideology. Instead, they say one thing and do another.

You can't say you support cures, then turn around and oppose the most promising research. You can't say you support research and turn around and oppose the vital funding that will make breakthroughs possible.

For those who insist on playing politics with people's lives, make no mistake about it: The American people are

watching, and they will not take kindly to seeing their last flicker of hope being extinguished.

The only thing more callous than no hope is false hope.

To those who say they are for research but vote against this legislation, they must answer to the mother who must care for her child who can't walk because of a spinal cord injury, to the wife who must help her ailing husband battling Parkinson's disease, to the father forced to watch his daughter inject herself with countless insulin needles for the rest of her life.

By saying one thing and doing another on this issue, you are creating false hope and putting these and millions of other families on yet another roller coaster of despair. I know this is true because my sister and I and our children deal with it when we look into the eyes of my mother who no longer recognizes our faces. My mother and her terrible suffering brought me to this fight, but my children and the hope for a cure for future generations inspires me to keep fighting.

We have an obligation to stand up and do what is right today in the Senate. American families and future generations simply cannot afford for us to fail them now.

Mr. HARKIN. Mr. President, I yield 8 minutes to the Senator from California, Mrs. FEINSTEIN.

Mrs. FEINSTEIN. Mr. President, I thank the manager of the bill. In just a short hour or so, the Senate will finally vote on passage of this important stem cell act. This is a long time coming.

I believe and hope that we are going to have a very strong vote in favor of this critical scientific research. I also hope that President Bush will reverse his earlier veto threat and sign this bill that holds such promise for so many Americans suffering from catastrophic illness.

This issue, and this debate, is really about hope. It is about giving hope of a scientific breakthrough to millions of Americans suffering from chronic, debilitating, and devastating disease.

We can't stand here on the Senate floor and pretend that we know which scientific advances will cure diabetes, ALS, or cancer. Unfortunately, some of my colleagues have done just that. They have insisted that adult stem cells and cord blood cells are being successfully used to treat at least 65 illnesses. They argue that there is no reason to move forward with this bill, no reason to make new lines of stem cells available. However, adult stem cells present serious limitations and embryonic stem cell research offers unique promise.

Embryonic cells derived from embryos are pluripotent, meaning they can become any type of cell. Adult stem cells cannot, and, therefore, their application is limited. These embryonic cells are easy to grow, isolate, and study. Adult stem cells are harder to grow in a lab. These embryonic cells can divide. They can renew themselves for long periods. Adult stem cells, on the other hand, exist only in small amounts. All these properties make these stem cells an excellent target for scientific exploration.

Now, there have been heartrending stories of people suffering from diseases such as leukemia and other blood disorders who experience relief from adult stem cells or cord blood cells, and that is just great. This progress is encouraging and it should move forward. But these advances in treatments have not addressed the needs of patients suffering from other diseases.

In juvenile diabetes, for example, scientists have discovered that adult stem cells in the pancreas do not play an effective role in insulin production. To cure the disease, doctors will need insulin-producing cells to inject into their diabetic patients. This is done now on a limited basis, but there aren't enough donor cells available. Stem cells could change this. They could provide an unlimited amount of cells that are compatible with the patient, making anti-rejection drugs simply unnecessary. Of course, if we don't let our scientists try, we will never know.

Dr. Douglas Kerr of Johns Hopkins—and I used this yesterday on the floor—headed a team that used embryonic stem cells to treat 15 rats that had been paralyzed by an aggressive infection that had destroyed their cord nerve cells. Eleven of these rats experienced significant recovery. They regained enough strength to bear weight and take steps on their previously paralyzed hind quarters.

A few years ago, no one thought this could be done. Dr. Kerr explains that this is, in essence, a cookbook recipe to restore lost nerve function, and that this procedure could some day be used to repair damage from ALS, multiple sclerosis, or spinal cord injuries.

He says:

> With small adjustments keyed to differences in nervous system targets, the approach may also apply to patients with Parkinson's or Huntington's disease.

The NIH Director, Dr. Zerhouni, called this a remarkable advance that can help us understand how stem cells can begin to fulfill their great promise. What an advance this would be. Can you imagine if you could regenerate the spinal cord, once again, and if paraplegics and quadriplegics could again function? That is what this bright frontier is all about. That is what is so very important.

All of this takes time. Scientists first isolated human embryonic stem cells only 8 years ago, and in that time they have learned a substantial amount about how these cells work and how they could one day be used in treatment.

But there is also a lot we don't know. Some have suggested because there have been no miraculous cures in this 8-year period, there will never be useful treatments that come from this technology. But none of the great feats of scientific inquiry have been simple. That is for sure. Scientific progress takes time and investment. Our researchers today have made discoveries, many in mice, that could prove just as revolutionary as the introduction of penicillin in the 1940s. These preliminary discoveries will amount to nothing unless researchers have access to Federal funding and viable stem cell lines to move forward.

In the last 2 days we have heard a great deal about the hope that the passage of Castle-DeGette would bring to patients and their families.

I would like to say a final word about hope. I simply cannot believe that President Bush would select this legislation as his first veto as President of the United States. I know that he has issued a veto threat, but think about it. Think about the millions of people. Think about the fact that if you are really pro-life, these embryos—which will never become human life, which are discarded, which will not be used, which are the product of in vitro fertilization—these embryos are never going to be babies, as the opposition would have us believe. Think of the lives that these embryos might save some day. People paralyzed, people with juvenile diabetes, young people with Parkinson's disease who can't move and who have trouble speaking—think about what this can mean in terms of being for life.

That is why I think if the President thinks about this, we all have the hope on this side of the question that he will not veto this legislation.

The President himself recognized the promise of stem cell research back in 2001 when he attempted to find a middle ground. But 5 years later, it is apparent, there is no middle ground. We need embryonic stem cell research, and this is the way to do it. I am hopeful that this body will vote aye.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I thank the Senator from California and also the next speaker, Senator KENNEDY, for their great leadership over all of these years to give hope to so many Americans. I yield 10 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to extend, as I think all of us in this body want to, appreciation to the Senator from Iowa, as well as the Senator from California and the Senator from Pennsylvania, for their long, continuing, and ongoing leadership in such an important area for families in this country.

This afternoon, the debate on stem cell research will draw to a close. For Senators, life will go on. Next week, the Senate will deal with other issues and other questions. But millions of Americans don't have that luxury. For them, the struggle against disease isn't something they think about for a few brief days. It is something they confront every day of their lives.

A child coping with endless injections of insulin and constant worries

about blood sugar cannot simply turn away from this debate. Someone watching helplessly as a parent or a spouse succumbs to the tremors of Parkinson's disease cannot simply move on to other concerns.

For us, a vote on stem cell research may take only a few moments in a busy day. But for millions of Americans, the consequences of our vote may last a lifetime.

Should this lifesaving legislation pass through Congress, President Bush has said he will veto it. The President may believe that ends the debate, but it does not. This debate will continue as long as lives are diminished and cut short by diseases and injuries that stem cells might cure. This debate will go on as long as there are those of us who believe that rather than discard unwanted embryos, we should embrace them to bring fuller lives to millions of people.

For their sake our battle continues—tomorrow, next week, next month, and in the days ahead. To those who suffer and cling to hope, we promise that we will never give up. The promise of a better day that embryonic stem cell research brings cannot be denied forever.

I want to take a moment to address some of the arguments our opponents on this issue have made during this debate. Dr. Thomas Murray, one of the Nation's leading scholars in bioethics, has a simple saying: ''Good ethics starts with good facts.'' It is like John Adams, who said, ''Facts are stubborn things.'' Sadly, on this most important ethical issue we have heard some very questionable allegations.

We have heard that adult stem cells have conquered disease after disease and therefore our legislation is not needed, but the facts tell a different story. The Nation's leading scientific society, the American Association for the Advancement of Science, recently published an extensive study that disputes these claims. Contrary to the allegation of opponents of our bill, adult stem cells have not treated Parkinson's disease, cancer, lymphoma, brain tumors, multiple sclerosis, arthritis, lupus, sickle cell anemia, heart damage, spinal cord injuries, and many other conditions.

The Cancer Research and Prevention Foundation was so concerned about the misleading claims that adult stem cells are curing cancer that they sent Congress a letter setting the record straight. Their letter states that the studies used to support these claims are ''not extensive and by no means prove that adult stem cells are effective in treating these cancers.''

In fact, out of the hundreds of diseases and injuries that our legislation might address, only nine have shown promise for treatment with adult stem cells. Let's hope that in time this situation changes. If adult stem cells can cure cancer or Parkinson's disease or spinal injury in the future, we will all—all rejoice.

But we must not foreclose the chance of progress with embryonic stem cells while this possibility is tested. No matter how deeply held the convictions are of those who oppose our legislation, they cannot erase the facts. The objective evidence has convinced the Nation's leading medical experts that embryonic stem cell research has unique potential and unparalleled promise.

Our opponents have also said that because there have as yet been no cures from embryonic stem cells, we should continue to restrict the research. Is it truly a surprise that a discovery made only a few years ago has yet to move to the clinic, especially when NIH has been prohibited from funding the most promising areas of research?

Knowledge about the function of DNA is the foundation of modern medical science. It underlies the development of every major new drug and medical treatment today. In 1973, scientists discovered how to splice pieces of DNA together, the fundamental breakthrough that led to the biotechnology wonders of today. But there were no clinical trials or new cures based on that historic discovery for years that followed.

Human embryonic stem cells were discovered in 1998. Of course, they have not led to a range of new cures in the brief time since then, just as discovering how to splice DNA did not lead to immediate clinical breakthroughs. But it would be just as foolish to keep restricting stem cell research today as it would have been to stop basic DNA research in the 1970s because it did not produce instant cures.

The ethical debate surrounding stem cell research is not unique. Such debates have accompanied many breakthroughs and new therapies. It is essential for researchers to be bound by strict ethical guidelines, especially in the early days of a new science as we seek to understand its potential. Such controversy also accompanied other lifesaving and beneficial medical developments, such as DNA research and in vitro fertilization. But now, DNA research has saved lives and is alleviating suffering. And IVF has brought the joy of parenthood to couples across America. Would any of us turn back the clock and shun the new medicines that DNA research has brought? Would any of us deny the joy of children to those able to conceive only through IVF? Of course not.

In a few short minutes, the Senate will decide whether to open the extraordinary promise of stem cell research to millions of Americans who look to it with hope for new cures and a better day.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. COLEMAN). The Senator has 2 minutes 45 seconds.

Mr. KENNEDY. Two years ago I held a forum on stem cell research. One of the participants was Moira McCarthy Stanford from Plymouth, MA, whose 14-year-old daughter was suffering from juvenile diabetes. I received this letter from her:

For as long as I can remember, I've had to take a lot of leaps of faith. I've had to believe my parents when they told me taking four or five shots a day and pricking my finger eight or more times a day was just ''a new kind of normal.'' I've had to just smile and say I'm fine when a high blood sugar or low blood sugar forced me to the sidelines in a big soccer game; or into the base lodge on a perfect ski day; or out of the pool during a swim meet.

But when I watched, with my parents, President Bush's decision on Stem Cell research in the summer of 2001, I just could not accept it. You see the one thing that has helped me accept all I've had to accept these years is the presence of hope. Hope keeps me going.

That night, President Bush talked about protecting the innocent. I wondered then: what about me? I am truly innocent in this situation. I did nothing to bring my diabetes on; there is nothing I can do to make it any better. All I can do is hope for a research breakthrough and keep living the difficult, demanding life of a child with diabetes until that breakthrough comes. How, I asked my parents, is it more important to throw discarded embryos into the trash than it is to let them be used to hopefully save my life.

I am so happy to hear that the Senate is thinking of passing H.R. 810. I can dream again—dream of that great time when I write a thank you letter to the Senate, the House and everyone who helped me become just another girl; a girl who dreamed and hoped and one day, got just what she wanted: her health and future. That's all I'm really asking for.

Mr. President, in a few moments we will have the opportunity to answer her. I hope the answer will be in the affirmative.

I yield whatever time remains.

Mr. LEAHY. Mr. President, I would like to take this opportunity to offer my perspectives on the issue currently being debated by the Senate, stem cell research. The debate over this issue in the Senate is long overdue. The promise this research holds for finding treatments or cures for diseases such as Alzheimer's, diabetes, Parkinson's, Lou Gehrig's disease and cancer is immeasurable.

It has been 5 years since the President announced his administration's restrictive policy on stem cell research, a policy that limited the number of stem cell lines available for use with Federal funding. All of these lines are contaminated by the use of mouse feeder cells and will likely never meet the standards required for human treatment. The United States leads the world in the medical expertise that can find cures and treatments for these scourges. But it has become abundantly clear that the President's restrictive policy is hindering scientific progress toward the discovery in the United States of possible cures and treatments for many fatal diseases that affect millions of Americans, and millions more around the world.

More than a year ago, our colleagues in the House passed legislation that would reverse the President's limiting policy. Since then, as we have all waited for the Senate to act, many more who suffer from catastrophic illness and could have been helped by research

of this kind have passed away. Many of us are grieving the loss of Dana Reeve, a vocal advocate for stem cell research, who lost her battle with cancer last March. She and her husband, Christopher Reeve, had become two of the public faces in the struggle for advancement of stem cell research.

The Senate will vote on three stem cell bills today. However, H.R. 810 is the only bill that will give real reason for hope to millions of Americans and their families. Take the case of a woman from my State of Vermont who was diagnosed with multiple sclerosis in 1999. Forced to give up her career as a musician because she could no longer use her hands to play the piano, she began working as a clerk in a gift store, only to have to give up that job because she had trouble handling money and sometimes broke the items in the store. Her plea to me—and really to all of us—is deeply moving. Listen to her appeal: ''If there is any chance stem cell research might help MS, it must be done. There is nothing else for MS patients to look forward to . . .''

I would like to address two of the arguments that opponents of this stem cell research offer against the passage of H.R. 810. They contend that there is no need for public funding of this research because private funds are available in some situations. While there are private dollars being used for embryonic stem cell research, public funds are needed to spur on this research, to lead this research effort to the cutting edge of progress, and to harness the work of our National Institutes of Health. Public funding is also needed to keep the United States competitive with other countries in this arena.

At the University of Vermont, for example, researchers are using bone marrow stem cells to repair damaged tissues in various organs. This work could be expanded with the infusion of Federal research dollars.

A second misdirected argument is that this embryonic stem cell research is not needed because alternatives to embryonic research hold more promise than the current method. Some argue that embryonic stem cell research is not needed because it has not yielded any results. However, none of the proposed alternatives has proven successful for deriving human stem cells, and there is no guarantee that any of them ever will. While it is true that embryonic stem cell research has not yet led to human therapies, it is important to remember that this field is only in its infancy. This is because President Bush's restrictions have prevented federally funded investigators from fully exploring the potential of this research.

The President has indicated his intent to veto H.R. 810 should the Senate pass this bill. I join my colleagues in urging him not to use the first veto of his administration to block funding for this research. H.R. 810 is a bill that has garnered support across the faith community and across political lines. I respect those who raise concerns grounded in what they believe are moral and ethical issues surrounding this issue. I would assure them that this bill contains provisions that will ensure donor consent for the use of the embryos for medical research. The bill also maintains that research on these stem cells will be conducted in an ethical manner.

Those who oppose stem cell research seemingly ignore the fact that embryos used for this research will be otherwise discarded. Women at fertility clinics are given an option of what to do with unused fertilized embryos. At the discretion of the donor, embryos can be preserved, donated for medical research, or discarded. In the United States, there are more than 400,000 frozen embryos which are stored for infertile couples, and many ultimately will be thrown away. The options of discarding these embryos or allowing them to be used for lifesaving research would seem to offer a clear choice to those on both sides of this debate.

I am proud to be a cosponsor of S. 471 and I urge the Senate to pass the Stem Cell Research Enhancement Act so we can begin realizing the promise of this research.

Mr. AKAKA. Mr. President, of the three bills being discussed, only one, H.R. 810, the Stem Cell Research Act, contains language which would lead to substantive expansion of stem cell research. The legislation would authorize Federal funding for research on stem cells derived from donated embryos. These embryos will likely be destroyed if they are not donated for research. The bill also would institute strong ethical guidelines for this research.

We must pass this legislation so that researchers are able to move forward on ethical, Federally funded research projects that develop better treatments for those suffering from diseases. Human embryonic stem cells have such great potential because they have the unique ability to develop into almost any type of cell or tissue in the body. Stem cell research holds great promise to develop possible cures or improved treatments for a wide range of diseases, such as diabetes, cancer, Parkinson's disease, Alzheimer's, autism, heart disease, spinal cord injuries, and many other afflictions. We cannot afford to limit research that could help improve the lives of so many who currently suffer from diseases which we have limited ability to prevent, treat, or cure.

If we fail to enact H.R. 810, our researchers are likely to fall further behind the work being done in other countries. Australia, Canada, Finland, France, Japan, Singapore, Sweden, and the United Kingdom have provided substantial governmental support for stem cell research.

The President's restrictions on stem cell research prevent Federal funds from being used for research on newer, more promising stem cell lines. In addition, embryonic stem cell lines now eligible for Federal funding are not genetically diverse enough to realize the full therapeutic potential of this research. The President's stem cell policy prevents researchers from moving ahead on an area of research that is very promising. We need to pass this legislation to help move research forward that could alleviate the pain and suffering of individuals.

The other two bills being debated do not provide much help. I agree with the American Diabetes Association that neither S. 2754 nor S. 3504 ''would have any real impact on the search for a cure and better treatments with diabetes.'' These two bills are no substitute for H.R. 810. I am hopeful that we will be able to pass H.R. 810 and ensure that it is enacted. I am a proud cosponsor of S. 471, the Senate companion legislation to H.R. 810, which was introduced by my colleagues, Senator SPECTER and Senator HARKIN. We have a responsibility to do all that we can to support this promising research that has the potential to improve the lives of individuals suffering from diseases.

On June 21, 2005, I met a young constituent, Dayna Akiu, at a hearing on juvenile diabetes in our Homeland Security and Governmental Affairs Committee. Dayna shared with me her success at overcoming the problems associated with diabetes, which meant a lot to her as an active soccer player. Dayna wanted me to also know that children have a very difficult time managing their diabetes. For example, checking blood sugar and taking insulin shots is hard to do for anyone suffering from diabetes, especially for children. Stem cell research has the potential to make life better for Dayna and countless others. Every time I meet with constituents advocating for increased stem cell research, I am reminded of the great possibility of improving their lives through this innovative medical research. We must allow this research to move ahead to improve the lives of Americans of every age across this country.

Mr. SALAZAR. Mr. President, I rise today to discuss the question currently before the Senate regarding whether to allow Federal funding for embryonic stem cell research.

It is clear from the last 2 days of debate in the Senate that people on both sides of this issue have very strong feelings about their positions, and rightly so. This is an extremely important issue that raises a whole host of questions to which there are no easy answers.

On one hand, we must consider the fundamental question of how to treat potential human life. On the other, we must consider the vast potential of a scientific field that could greatly improve millions of actual human lives and save millions more. When the stakes are this high, we are obligated to have an honest, open, and thorough debate.

In keeping with the gravity of these questions and the potential ramifications of how we answer them, I believe

that both the Government and the scientific community should address them responsibly.

Like millions of other American families, my family has been touched by the ache of loss brought about by Alzheimer's disease. My father died of complications only a few years ago. At the end of his life, I wanted nothing more than to be able to help ease his suffering. Now, as I reflect on that difficult time, I think of the families that are currently enduring the same pain mine did, and I want to help them.

I trust the vast majority of the scientific community that believes embryonic stem cell research may hold the key to the cures these families are seeking. I also believe that our Government can work to promote this science responsibly by paving the way for treatments that will save millions of lives without destroying others.

Toward that end, I believe the legislation passed by the House represents a measured, responsible step toward tapping into the vast potential that embryonic stem cell research has with respect to finding cures for Alzheimer's, Parkinson's, diabetes, and a wide range of other devastating diseases.

In millions of cases, H.R. 810 could mean the difference between a normal life and one of pain and suffering. In millions of other cases, it could mean the difference between life and death. By authorizing Federal funding only for research on embryonic stem cells that will never become human life and that are donated willingly, it achieves its objectives without destroying the potential for life.

To be sure, support from private funds for this research has been welcome. But it is not enough. I have heard from scores of scientists in my home State of Colorado—working in university labs as we speak, trying to find cures for our most devastating diseases—who tell me that the Federal funding H.R. 810 would authorize would boost their capabilities exponentially.

In addition to the practical impact on American laboratories, however, there is something else to consider. I can think of no other Nation that should lead this research with strict guidelines than the United States. Throughout our Nation's history, America has been the leader in making monumental scientific strides—on everything from cars to computers to medicine—that have made life easier and better for people in our country and all over the world. In a field with such great promise, I believe we owe it to our history and to our position in the world community to once again be the leader.

I want to be clear that I also believe we should promote research on adult umbilical cord stem cells, as well as alternative methods of creating embryonic stem cells. In addition, we should do everything in our power to prevent unethical and repulsive practices from pervading this kind of research. For that reason, I strongly support the other two proposals that are currently before the Senate, S. 2754 and S. 3504.

As I make these remarks today, I think once again of my father. I also think of other fathers, mothers, brothers, and sisters across this great Nation who live every day with debilitating conditions that stem cell research could help cure. Suffering that could be stopped. Lives that could be saved. Families that could stay together.

We have an opportunity to make great strides on these fronts today and to do so responsibly. I urge my colleagues to support H.R. 810.

Mr. WYDEN. Mr. President, today we must reach across the aisle and make a strong bipartisan statement supporting embryonic stem cell research and challenge our scientists to use embryonic stem cells to see if the promise of treatments and cures can be made a reality for the many around our country and around the world who look to this research for hope.

The Web site of the National Institutes of Health says it most clearly. That Web site states embryonic ''stem cells have potential in many different areas of health and medical research. To start with studying stem cells will help us to understand how they transform into the dazzling array of specialized cells that make us what we are. Some of the most serious medical conditions such as cancer and birth defects are due to problems that occur somewhere in this process. . . . Pluripotent stem cells offer the possibility of a renewable source of replacement cells and tissues to treat a myriad of diseases, conditions and disabilities including Parkinson's and Alzheimer's diseases, spinal cord injury, stroke, burns, heart disease, diabetes, osteoarthritis and rheumatoid arthritis.''

Scientists believe that Parkinson's disease, Alzheimer's, and spinal cord injuries are some of the areas that could be helped through embryonic stem cell research. I see no reason embryonic stem cell research should be treated any differently than other research.

Some say embryonic stem cell research has not helped to date. Some point out that there has not been much success in stem cell research since it began in 1998. This kind of research has been only done for less than 10 years. That is a nanosecond when it comes to scientific research. In comparison, Congress passed the National Cancer Act in 1971. This was legislation to make ''the conquest of cancer a national crusade.'' That legislation greatly accelerated the pace of cancer research and its translation into treatment. However it was not until 2005, when cancer deaths in the United States declined for the first time since 1930, when the United States started tracking cancer deaths. In the intervening years treatments evolved to help people fight cancer and live longer and better with the disease.

Those opposed to this research say that supporters of embryonic stem cell research have overpromised the benefits of the research. Without expanding the research beyond the bounds of current policy, people will never know what might have been.

California, New Jersey, Illinois, and a few other States have stepped up to help fund research, but they should not be expected to carry this burden alone. H.R. 810 will give clear the way for researchers to use Federal funding to access other cell lines than the 22 currently approved lines and provide access to other critical tools needed so research in this promising new area can be accelerated to the benefit of all. I urge support for H.R. 810.

Mrs. BOXER. Mr. President, I rise in support of this long overdue legislation to expand stem cell research.

When this issue first came up with President Bush in 2001, he had a choice between helping scientists conduct lifesaving research or putting politics before science. To the detriment of the millions of Americans suffering from diseases and conditions for which there is no cure, the President chose politics and decided that Federal funds could only be used for research on existing stem cell lines.

At the time, there were 78 existing stem cell lines—only 22 of which were usable. Scientists agreed that this was nowhere near enough to fulfill the promise that stem cell research provides. To make matters worse, scientists at the University of California San Diego and the Salk Institute for Biological Studies in La Jolla conducted an extensive study showing that even those lines are contaminated by mouse feeder cells—and unsuitable for human therapies. So the President's policy—painted as a compromise at the time—left scientists with little to no chance to advance their research.

At least 10 countries have made significant financial commitments to stem cell research. Our commitment is less than one quarter of Australia's. Our country's failure to lead on this is having significant consequences. Here is one example:

After the President's announcement in 2001, Roger Pedersen, one of the world's leading stem cell researchers, announced that he was leaving his faculty position at the University of California San Francisco for one at the University of Cambridge. He saw a promising future for stem cell research in the United Kingdom, yet saw none in the United States.

We need to change this.

I am proud to say that California recognized that our Federal policy was unacceptable. The State has enacted the Nation's first law to permit research involving human embryonic and adult stem cells while facilitating the voluntary donation of embryos for stem cell research. Now how did this happen in California? It started with one man and one family.

Roman Reed was 19 years old when he broke his neck in a college football game and became paralyzed. Roman's

parents led a campaign in 2002 to pass legislation to invest in spinal cord injury research.

Then, in November 2004, Californians passed Proposition 71, which provides $3 billion in State funding over 10 years for embryonic stem cell research. Unfortunately for Roman and his family, legal challenges have stalled these funds, and with them, stalled their hope for a brighter future.

More States are considering their own initiatives, but these State efforts simply can't supplant the resources and expertise that would result from research supported by this administration and the National Institute of Health.

Today, after years of struggling to pass this legislation, we have an opportunity to offer hope to thousands of Americans and put America back on the cutting edge of science. We know we can make a difference when we give our scientists the tools and support to do their work.

Because of our national commitment to scientific achievement and through NIH-supported research, death rates for heart disease and sudden infant death syndrome have been nearly cut in half in the past several years. The number of AIDS-related deaths fell 70 percent between 1995 and 2001. HIV/AIDS has become a disease that more people live with and fewer die from. And as a result of critical research at the National Cancer Institute at NIH, the survival rate for children with cancer rose by 80 percent in the 1990s.

The current Federal policy has been a roadblock to progress. This bill will put us back on the right track. Some in this body have been telling the American public that stem cell research is morally wrong. But we have taken every step to address their concerns in this bill.

This legislation would only allow Federal funding of research on stem cell lines derived from excess fertilized embryos that were never actually used in couples' in vitro fertilization processes. Right now, these embryos are being discarded, and we are losing hundreds or even thousands of valuable new stem cell lines.

I believe it is wrong to have those embryonic stem cell lines go to waste when we could instead offer hope to Americans suffering from devastating medical conditions. We have a moral imperative to try to relieve their pain.

That is why we have seen a broad coalition of people across political lines that support this research. One example is former First Lady Nancy Reagan. She took a stand that was based on compassion and not politics. For many years, she cared for President Reagan. She inspired millions of Americans with her quiet courage and dignity. She knows that this research holds the best hope for the 4.5 million people who, like her late husband, suffer from Alzheimer's. She knows that supporting stem cell research would save many lives.

Our beloved Christopher Reeve—who we all know was paralyzed from a riding accident—supported and actively campaigned for this research because he knew that those 250,000 to 400,000 people with spinal cord injuries potentially could be treated.

How many of us have ever seen a colleague, friend, or family member suffering from a terrible disease like Parkinson's? Where the sufferers and their families struggle with debilitating physical deterioration, ever-changing medications with terrible side effects and the knowledge that the patient's condition will continue to decline—often fatally?

How many of us have met with constituents and patient advocate groups—like the ALS Association, the Juvenile Diabetes Research Foundation, the Leukemia and Lymphoma Society—that share their stories of courage and great hope for the passage of this legislation? Stem cell research has the potential for finding cures to diseases like Parkinson's, ALS, diabetes, and cancer, and has the great potential to reduce suffering. We should fulfill that potential and pass this important legislation now.

I hope that Senators support H.R. 810 because we can change the current policy and open the door to major advances in medical science through stem cell research.

President Bush has said that he will veto this legislation if it reaches his desk. I ask him to reconsider this unwise decision. The lives of millions of Americans are in his hands.

Mr. CONRAD. Mr. President, as the Senate debates stem cell research, I wanted to indicate that I will be supporting all three measures before the Senate. I will support these measures because I have great faith that some day this promising research will lead to cures for some of our most devastating diseases.

This is not a decision I came to hastily. I have thought long and hard about stem cell research. Hundreds of North Dakota families have told me this research is the key to helping their loved ones lead healthy lives. I have also heard from North Dakotans who have very strong religious objections to stem cell research. I respect their views. But, in the end, I believe we should put an appropriate ethical framework in place to give hope of a cure to those who suffer from disease. That is why I am supporting stem cell research.

In 2001, a group of U.S. Senators, including me, called on President Bush to allow Federal funding of stem cell research. The President agreed and created the current policy of allowing research but only on those lines developed by August 9, 2001. This arbitrary date has limited the ability of scientists to fully realize the potential of stem cell research. In fact, there are only 22 lines available today, and all are contaminated. I think it is right to expand the available lines. And it is imperative that we create a strong framework to ensure this research is done in the most ethical way.

It has been over a year since the House of Representatives took action on H.R. 810, the Stem Cell Research Enhancement Act, and passed it with overwhelmingly bipartisan support. This bill expands Federal research while strengthening the ethical guidelines associated with it. To be clear, this bill would only allow research on stem cells taken from excess embryos used in fertility treatments. Fertility clinics help couples have a baby, but sometimes this therapy produces extra embryos, which can be disposed of, donated to other couples, or used for research. A 2003 study estimated that 400,000 excess embryos are currently stored in these clinics and more than 11,000 of those have been designated for research. This bill simply allows researchers access to those embryos.

H.R. 810 also requires that these embryos would never be implanted into a woman and that the individual has given written consent for the donation. Under the current policy, there are no such guidelines. I believe these requirements are essential to ensuring the strongest ethical behavior.

Before I close, I would like to share the stories of two young girls that I have had the pleasure of meeting. Their stories—as well as the thousands of others like them—have deeply impacted my decision to support H.R. 810. Ashley Dahlen and Camille Johnson are both teenagers suffering with juvenile diabetes. And I truly mean suffering. They each have scars on their fingertips from where they have to check their blood sugars constantly, even while they are sleeping. They have to stay home from school when their sugars are too high. Both have had extremely close calls and have been hospitalized. Without a cure, both will end up on dialysis and will suffer other complications, possibly even heart failure.

These young girls and their families support stem cell research. They want to grow up, get married, and have children of their own. They continue to hope that one day, stem cell research will provide them a cure to this most awful disease. I share their hope and faith in stem cell research. Today, I am voting to pass this hope along to the millions of children and families suffering from diseases that could be cured using stem cell research.

Mr. BYRD. Mr. President, today, the Senate is debating H.R. 810, the Stem Cell Research Enhancement Act, which would allow the Federal Government to provide additional funding for embryonic stem cell research. I have received numerous heartfelt letters from constituents outlining their concerns with embryonic stem cell research. These are concerns which I simply cannot overlook or dismiss.

I know the suffering and worry that families go through when a loved one desperately needs treatment for a serious progressive illness. Easing the pain

and suffering of our loved ones, our daughters, sons, parents, and grandparents, should be at the hallmark of a caring society. The potential of finding cures for Parkinson's disease, Alzheimer's, cancer, and diabetes must not be ignored.

I understand the promise for embryonic stem cell research to yield treatments and therapies for numerous diseases; however, we must not overlook the ethical concerns associated with such research. I am a great supporter and will continue to be a proponent of fully funding the Centers for Disease Control and the National Institutes of Health for research into cures for cancer, diabetes, and heart disease, to name a few, which is why I also support H.R. 810. However, the moral implications of embryonic stem cell research must not be discounted.

We are not just debating whether the scientific and medical communities should continue the exploration of embryonic stem cells their impact on medical conditions. If Federal funds begin to flow without also addressing moral issues such as human cloning, how long will it be before an ethical crisis of our own making erupts? This is why the Congress should also debate a framework to ensure that practices such as reproductive cloning do not take place. The Senate has taken up three bills, none of which provides guidance about stem cell research's future development. None of these bills addresses the need to examine the possibility that embryonic stem cell research might lead to potential immoral outcomes, such as the cloning of human beings for illegitimate purposes. We must not dismiss these ethical and moral undertones. A comprehensive approach must be devised to protect science and medicine against misuse and public backlash. While I will support H.R. 810 in order to help provide hope to those who suffer from diseases, the Congress must take a hard look into ensuring scientific integrity as this medical research proceeds.

Mr. LIEBERMAN. Mr. President, I rise in support of the stem cell bills currently being considered by the Senate. Frankly, this debate has been too long in coming and I commend my friends, Majority Leader FRIST and Minority Leader REID, on coming to an agreement and bringing this debate to the floor.

This is as real as it gets. This is about life over death and hope over despair. This is about encouraging astounding scientific advances that can relieve the suffering of millions of our fellow citizens, or accepting a shriveling stasis that, in fact, sounds a retreat as we watch the rest of the world march past us.

We have before us three stem cell bills, but only one, the Stem Cell Research Enhancement Act, H.R. 810, deals with embryonic stem cells.

Let me say that with a big ''E.'' These embryonic stem cells actually hold the greatest promise for those afflicted with currently incurable diseases such as Alzheimer's, heart failure, and spinal cord injury. These stem cells are pluripotent—that is they can differentiate into any and all tissues.

There is still much to know about what causes appropriate differentiation of embryonic stem cells, but if we conduct research to answer these questions, we will have the scientific power to replace dead neural tissue and muscle and cancerous white blood cells, with fresh new ones.

The potential is breathtaking. What this means is that an individual with quadriplegia could walk again. The elderly affected by Alzheimer's can be brought back from a hellish twilight and rejoin their families. Childhood leukemia could be banished to the realm of distant memory. And Americans everywhere will have a second chance at running with strong loud hearts.

The science on embryonic stem cells is new and complicated, which is why we need our Nation's brightest minds working on this. Yet in 2001, President Bush issued an executive order which effectively banned federally funded embryonic stem cell research. This has stifled our Nation's attempts to lead the world in harnessing the potential and miracles of embryonic stem cells. The President reasoned, like many who oppose this bill, that the process of embryonic stem cell extraction amounts to abortion because these cells have to be taken from microscopic embryos that do not survive the process.

What the President did not mention is that the embryos under discussion number in the tens of thousands. They are the unused embryos from in-vitro fertilization, are frozen in fertility clinics, are unique, and will be thrown away.

I repeat: Thrown away. The chance to offer new life to millions of Americans suffering from debilitating by disease or injury will be discarded as medical waste.

Given these facts, the choice seems clear. The Senate must choose to advance the scope of our scientific knowledge and expand the horizons of our medical technologies.

The House has already done this. Last year, by a vote of 238 to 194, the House passed H.R. 810, introduced by Representative MICHAEL CASTLE, which authorized federally funded research on embryonic stem cell lines derived from surplus embryos at in-vitro fertilization clinics, provided that donors give consent and that they are not paid for the embryos.

The Senate today has the opportunity to join the House and we must do so by a resounding majority to convince the President that a veto of the Stem Cell Research Enhancement Act is contrary to what Americans want.

More than 65% of Americans support federal funding of embryonic stem cell research across all party lines.

Finally, I do support the other two pills being considered alongside the Stem Cell Research Enhancement Act. But a vote for them without a vote for H.R. 810 is the height of cynicism.

Let us be clear, alternatives to embryonic stem cells, such as umbilical cord and adult bone marrow stem cells, are inferior alternatives. They do not have the same regenerative potential and Congress has already authorized money that is currently being used for research in this area.

Today we stand at destiny's doorstep with the chance to have it swing wide and open into a new age of scientific and medical understanding. We must not hesitate.

I urge my colleagues to join me in passage of H.R. 810 and I call on President Bush to sign it into law and not veto the hopes and dreams of millions of Americans for whom astounding new cures may lie just over the threshold of our present knowledge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has until 3:15. I think it is about 8 minutes.

Mr. HARKIN. Eight minutes? Then I yield myself 8 minutes, I guess.

First of all, Mr. President, I thank all the Senators who came here to speak in support of H.R. 810, Republicans, Democrats, liberals, conservatives, moderates. I think it has been a very good debate.

When I started the debate, I talked about hope. Senator FEINSTEIN spoke about that. Senator KENNEDY just spoke eloquently about hope. I think that is where we should close the debate, on hope, because H.R. 810 offers real hope. It offers real hope to people who are suffering from Alzheimer's, from ALS, Lou Gehrig's disease, Parkinson's, spinal cord injuries, juvenile diabetes. It offers hope to their loved ones and their families.

Senator KENNEDY just read the statement by Lauren Stanford about her hope, her hope that she can one day be whole again. To repeat for emphasis sake what Senator KENNEDY just said, Lauren Stanford—she is innocent, as she said. She did nothing to bring on her diabetes. As she said, all I have is hope.

I am so happy to hear that the Senate is thinking of passing H.R. 810. I can dream again.

The one thing that has helped me accept what I have had to all these years is the presence of hope. Hope keeps me going.

That is Lauren Stanford. ''Hope keeps me going.''

H.R. 810 basically opens the door and lets in the sunshine. It opens the door for more responsible research, research done with good peer review, research done with good oversight, and, I might add, research done with strong ethical guidelines that we have in H.R. 810.

I remind my colleagues and all who are watching, the ethical guidelines in H.R. 810 are stronger than what exists

right now—stronger than what exists right now.

The American people get it. They understand this. We know in a recent poll that asked, ''Do you support embryonic stem cell research?'' that 72 percent said ''Yes.'' That is almost three out of four. Most of these American people who support stem cell research don't have MDs. They don't have a Ph.D. But they know one thing: virtually every reputable biomedical scientist, almost all Nobel Prize winners, say that embryonic stem cell research holds enormous potential to cure diseases and injuries. They know that.

That is why 591 groups, disease advocacy groups, patient groups, scientific groups, research institutions, religious groups—591 American organizations support H.R. 810. That is why over 80 Nobel Prize winners have written to us asking us to pass H.R. 810. The American people get it. They know what is at stake.

As I said, it has been a good debate. I thank Senator FRIST, our majority leader, for engineering this debate and making it possible for us to have an up-or-down vote on H.R. 810. But I must say, in the last couple of days, what has saddened me is that so much time has been spent talking about whether adult stem cells or embryonic stem cell research is the way to go. Frankly, the vast majority of American people could care less. They could care less. They want cures. They want cures for Parkinson's and Alzheimer's and juvenile diabetes and spinal cord injuries. They want their loved ones to have a better life, a fuller life, a pain-free life—less suffering.

If adult stem cells get us there, fine. If embryonic stem cell research gets us there, fine. We should not shut the door; we want to open the doors. We have done 30 years of work on adult stem cell research and not one of these illnesses has yet been cured or even remotely cured by adult stem cells. We have only had embryonic stem cells for 8 years, but we ought to open the doors.

It is a false dichotomy to say that it is either adult stem cells or embryonic stem cells. As Senator SMITH of Oregon said today so eloquently, the people of America want these embryos that are left over from IVF clinics not to be discarded but to give the gift of life to those who suffer.

Last night when I left the floor of the Senate, I met a young man out here, the first time I ever met him. His name is Jeff McGaffrey. He is sitting here on the floor of the Senate today. I didn't know this: he is an intern on the HELP Committee. He was appointed to the U.S. Air Force Academy in Missouri, and during his first year there he suffered an accident and now doesn't have the use of his legs. He is paralyzed from the waist down.

I want to read this. This is a letter from Jeff McGaffrey.

Honest to God, not a day goes by, not an hour goes by when I don't think about my days at the academy, about the life I led as an officer in the Armed Forces, leading soldiers in service to our nation. In spite of this chair that I am confined to, I still regard myself as an officer, a soldier on the frontlines of a different type of battlefield; a battle not against a country or an army, but against disease and injury.

I continue to cherish the hope for a cure, until the day comes, if God-willing, I can walk away from this chair and back into the camaraderie and respect of the men and women who proudly serve our country in the Armed Forces.

I ask that you please keep my hope alive, and not just my hope but the hopes of millions of people, including our soldiers and veterans who proudly served our country and who currently suffer from disease and injury.

Keeping this hope alive is made possible by moving forward with stem cell research, especially H.R. 810, the Stem Cell Research Enhancement Act. We know not where embryonic stem cell research might lead, but we know there is only one way to find out, by allowing NIH funding for our best and brightest scientists to explore the full therapeutic potential of embryonic stem cells.

I ask unanimous consent that Jeff McGaffrey's letter be printed in the RECORD.

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

DEAR SENATOR HARKIN: My name is Jeff McCaffrey, and I had the wonderful privilege of meeting you last night at the end of the stem cell debate. As you could tell, I was confined to a wheelchair. I currently suffer from paralysis due to a spinal cord injury. I am a resident of the great state of Missouri, currently interning for the Senate HELP Committee through Chairman Enzi working on the health policy team. I'm also a student at the University of Missouri-Kansas City.

I have not always been a student at the University of Missouri-Kansas City, nor have I always been confined to a wheelchair. I was appointed to the U.S. Air Force Academy following high school. It was an honor that I continue to be proud of. Unfortunately I suffered a spinal cord injury while I was there. I believe one of the greatest honors and responsibilities that an individual can have is being an officer in the armed forces, leading soldiers in service to our nation. This was, and still is, my goal, my ambition, one in which I would dedicate my life to.

Honest to God, not a day goes by, not an hour goes by when I don't think about my days at the academy, about the life I would have lead as an officer in the armed forces, leading soldiers in service to our nation. In spite of this chair that I am confined to, I still regard myself as an officer, a soldier on the frontlines of a different type of battlefield; a battle not against a country or army, but against disease and injury.

I continue to cherish the hope for a cure, until the day comes, if God-willing, I can walk away from this chair and back into the camaraderie and respect of the men and women who proudly serve our country in the armed forces.

I ask that you please keep my hope alive, and not just my hope, but the hope of millions of people, including our soldiers and veterans who proudly served our country and who currently suffer from disease and injury. Keeping this hope alive is made possible by moving forward with stem cell research, especially H.R. 810, The Stem-Cell Research Enhancement Act. We know not where embryonic stem cell research might lead, but we know there is only one way to find out, by allowing NIH funding for our best and brightest scientists to explore the full therapeutic potential of embryonic stem cells.

Whether cures are found, whether my dream becomes a reality or not, I hope my service, in whatever capacity it might be, can lay the foundation for a better world, which is exactly what the brave men and women who serve our country do everyday.

Respectfully,

JEFF MCCAFFREY
Former U.S. Air Force Cadet.

Mr. HARKIN. Mr. President, I close with this thought. So many people are suffering in our country. They have hope.

My nephew Kelly was injured 27 years ago serving his country—just like Jeff McGaffrey—on an aircraft carrier in the Pacific. He was sucked down by a jet engine and broke his neck. He has been paralyzed for 27 years. He keeps his hope alive. He has followed this debate. He has followed years of research. Kelly McGuade is a smart young man. He has followed it, and he knows that the one thing which gives him the best hope is embryonic stem cell research.

Are we today going to dash their hopes? Are we going to shut the door, pull the curtain down, and say, I am sorry? What all the major scientists with the best minds say is the best potential—are we going to close the curtain and shut the door?

I say open the door. Bring in the sunshine. Let our scientists move ahead with the strong ethical guidelines, with good peer review and with good oversight to give hope to my nephew, to Jeff, and to millions of Americans.

I yield the floor.

Mr. ALEXANDER. Mr. President, embryonic stem cell research has enormous promise for lifesaving treatments that may help cure juvenile diabetes, Parkinson's, spinal injury, and other debilitating diseases. That is why I will vote today for the House-passed legislation that allows Federal funding of research on stem cells derived from excess embryos at fertility clinics that would otherwise be discarded.

President Bush has already said that Federal funds may be used in some cases for research on some stem cell lines derived from fertilized eggs. This bill will increase the number of stem cell lines available for research.

With the help of fertility clinics, some perspective parents use fertilized eggs to help them have children. The excess eggs that these parents don't use often are thrown away. I support using some of these fertilized eggs under carefully controlled conditions with the consent of the donors for potentially lifesaving research.

I will also vote for two other bills this afternoon. The first bill encourages stem cell research that does not involve the destruction of embryos, and the second bill bans fetal farming—the practice of creating fetuses solely for research purposes.

Mr. MCCAIN. Mr. President, I will vote in support of all three bills under

consideration today, which together provide a framework for addressing the issue of stem cell research. This research holds the potential to unlock cures that could defeat deadly diseases and relieve tremendous human suffering. At the same time, one type of stem cell research, involving embryonic stem cells, has also raised serious ethical and moral concerns, both inside and outside the medical community. I believe the framework provided by the three bills before us today offers a way forward.

S. 2754 offers increased Federal funding and support for adult stem cell research and other types of stem cell research that do not involve the use of human embryos. Scientists believe this research holds tremendous potential, and I share their hope. Countless numbers are affected by the many diseases that this type of research may offer future cures.

In promoting stem cell research, one of the lines that must not be crossed is the intentional creation of human embryos for purposes of research rather than reproduction. A second bill before us, S. 3504, draws a line that says we in the United States will not abandon our values in pursuit of scientific progress. This bill bans the practice of what has been referred to as ''fetal farming.'' It makes it a Federal crime for researchers to use cells or fetal tissue from an embryo that was created for research purposes. This bill also makes it a Federal crime to attempt to use or obtain cells from a human fetus that was gestated in the uterus of a nonhuman animal. These provisions close important gaps in our existing laws, and I urge my fellow Senators to join me in supporting this bill.

It is important that we act now to address these issues because research involving embryonic stem cells is also proceeding outside the United States. Unfortunately, the intense focus on ethical and moral concerns that has driven the debate in America, as reflected in the President's Commission on Bioethics, is not always present in private industry and the scientific community in other parts of the world. I am concerned about the path that some of this unregulated research leads us down. Of particular concern is the potential for experimentation into human cloning. Our involvement through this legislation is another protection against sanctioning such practice within our own borders. I am concerned that ongoing research elsewhere may result in the routine acceptance of deeply troubling practices, in particular the intentional creation of human embryos for purposes of research rather than reproduction.

However, it doesn't have to be this way. The United States offers a climate for scientific and medical research because of the quality of our educational institutions, the strength of our economy, and the scope of our comprehensive legal and regulatory system for protection of intellectual property rights. The final bill before us, H.R. 810, will allow us to attract scientists to perform highly regulated embryonic stem cell research that will otherwise take place in an unregulated environment somewhere else. This bill authorizes Federal support for embryonic stem cell research but limits that support to scientists who use embryos originally created for reproductive purposes, and now frozen or slated for destruction by in vitro fertilization clinics. H.R. 810 requires that prior to even considering whether to donate unused embryos for research, the patient who is the source of the embryos must be consulted, and a determination must be made that these embryos would otherwise be discarded and would never be implanted in the patient or another woman. This provision ensures that patients with excess embryos will first consider the possibility of embryo adoption, and only if this option is rejected will the patient then be consulted concerning the possibility of embryo donation. A patient donating embryos that would otherwise remain frozen or be destroyed must give written informed consent, and H.R. 810 makes it illegal for anyone to offer any sort of financial or other inducement in exchange for this consent.

All of these carefully drawn rules contained in H.R. 810 do not exist in the status quo, and this sort of embryonic stem cell research remains largely unregulated in the private sector and in many parts of the scientific community overseas. Federal oversight that will come with approving this bill will allow us to ensure that this research does not expand into ethically objectionable ground in balancing the promise on the foreseeable horizon of stem cell research with the protection of human life. It should be clearly noted that this type of research will proceed with or without Federal approval, so I believe that it is best carried out under strict Federal guidelines and oversight. It is my hope that by offering limited Federal support in the context of the framework provided by the three bills before us today, we can realize the benefits of stem cell research while also drawing clear lines that reflect our refusal to sacrifice our ethical and moral values for the sake of scientific progress.

Mr. DOMENICI. Mr. President, stem cell research has brought to the forefront the longstanding debate between bioethics and advancements in medical science. Stem cell research evokes hope in scientific progress while at the same time reminding us of its ethical hazards. Unquestionably, this is one of the most difficult public policy issues the Senate has discussed in many years.

I wish to make it very clear that I do not oppose stem cell research. I support and encourage research that uses cells derived from adult tissues and umbilical-cord blood and hope that an alternative source of embryonic stem cells, one that does not destroy embryos, can be found. I believe that it is possible to advance scientific research without violating ethical principles. It is my intention to support the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754, which will support the use and further development of techniques for producing pluripotent cells like those derived from embryos but without harming or destroying human life.

After much reflection on this issue, I have determined that I personally cannot support H.R. 810, the Stem Cell Research Enhancement Act. Taking stem cells from an embryo kills that embryo, and destroying human life is never justified even if it is done in order to benefit others. Obtaining good for oneself at the cost of another is contrary to my deepest held moral beliefs.

I do not believe the American public should have to fund research that many find morally objectionable. The future of this research does not require a policy of Federal funding. There is no ban on private funding of embryonic stem cell research, and there are other resources available to fund this type of research. The State of California has even chosen to use State taxpayer funds for embryonic stem cell research.

It is also my intent to support S. 3504, the Fetus Farming Prohibition bill. This bill would make it illegal to perform research on embryos from ''fetal farms,'' where human embryos could be gestated in a nonhuman uterus or from human pregnancies created specifically for the purpose of research.

Although it is often portrayed as such, the debate over embryonic stem cell research is not easily reduced to simple positions in support or opposition. Good people can and do disagree on this very complex issue. It is my belief that by pursuing the appropriate scientific techniques we can alleviate human suffering and also preserve the sanctity of human life, and it is for these reasons that I cast my vote today.

Mr. SPECTER. Mr. President, I wish to address some of the comments made by my colleagues, Senators BROWNBACK and COBURN, during the debate regarding H.R. 810.

Senator COBURN stated that ''every disease Senator HARKIN listed—every disease save ALS—has an adult stem cell or cord blood stem cell cure that has already been proven in humans, without using embryonic stem cells.'' Senator HARKIN listed the following diseases and injuries: cardiovascular disease, autoimmune disease, Alzheimer's, Parkinson's, spinal cord injuries, birth defects, and severe burns. My response to Senator COBURN is where are these cures of which he speaks? Cardiovascular disease remains the No. 1 killer of Americans. Autoimmune diseases like multiple sclerosis and lupus confound family members of Senators in this Chamber. Nancy Reagan would likely have heard of a cure for Alzheimer's disease. Christopher Reeve recently passed away and

his spinal cord injury was not healed by adult or cord blood stem cells. To say that ''proven cures'' exist is to defy the experience and insult the intelligence of millions of Americans.

Senator COBURN stated that we are telling the American people that there are ''no cures other than fetal stem cell research . . . the fact is there is not one cure in this country today from embryonic stem cells.'' First, I have always supported all forms of medical research. My goal is to attain cures and treatments for diseases by whatever technology works. If there were restrictions on adult stem cells, I would be the first to introduce legislation to eliminate those restrictions. The fact is, there are no restrictions on Federal funding for adult stem cell research, and there are severe limitations on Federal funding for embryonic stem cells.

Now, to the point on there being no cures from embryonic stem cells: That is a self-fulfilling prophecy. Human embryonic stem cells were discovered in 1998. Since that time, there have been severe limitations on the funding for basic research into how to make proper use of these incredible cells. Perhaps, if we had not had any restrictions, there would now be cures available. When I say that ''embryonic stem cells hold great promise for treating, curing and improving our understanding of diseases'' like diabetes, Parkinson's disease, amyotrophic lateral sclerosis, and heart disease, I am quoting Dr. Elias Zerhouni, President Bush's appointee as head of the National Institutes of Health, NIH. When I say that ''human stem cell research represents one of the most exciting opportunities in biomedical research,'' I am quoting Dr. David Schwartz, the Director of the National Institute on Environmental Health Sciences and 18 other Directors of the NIH. These are the leaders of the biomedical research enterprise in the United States and the world.

Senator COBURN stated, that ''as a matter of fact, [these stem cell lines] are not contaminated.'' I can only respond by telling you that Dr. James Battey, the Chairman of the NIH Stem Cell Task Force—and the man in charge of keeping track of the 21 approved lines—says ''All of the 21 human embryonic stem cell lines eligible for Federal funding have been exposed to mouse cells.'' It is unlikely these cells will ever be useful for the clinical applications and cures that everyone wants.

Senator COBURN stated that ''there is no limitation in this country at all on private research.'' I do not agree with that statement. Privately funded research in the United States counts on scientists and doctors trained by the NIH. The chokehold on Federal funding has kept young scientists from entering the field of stem cell research and limited the number and quality of scientists who can do the work that private investors would like to see done. In addition, when it comes to the basic research that is a necessary first step in curing diseases, private funds are no match for the almost $30 billion investment we make at the NIH.

Senator BROWNBACK notes that this is a question of when life begins. I say this is a question of when life ends. These embryos are already slated to be thrown away. The decision the Senate faces is do we throw these cells away or do we use them to treat diseases that affect over 100 million Americans. This is most definitely a question of when life ends.

Senator BROWNBACK has introduced into the record a list of 72 Current Human Clinical Applications Using Adult Stem Cells. That list includes lupus, multiple sclerosis, testicular cancer, and Hodgkin's lymphoma. I was surprised to find Hodgkin's lymphoma on this list as I have some personal experience with that disease. My physician, Dr. John Glick, a recognized expert in the field of Hodgkin's lymphoma, stated that he had never heard of such a treatment or cure. I wish that I had known that a ''cure'' existed for this disease when I was undergoing chemotherapy, as I would have liked to have avoided some of the unpleasant side effects. I state this to illustrate the point that the diseases on that list are diseases for which adult stem cell therapies have been attempted. In most cases, it just means that doctors tried a bone marrow transplant. There is no doubt that bone marrow transplants are a miraculous treatment, however, they have only been proven to be helpful in blood diseases and enhancing immune systems. The great promise of embryonic stem cells is to expand the group of diseases that can be cured to include motor-neuron, cancer, and cardiovascular diseases. This is the great potential that makes patients, like me so excited.

My goal is to enable our scientists and doctors to discover cures that will end the suffering of millions of Americans. Passing H.R. 810 will enable scientists to include stem cell research in their search for cures.

Mr. STEVENS. I support passage of H.R. 810, the Stem Cell Research Enhancement Act of 2005.

Research using embryonic stem cells will likely play an important role in developing treatments and cures for conditions such as diabetes, heart disease, Parkinson's, Alzheimer's, cancer, and other devastating diseases.

With the appropriate safeguards in place over the use of stem cell tissues, the potential improvements to our quality of life and our standards of care should be pursued.

It is clear from my conversations with scientists representing many disciplines that the stem cell lines permitted under the administration's policy allowing Federal funding from embryonic stem cell research on those cell lines in existence on August 9, 2001, are no longer adequate to allow them to pursue the breakthroughs in treatments and cures which stem cell research promises.

This bill does not allow embryos to be created for use in research; rather, it allows scientists to use embryos that already exist in storage at fertility clinics that would otherwise be destroyed.

It does not make sense to me to discard embryos that might otherwise be used to find a cure for cancer, diabetes, or Alzheimer's because it is ''taking a life.'' These embryos are slated for destruction in any case. None of the bills before us today would prohibit the destruction of unwanted embryos created in fertility clinics but then unused.

I hope that my colleagues would prefer to have this research conducted in our country where appropriate safeguards to prevent cloning of human beings may be put into place. If Federal funds cannot be used for this research in our own country, scientists will find ways to conduct this research in other countries where such safeguards may not be in place, and where Americans might not reap the benefits of the research.

We must provide the means for science to move forward to cure and treat diseases that plague our people. I urge my colleagues to support H.R. 810.

Mr. TALENT. Mr. President, earlier this year I came to the Senate floor in opposition to human cloning and in support of new stem cell alternatives that could allow us to get exactly the stem cells we want to relieve human suffering without creating, destroying, or cloning a human embryo. I said during that speech that it appears that the very advances of science that have caused the ethical dilemmas in this area of stem cell research may now be providing a solution.

The alternatives bill, S. 2754, seeks a genuine way forward that all Americans can wholeheartedly endorse.

One year ago, the President's Council on Bioethics issued a report entitled ''Alternative Sources of Human Pluripotent Stem Cells.'' This report outlined four proposals for obtaining pluripotent stem cells—those with the same properties and potentials as embryonic stem cells—using techniques that do not involve the destruction of human embryos. In the year since that report, major advances in each of these approaches have been documented in peer-reviewed research articles published in leading scientific journals.

Two of these ''alternative methods'' offer the possibility of obtaining superior stem cells with potential scientific and medical advantages over those that could be obtained by destroying embryos.

Altered nuclear transfer and direct reprogramming would permit the production of pluripotent stem cell lines of specific genetic types. This would allow standardized scientific studies of genetic diseases and possibly patient-specific or immune-compatible cell therapies.

So it is important to recognize that this alternatives bill, S. 2754, could encourage advances in stem cell biology unlike any current law or pending legislative approach. And it could do so in a way that would sustain moral and social consensus for full Federal funding of this research. I note that the bill will pass with an overwhelming vote—exactly the kind of consensus which I hoped for.

For all of these reasons, I will vote enthusiastically for the alternatives bill. I will oppose H.R. 810, which uses tax dollars to fund research that requires the destruction of human life at its earliest stages. The Federal Government has never funded such research before, and that is not a line I wish to cross—especially since, as the alternatives bill shows, it is possible to fund every type of stem cell research without cloning or destroying human embryos. In fact, the stem cells which the alternatives can provide are superior—because they are ''patient specific'' genetically—to the stem cells which science can get from destroying embryos.

I should add that the promise of the alternatives is speculative, but so is the promise of the research which would destroy human life. All of this research has potential, it is all speculative, and it all involves essentially the same science. My sense is that either all of it or none of it will prove to be possible and that the right balance is therefore to seek the win-win solution that gives us the best chance to relieve human suffering while protecting human life.

We are entering a promising new era in biomedical technology, but as our power over human life increases, so does the seriousness of the moral issues. We should all want to advance biomedical science while sustaining fundamental principles for the protection of human life. This is why I am also voting in favor of the prohibition against fetus farms.

Biomedical science should be a matter of unity in our national identity: No one should enter the hospital with moral qualms about the research on which their therapies had been developed or resentful that positive possibilities for the best therapies were not explored.

The differences within our Nation can be a source of strength as we seek to open a way forward for biomedical science. The alternatives offer us just such a path to progress.

Mr. REID. Mr. President, it is my understanding that I have 15 minutes. Am I correct?

The PRESIDING OFFICER. The Democratic leader is correct.

Mr. REID. Mr. President, for those of us who are fortunate to represent our States in the Senate, it is a high honor and a privilege, but we tend to not understand sometimes the eyes that are watching what we do. Today, the eyes of millions of people are watching us to see what is going to happen in the Senate as it relates to H.R. 810. Many of these people, who are afflicted with dread diseases, having had perhaps serious accidents, are personally concerned about what we do here today. But in addition to those people who are personally concerned as a result of the maladies that afflict them, there are millions of us—fathers, mothers, sons, daughters, aunts, uncles, neighbors, friends, brothers, sisters—who are all also watching and hoping that their loved ones someday will be better.

What is hope? What do you say about hope? If you had to put the words in a dictionary for hope, what would you say? I looked in the dictionary under ''hope.'' There is a very simple definition: to cherish the desire with anticipation. That is what this is all about: people who cherish, desire, and anticipate that we will do something to make their lives better.

Shortly here in the Senate we are going to vote on a measure that will allow those people to have hope. It is called the Stem Cell Research Enhancement Act, a piece of legislation that keeps hope alive for millions and millions of people in America—hope for a 17-year-old, almost 18-year-old, Molly Miller. I have followed her disease since she was a little girl. She is a twin. The sister Jacki and herself as twins tended to go every place together. One is sick, one isn't. One feels the pain personally, one feels the pain emotionally.

This legislation gives hope to Molly and Jacki Miller of Las Vegas, a pair, a team, twins, who suffer from juvenile diabetes.

What is a twin? I guess the best way to describe a twin is when I was flying to Las Vegas on a very crowded airplane, I was in one seat and there were two little girls in the middle seat and the window seat. I began to sit down. I looked at the girls. They looked alike. I said, Are you sisters? One girl looked at me very directly and said to me, No, we are twins.

Jacki and Molly have suffered and suffered together because they are more than sisters, they are twins.

This legislation will give hope to a man by the name of Robert Alfertelle of Boulder City, NV. He is confined to a wheelchair because of Parkinson's disease.

We all know friends and neighbors who have diseases who have hope of being cured as a result of what we are doing here on the Senate floor today. These diseases can be cured. We are told they can be cured.

You have heard the recitation of these difficult diseases that people have with the hope that they can be cured if we do the right thing here today. For too long these good people have been denied hope because we in the Senate haven't acted. The House passed this bill 14 months ago. Unfortunately, until today it has been stalled here in the Senate.

The Americans who would benefit from cures offered by stem cell research have been forced to wait. They have waited through weeks dedicated to issues such as the definition of marriage. They waited through weeks of ideological debate dedicated to the well-off, connected few. In fact, we spent weeks here on issues that would affect less than .02 percent of Americans to repeal the estate tax. We spent time here on flag burning. We have waited through a health care week that had nothing to do with getting America help. We have all waited too long—so long in fact that on May 1 former First Lady Nancy Reagan was so baffled and disappointed by the continued delays in the Senate she wrote a letter, which I quote:

> For those who are waiting every day for scientific progress to help their loved ones, the wait for United States Senate action has been very difficult and very hard to understand.

I too am disappointed that we have had to wait 14 months for this vote. I am grateful the wait is over. I believe that because of the persistence of Democrats in the Senate, we will thankfully finally vote on the Stem Cell Research Enhancement Act, H.R. 810. This legislation provides a rare opportunity for this Congress—some say this ''do-nothing Congress''—to consider legislation about curing disease and saving lives, not partisan politics.

This body needs to pass this legislation because the President's current stem cell policy is hindering promising medical research that could lead to treatment and cure for diseases and conditions. Under the President's stem cell policy, Federal research funds can be used on only a small number of chronic stem cell lines, most of which are contaminated, and that were created before August 9, 5 years ago.

Under this policy, only 21 stem cells qualify, many of which are contaminated and are certainly inferior to new and more promising stem cell lines. I have heard people come to this floor and say why should the Federal Government get involved? We are spending $3 billion a week in Iraq. I think we can get involved. We have gotten involved in a lot of things dealing with medical research, as well we should.

We have worked for years spending Federal taxpayer dollars on doing something about AIDS research. Last week it was announced that instead of having to take as many as 36 pills a day, there is now one pill for people who are HIV infected—one pill that does the same as 36 pills did, and in fact probably better. People have had to get up in the middle of the night to take medications.

All of that research is funded by the Federal Government. New drugs for epilepsy were started by Tony Coelho who was a whip in the House, and who was an epileptic. He led the charge. We spent lots of Federal dollars on epilepsy, and we have made great progress.

Gene therapy involved the fragile X syndrome. We spent millions of Federal

dollars on stroke prevention, screening for Downs syndrome. We have spent hundreds and hundreds of millions of dollars on cancer research, on digestive bowel disease, lupus, and diabetes.

These are dollars well spent. We have made progress. But the most eminent scientists in the world tell us that they need this legislation passed. Our Government is needlessly impeding the work of our Nation's top scientists who cannot use Federal funds on research, on new and more promising stem cell research that does not pose the risk of contamination that the eligible stem lines do.

This legislation would solve this problem by expanding the number of human embryonic stem cell lines eligible for federally funded research to include new stem cell lines that would be derived from any of the more than 400,000 surplus embryos from fertility clinics that will never be used to create a pregnancy and would otherwise be thrown in the trash.

Just as important, this legislation would ensure that stem cell research is conducted under ethical guidelines that are more strict than the President's current policy.

In short, this legislation would allow our Government to do everything it can under strict ethical guidelines and oversight to develop treatments for a wide range of diseases and conditions.

That is why this legislation is supported by 41 Nobel laureates, virtually every major medical, scientific, and professional association, major research universities, and patient advocacy organizations.

Before we vote on the Stem Cell Research Enhancement Act, the Senate will first consider two other measures. Neither one of these measures is a substitute for H.R. 810. The only reason they are here is to provide political cover for the political opponents of this legislation. The opposition knows that their opposition to stem cell research is outside the American mainstream, so they want to give themselves political cover by voting for two meaningless bills. It is playbook straight from the Republican Orwellian world of politics. Neither one of these bills would do any harm but neither would have any impact at all. There is nothing included in S. 2754 which cannot already be accomplished without this legislation. The National Institutes of Health Director has told the Judiciary Committee this exact thing. It doesn't do anything that can't be done now.

The second bill, the Fetus Farming Prohibition Act, bans activity that no scientist is currently doing or wants to do. I will vote for both of them. They are meaningless.

While I support all three of these bills, there is only one that matters, H.R. 810, the Stem Cell Research Enhancement Act which will clear the way for research that can lead the way for treatments and cures for a wide range of diseases and conditions.

Don't take just my word for it. Hundreds of patient advocacy groups, health organizations, research universities, scientific societies, religious groups, and other interested organizations, representing millions and millions of patients, scientists, health care providers and advocates, wrote the following in a letter to the Senate:

Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country . . . The other two bills . . . are not substitutes for a yes vote on H.R. 810.

I ask unanimous consent the full text of this letter, dated July 14, 2006, signed by almost 600 organizations, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, July 14, 2006.

DEAR SENATOR: We, the undersigned patient advocacy groups, health organizations, research universities, scientific societies, religious groups and other interested institutions and associations, representing millions of patients, scientists, health care providers and advocates, write you with our strong and unified support for H.R. 810, the Stem Cell Research Enhancement Act. We urge your vote in favor of H.R. 810 when the Senate considers the measure next week.

Of the bills being considered simultaneously, only H.R. 810 will move stem cell research forward in our country. This is the bill which holds promise for expanding medical breakthroughs. The other two bills—the Alternative Pluripotent Stem Cell Therapies Enhancement Act (S. 2754) and the Fetus Farming Prohibition Act (S. 3504)—are not substitutes for a yes vote on H.R. 810,

H.R. 810 is the pro-patient and pro-research bill. A vote in support of H.R. 810 will be considered a vote in support of more than 100 million patients in the U.S. and substantial progress for research. Please work to pass H.R. 810 immediately.

Mr. REID. Mr. President, America needs a new direction not only in what is going on in Iraq but what is going on with medical research. We will take a step in that direction by passing H.R. 810.

A vote against H.R. 810, regardless of how Members vote on the other two measures, is a vote against research and cures. A vote for it is a vote for millions of Americans who are looking to us right new for help. A vote for H.R. 810 is a vote to keep hope alive. Let's keep hope alive.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I understand I have 15 minutes under my control.

The PRESIDING OFFICER. The majority leader is correct.

Mr. FRIST. Mr. President, I yield 3 minutes on my time to Senator DODD, who has been unable to come to the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank the majority leader immensely for his generosity. I know we are about to close out this debate, and I am appreciative of him allowing me this time to express my strong support for this legislation. I commend the majority leader, along with my colleagues from Pennsylvania and Iowa, Senator SPECTER and Senator HARKIN, and others who have championed this issue. I commend the other body for passing this legislation, the Stem Cell Research Enhancement Act, over a year ago and by a fairly substantial majority vote.

My hope is that my colleagues, in a significant vote, will endorse and support what has already been done in the House. Then we can finally deliver on promising stem cell research that may one day provide relief to the more than 100 million Americans suffering from Parkinson's, diabetes, spinal cord injury, ALS, cancer, and many other devastating conditions for which there is still no cure.

This is controversial, there is no question about it. But as the distinguished minority leader, the Democratic leader, pointed out, we are talking about embryos that would otherwise be discarded but can now be used to one day make a difference in the lives of literally millions and millions of Americans.

I am the godfather of a child with juvenile diabetes. I cannot begin to state how my friend's family in Connecticut feels about legislation. I don't know what their politics are on this. I know they are a family with deep values and a deep sense of support for their church. They are also a family whose child's life could be made profoundly different if it were possible to examine embryonic stem cells thoroughly so that one day we can find a cure for juvenile diabetes. But, obviously there are others diseases, including Parkinson's, ALS, cancer, and other devastating conditions we can make a difference on. With the passage of this bill, we can say to these children and these families we can make a difference.

I emphasize, again, these 400,000 embryos would otherwise be discarded. Strict ethical requirements apply to the use of these embryos. In fact, I believe these ethical requirements are one of the most essential provisions of the bill. Since the HELP Committee first began consideration of the President's policy on embryonic stem cell research in 2001, I have maintained that the pursuit of scientific research that may benefit millions of Americans and their families was as important as ensuring that science did not outpace ethics.

Under this legislation, the only embryonic stem cells that can be used for federally-funded research are those that were derived through embryos from in vitro fertilization clinics that were created for fertility treatment purposes and were donated for research with the written, informed consent of the individuals seeking that treatment. Any financial or other inducements to make this donation are prohibited. Their embryos will never be implanted in a woman and would otherwise have

been discarded. The ethical requirements contained in this bill are stronger than current law. In fact, it's possible that some of the twenty-one stem cell lines currently approved for federally-funded research, the so-called ''NIH-approved lines,'' may not meet the strict ethical criteria contained in this bill.

I have heard some of my colleagues who oppose this legislation argue that this legislation allows, even encourages, taxpayer-funded destruction of human embryos. That is totally false. An amendment is attached to every annual Labor-HHS appropriations bill prohibiting any Federal funds from being used to destroy human embryos. This amendment, referred to as the ''Dickey amendment,'' is not affected by this legislation. Federal funds can be used to study stem cell lines that were derived from human embryos that meet the ethical requirements I just laid out, but the derivation process itself cannot be funded using Federal dollars.

I have also heard some of my colleagues who oppose this legislation argue that embryonic stem cell research is unnecessary given the advances in adult stem cell research. Let me quickly say, with respect to adult stem cells, I am strongly supportive of moving aggressively in that area. I am a strong supporter. In fact, I authored the legislation which is now law advancing bone marrow and cord blood stem cell collection for use in adult stem cell transplantation. For both of my young daughters, we took the umbilical cord blood from the children at birth and it is being stored. My hope is that stem cells from cord blood will prove to be tremendously valuable to coming generations of Americans. I urge my colleagues to join me in supporting full funding for this important law—which passed unanimously in the Senate—in the upcoming Labor-HHS appropriations bill.

The fact remains that there will always be limits to the use of adult stem cells when compared with embryonic stem cells and that is why the legislation before us is so important. Our Nation's best scientists, including many Nobel Laureates, believe that embryonic stem cell research has a unique potential to ease human suffering and that is because embryonic stem cells, unlike adult stem cells, can become any cell in the body. Embryonic stem cells can become heart cells, lung cells, brain cells, among others, and that property—called pluripotency—is unique to their embryonic state.

Let us not lose this opportunity. I urge the President to reconsider, to listen to the majority leader, listen to Senator SPECTER, Senator HARKIN, and others who have spent countless hours examining this issue and see if he would not be willing to change his mind on this issue to avoid a Presidential veto. My hope is we will get strong bipartisan support on this bill.

I intend to support the Fetal Farming Prohibition Act and the other legislation being offered. I think those bills are unnecessary, but nonetheless I will be glad to support them. But let's also pass the Stem Cell Research Enhancement Act by a strong vote.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, last year I made a commitment to try to bring H.R. 810, the Stem Cell Research Enhancement Act, to the floor. This week, I followed through on that promise. Over the last 2 days, we have discussed science, we have discussed ethics and how those two issues, science and ethics, interplay.

That is important because stem cell research will be the first of many major moral and ethical challenges to biomedical research that this Senate has the responsibility to address in the 21st century. We will face similar discussions again and again as biomedical science rapidly advances, especially as we learn more and more about molecular and cellular developmental biology. It is our responsibility as legislators, as representatives of the American people, to determine the proper role for our Federal Government, both in financial support, as well as in ethical oversight, in this evolving, new, exciting research and to build around it appropriate ethical safeguards and appropriate ethical framework.

As legislators, as representatives, we must participate in defining this research, surrounding the culture of life. If we don't do so, the research itself will begin to define us and who we are.

Biomedical research holds great promise, but it is a promise that must be harnessed within these moral and ethical safeguards. The secret, the heart of human dignity, is living within limits—ethical limits and moral limits—limits that do not hamper human scientific advances but, rather, allow us to preserve and promote them. That is why it is important and appropriate that we can consider all three of the bills that have been debated over the last 2 days. In the Fetus Farming Prohibition Act and the Stem Cell Therapies Enhancement Act, we realize the potential of research practices that may actually bridge moral and ethical differences, while the Stem Cell Research Enhancement Act seeks, by other means, to expand the number of embryonic stem cell lines available for federally funded research.

Over the last 2 days, we have engaged in a robust debate, a full debate, highlighting the ethical dilemmas presented by research about those very early beginnings of life, as well as the potential, the hope for this research.

I close by making a final comment on what I believe is this inherent need for policy surrounding science and add a cautionary note in this discussion. I am optimistic about the future. I am optimistic because of these remarkable, exciting, rapidly accelerating advances in developmental biology. New doors of exploration have been exploding and opened by things such as the Human Genome Project, by our new knowledge of molecular genetics, molecular sequencing, cellular mechanisms. Some have called the 21st century—we are in the early years of the 21st century—the century of the cells, a century that will explode with regenerative medicine, the ability to replace cells that had been damaged by disease or ill health.

As a heart surgeon, I can't help but to dream of no longer having to cut out a diseased heart, a heart that is failing, and replace it with a donated heart because advances in cell therapy, advances in regenerative medicine will allow us to repair tissues or regenerate that new cardiac tissue, healthy tissue, without any surgery at all.

Ten years from now, today's hope can be that reality. In 15 years, whole organ-heart transplantation could—we do not want to overstate but could be relegated to the history books. That is why it is so important to bring this debate to this Senate, to allow science to advance, to promote science with strong ethical oversight.

In the last century, we faced a whole range of ethical considerations; in my own field of heart transplantation, decisions about how you define brain death. The discussion went on for years and years, actually two decades, into the late 1960s, ethical discussions about to whom you decide to give that healthy heart, when you have so many people who are dying—ethical decisions that have to be made every day.

We have had controversies over blood transfusions, genetic therapy, we even faced controversy over the treatment and diagnosis of HIV/AIDS. But as we have seen over the course of today's and yesterday's debate, the future will bring even more profound ethical questions. They will continue to come with increasing frequency as we continue to unlock those mysteries of health and disease.

How we in humanity handle this gathering, this increasing control over cellular and molecular science, as well as developmental biology, will reflect who we are as a people and where we are going. We can't hide from, as representatives of the American people, nor should we, the questions that this new knowledge presents. Our votes today are a mere step, a first step toward beginning to answer them.

Throughout today's debate, I have heard a number of my colleagues, myself included, talk about the potential for healing, that inherent hope offered by adult stem cells as well as embryonic stem cells, but it is important that advocates not oversell the potential for medical treatment. As a physician, I understand the importance of promoting hope and of giving hope, but it is irresponsible to give false hope. This evolving science is relatively new, and even our basic research has to be done before we can truly give that hope to become reality, and even then we may encounter failure.

All of these are difficult issues on which people of very good faith can

reasonably disagree. However, I hope that all can agree this debate and the approach we took in this debate by considering three bills as a package, each bill to be voted upon separately, is a fair way, is a thoughtful way, to begin to address the future of stem cell research.

The bills are important steps in defining science policy and advancing the practice and science of medicine. To get this far, we had to set aside our differences. I am hopeful that at the end of the day we will have made important strides forward in promoting biomedical advancement in a responsible and in an ethical manner. I expect the outcome of these votes will demonstrate there is some consensus among Members, even on this very divisive issue.

I yield 3 minutes to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for yielding me the time.

As we prepare for the vote, it is my view that it is a clear-cut question to use embryos to save lives because otherwise they will be destroyed. There are some 400,000 frozen embryos, and the choice is discarding them or using them to save lives.

Embryonic stem cells have the flexibility for the potential to cure Parkinson's, Alzheimer's, heart disease and cancer.

I have a constituent, Jim Cordy, in Pittsburgh, PA, who suffers from Parkinson's. Every time I see Jim Cordy, he displays an hour glass. He inverts it, and as the sand passes from one part of the hour glass to the lower, Jim Cordy makes the dramatic point that is the way his life is slipping away in the absence of utilizing all means possible to cure Parkinson's. The number one possibility is embryonic stem cell research.

Senator BROWNBACK and I had a debate where he challenged me on when life began, and I retorted—suffering from Hodgkin's cancer myself—the question on my mind was when life ended. Life will never begin for these embryos because there are 400,000 frozen embryos in the US. Notwithstanding millions of dollars appropriated to encourage adoption, only 128 have been adopted. So those lives will not begin, but many other lives will end if we do not use all the scientific resources available.

In bygone years, Galileo was prosecuted when he insisted the world was round. Columbus was discouraged from seeking America because the world was flat and it was impossible to find a new continent. Boniface VIII stopped the use of cadavers, indispensable for medical research. And the Scottish Turks prohibited anesthesia for women in childbirth because it was God's will that women should suffer.

A century from now people will look back in amazement that we could even have this debate where the issues are so clear-cut. I urge my colleagues to support S. 2754, which I cosponsored with Senator SANTORUM, which is long run——

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

Mr. SPECTER. I ask unanimous consent for 30 seconds more.

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

Mr. SPECTER. Which promotes stem cell research without destroying the embryo. But the real core issue is the third vote on H.R. 810 which will allow Federal funding, which is now in the range, at NIH, of $30 billion a year, which can save so many lives.

I thank the majority leader and thank the Chair and yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in just a few moments we will be voting on three bills. The first bill we will be voting on is the Fetus Farming Prohibition Act. The second bill we will be voting on is the alternative means, the alternative ways of deriving stem cells. And the third is the House bill in support of research which is derived from blastocysts.

Mr. President, I ask unanimous consent it be in order to ask for the yeas and nays on all three bills en bloc.

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

Mr. FRIST. Mr. President, I now ask for the yeas and nays on the three bills.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the second and third votes be limited to 10 minutes each.

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

Mr. FRIST. Mr. President, I yield back all time.

The PRESIDING OFFICER. Under the previous order, the hour of 3:45 having arrived, the Senate will proceed to three consecutive votes.

The question is on the engrossment and third reading of the bills.

The bills were ordered to be engrossed for a third reading and were read the third time.

The PRESIDING OFFICER. The bill, S. 3504, having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—100

Akaka	Biden	Burr
Alexander	Bingaman	Byrd
Allard	Bond	Cantwell
Allen	Boxer	Carper
Baucus	Brownback	Chafee
Bayh	Bunning	Chambliss
Bennett	Burns	Clinton
Coburn	Hutchison	Obama
Cochran	Inhofe	Pryor
Coleman	Inouye	Reed
Collins	Isakson	Reid
Conrad	Jeffords	Roberts
Cornyn	Johnson	Rockefeller
Craig	Kennedy	Salazar
Crapo	Kerry	Santorum
Dayton	Kohl	Sarbanes
DeMint	Kyl	Schumer
DeWine	Landrieu	Sessions
Dodd	Lautenberg	Shelby
Dole	Leahy	Smith
Domenici	Levin	Snowe
Dorgan	Lieberman	Specter
Durbin	Lincoln	Stabenow
Ensign	Lott	Stevens
Enzi	Lugar	Sununu
Feingold	Martinez	Talent
Feinstein	McCain	Thomas
Frist	McConnell	Thune
Graham	Menendez	Vitter
Grassley	Mikulski	Voinovich
Gregg	Murkowski	Warner
Hagel	Murray	Wyden
Harkin	Nelson (FL)	
Hatch	Nelson (NE)	

The bill (S. 3504) was passed, as follows:

S. 3504

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 ''Fetus Farming Prohibition Act of 2006''.

SEC. 2. PROHIBITION OF THE SOLICITATION OR ACCEPTANCE OF TISSUE FROM FETUSES GESTATED FOR RESEARCH PURPOSES.

Section 498B of the Public Health Service Act (42 U.S.C. 289g–2) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

''(c) SOLICITATION OR ACCEPTANCE OF TISSUE FROM FETUSES GESTATED FOR RESEARCH PURPOSES.—It shall be unlawful for any person or entity involved or engaged in interstate commerce to—

''(1) solicit or knowingly acquire, receive, or accept a donation of human fetal tissue knowing that a human pregnancy was deliberately initiated to provide such tissue; or

''(2) knowingly acquire, receive, or accept tissue or cells obtained from a human embryo or fetus that was gestated in the uterus of a nonhuman animal.'';

(3) in paragraph (1) of subsection (d), as so redesignated, by striking ''(a) or (b)'' and inserting ''(a), (b), or (c)''; and

(4) in paragraph (1) of subsection (e), as so redesignated, by striking ''section 498A(f)'' and inserting ''section 498A(g)''.

Mr. LEAHY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill, S. 2754, having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—100

Akaka	Biden	Burr
Alexander	Bingaman	Byrd
Allard	Bond	Cantwell
Allen	Boxer	Carper
Baucus	Brownback	Chafee
Bayh	Bunning	Chambliss
Bennett	Burns	Clinton

Coburn	Hutchison	Obama
Cochran	Inhofe	Pryor
Coleman	Inouye	Reed
Collins	Isakson	Reid
Conrad	Jeffords	Roberts
Cornyn	Johnson	Rockefeller
Craig	Kennedy	Salazar
Crapo	Kerry	Santorum
Dayton	Kohl	Sarbanes
DeMint	Kyl	Schumer
DeWine	Landrieu	Sessions
Dodd	Lautenberg	Shelby
Dole	Leahy	Smith
Domenici	Levin	Snowe
Dorgan	Lieberman	Specter
Durbin	Lincoln	Stabenow
Ensign	Lott	Stevens
Enzi	Lugar	Sununu
Feingold	Martinez	Talent
Feinstein	McCain	Thomas
Frist	McConnell	Thune
Graham	Menendez	Vitter
Grassley	Mikulski	Voinovich
Gregg	Murkowski	Warner
Hagel	Murray	Wyden
Harkin	Nelson (FL)	
Hatch	Nelson (NE)	

The bill (S. 2754) was passed, as follows:

S. 2754

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 ''Alternative Pluripotent Stem Cell Therapies Enhancement Act''.

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) intensify research that may result in improved understanding of or treatments for diseases and other adverse health conditions; and

(2) promote the derivation of pluripotent stem cell lines, including from postnatal sources, without creating human embryos for research purposes or discarding, destroying, or knowingly harming a human embryo or fetus.

SEC. 3. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by inserting after section 498C the following:

''SEC. 409J. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

''(a) IN GENERAL.—In accordance with section 492, the Secretary shall conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells that, like embryonic stem cells, are capable of producing all or almost all of the cell types of the developing body and may result in improved understanding of or treatments for diseases and other adverse health conditions, but are not derived from a human embryo.

''(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this section, the Secretary, after consultation with the Director, shall issue final guidelines to implement subsection (a), that—

''(1) provide guidance concerning the next steps required for additional research, which shall include a determination of the extent to which specific techniques may require additional basic or animal research to ensure that any research involving human cells using these techniques would clearly be consistent with the standards established under this section;

''(2) prioritize research with the greatest potential for near-term clinical benefit; and

''(3) consistent with subsection (a), take into account techniques outlined by the President's Council on Bioethics and any other appropriate techniques and research.

''(c) REPORTING REQUIREMENTS.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the fiscal year, including a description of the research conducted under this section.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any policy, guideline, or regulation regarding embryonic stem cell research, human cloning by somatic cell nuclear transfer, or any other research not specifically authorized by this section.

''(e) DEFINITION.—

''(1) IN GENERAL.—In this section, the term 'human embryo' shall have the meaning given such term in the applicable appropriations Act.

''(2) APPLICABLE ACT.—For purposes of paragraph (1), the term 'applicable appropriations Act' means, with respect to the fiscal year in which research is to be conducted or supported under this section, the Act making appropriations for the Department of Health and Human Services for such fiscal year, except that if the Act for such fiscal year does not contain the term referred to in paragraph (1), the Act for the previous fiscal year shall be deemed to be the applicable appropriations Act.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2009, to carry out this section.''.

The PRESIDING OFFICER. The bill (H.R. 810) having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—63

Akaka	Feingold	McCain
Alexander	Feinstein	Menendez
Baucus	Frist	Mikulski
Bayh	Gregg	Murkowski
Bennett	Harkin	Murray
Biden	Hatch	Nelson (FL)
Bingaman	Hutchison	Obama
Boxer	Inouye	Pryor
Burr	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Rockefeller
Carper	Kerry	Salazar
Chafee	Kohl	Sarbanes
Clinton	Landrieu	Schumer
Cochran	Lautenberg	Smith
Collins	Leahy	Snowe
Conrad	Levin	Specter
Dayton	Lieberman	Stabenow
Dodd	Lincoln	Stevens
Dorgan	Lott	Warner
Durbin	Lugar	Wyden

NAYS—37

Allard	DeWine	Nelson (NE)
Allen	Dole	Roberts
Bond	Domenici	Santorum
Brownback	Ensign	Sessions
Bunning	Enzi	Shelby
Burns	Graham	Sununu
Chambliss	Grassley	Talent
Coburn	Hagel	Thomas
Coleman	Inhofe	Thune
Cornyn	Isakson	Vitter
Craig	Kyl	Voinovich
Crapo	Martinez	
DeMint	McConnell	

The bill (H.R. 810) was passed.

Mr. ENSIGN. Mr. President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FRIST. Mr. President, plans tonight are that we will get consent on moving to the Water Resources Development Act. Senator INHOFE is available to start that bill.

I congratulate and thank all of our colleagues for the very good debate that we have had over the last 2 days on a very tough issue, a difficult issue. Members have had the opportunity to express themselves with good debate on science and on the ethics. I thank them for that collegial approach.

CONDEMNING HEZBOLLAH AND ITS STATE SPONSORS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 534 which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 534) condemning Hezbollah and its state sponsors.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, I have grave concerns about what the coming days hold for the situation in the Middle East. The spiral of violence, which began with the kidnaping of Israeli soldiers, is threatening to engulf the entire region. Unless something is done soon to stop the escalation, all out war—the likes of which has not been seen in the Arab-Israeli conflict for decades—could soon be upon us.

Innocent lives are at risk. The rocket attacks on Israel are indiscriminate tools of terror. We know that Israeli bombs have also taken innocent lives, including those of children. How does this fighting serve any greater purpose? Can there be no other way to solve the important problems facing the region without shedding innocent blood in the process?

Let us not forget that it is not only the lives of Israelis, Lebanese, and Palestinians that are threatened by the fighting. Press reports indicate that 25,000 Americans are in Lebanon, and some believe that number is far too low an estimate. I have learned that a number of West Virginians are in Lebanon now. Two of the families of West Virginians have children with them—children as young as 4 years old. One of these families has already fled Beirut into the countryside while they await word on when they can be transported to safety.

I am hopeful that there are yet moderate voices in the international community which seek solutions to this crisis. There are calls for an international peacekeeping force to stabilize the Israeli-Lebanese border. There are also indications of behind-the-scenes diplomacy to unite all countries of the region in favor of a reasonable solution.

The resolution before the Senate is not a voice of moderation. It is a resolution that proposes only to point fingers at who is to blame for the current violence. This is the wrong response to an international crisis and a humanitarian tragedy.

Does this resolution help the Americans who are stranded in Lebanon amidst this fighting? It does not. I fear that this resolution might, in fact, unleash a violent anti-American backlash at a time when the State Department and our Armed Forces are struggling to find a way to rescue our citizens. The Senate should have more sense than to rush to pass such a provocative resolution at this time.

Mr. President, now is the time for moderation and wise counsel. We need solutions, not recriminations. Why should the Senate pass a resolution, the only possible effect of which is to further entrench both sides of the current conflict? I cannot support a resolution that does not I have the practical effect of advancing us toward an end to this tragic violence.

Mr. WARNER. Mr. President, yesterday the Senate was advised by hotline that this resolution would be voted on last night by voice vote. I indicated a desire to be allowed to speak for no more than 15 minutes before the vote, and that was agreed to. I said explicitly when further inquiry came to me that I would not in any way—in any way—object to the Senate, if the leadership so desired, to voting on that measure last night by voice vote. I went back, checked with the senior staff of our cloakroom, and they verified it. There are e-mails to the effect that I said that.

I did have an opportunity to speak last night at length—it is in yesterday's CONGRESSIONAL RECORD—regarding my concerns about that legislation, although I indicated in large measure I supported almost every provision, and we just participated in a voice vote where, in effect, my vote was counted in the ''yea'' column.

Mr. President, I call to the attention of my colleagues my statement of yesterday beginning at page S7624.

Mr. President, I awakened this morning to determine that the press is reporting the following:

> The Senate had been expected to quickly pass a resolution Monday night, but Armed Services Committee Chairman John W. Warner of Virginia blocked the vote.

That message was skillfully distributed throughout the world—the worldwide press. It made CNN and other responsible news organizations. That was the deliberate attempt by some individual or individuals to distort the truth, to distort what is in the RECORD.

Mr. President, I am pleased to say that the remarks I made last night were, in part, taken into consideration, and the resolution which the Senate will soon vote on does reflect what my principal concern was with regard to the first draft; namely, that there was no reference to some—upwards of 25,000 Americans seeking to return or leave that war-torn area. Consequently, there is a provision, No. 11, placed in this resolution which says:

> Recognizes that thousands of American nationals reside peacefully in Lebanon, and that those American nationals in Lebanon concerned for their safety should receive the full support and assistance of the United States Government.

I am glad I did what I did—made it clear that this has worked its way into the RECORD. There are other concerns that I have which are cited in the statement that I made yesterday and I am delighted to have the opportunity to correct what was a deliberate attempt to distort the record.

I thank my colleagues, and I yield the floor.

Mr. DURBIN. Mr. President, I rise in support of the resolution which I cosponsored and which the Senate passed today condemning the actions of Hezbollah and expressing our support for Israel.

On July 12, Hezbollah forces launched an attack through Syria, crossing into Israel, killing eight Israelis and seizing two Israeli soldiers as hostages. This assault followed months of rocket attacks by Hezbollah on northern Israel. Those acts of terrorism created the situation that the world confronts today. Israel could not tolerate such assaults on its own soil. No nation could.

Our country will stand with the Government and people of Israel as they defend themselves. The U.S.-Israel relationship is one of the most important and steadfast diplomatic bonds in the world. It is imperative that Congress express this support clearly and unequivocally. The resolution passed today makes this important statement, to our friends in Israel and to the world.

When Hezbollah escalated its attacks against Israel earlier this month, they dragged Lebanon into a conflict that neither the Lebanese Government nor most of the Lebanese people sought. Israel was compelled to respond to the violence on their soil. That was a situation that simply could not continue. Nor can Israel afford to return to the state of affairs before the war. There must be a real change in Lebanon: the days in which Hezbollah could simply lob rockets across the Israeli border with impunity must end.

I believe the United States must play a principal role in helping to forge a solution to this conflict and its underlying causes: the persistent attacks on Israel and the capture of Israeli soldiers.

The conflict in Lebanon has broader international origins and threatens the stability of the region as a whole. Iran and Syria are involved. They have long bankrolled Hezbollah and may have been involved in the plans to seize the Israeli soldiers. One of their goals may have been to distract the world from Iran's efforts at nuclear enrichment. If so, we cannot let them succeed. We must not let the world ignore Iran's efforts to move closer to the development of nuclear weapons.

We are handicapped in the Middle East by U.S. failures to remain consistently engaged in the quest for peace over the last 6 years. U.S. engagement lends stability to the region; disengagement has the opposite effect. The war in Iraq also constrains our options in the Middle East.

We need to take back control on other fronts—and the only way we can do that is to send a signal to the Iraqis that they need to take charge and take responsibility for their own affairs. We need to be able to dedicate our resources to other emerging threats and challenges, and we need to once again act as a pivotal peacemaker in the Middle East. I wish the resolution that we passed had discussed the need for sustained engagement at greater length and had placed increased emphasis on the need for regional diplomacy.

Saudi Arabia, Egypt, Jordan, and others in the Arab world have condemned Hezbollah's attacks on Israel. The Saudi foreign minister said, ''These acts will put the whole region back to years ago, and we cannot simply accept them.'' These unprecedented criticisms of Hezbollah by Arab leaders offer at least the prospect that maybe the situation offers a chance to move forward, rather than backward.

Secretary Rice has said that when the moment is right she will go to the Middle East. I understand that she wants to lend her strength to the cause when and where it will do the most good, but I hope that moment will be soon. This conflict continues to increase in intensity and it could grow in scale as well. It is claiming far too many casualties on both sides. Israeli citizens have been killed by Hezbollah rockets that are now reaching deep into Israel. Casualties are especially high, as well, among Lebanese civilians. Over 200 Lebanese civilians have been killed, caught in the crossfire of this conflict. Humanitarian concerns are growing as more Lebanese are displaced and as food and water in many shelters may be running low.

There are also some 25,000 Americans in Lebanon. They have been trapped there. The Beirut airport has been bombed and so have many roadways. Some Americans have escaped by taking backroads to Syria. That is a telling measure of how desperate the situation is for them. According to media sources, at least 8000 Americans want to leave. Their loved ones in this country are frantic with worry. I have constituents who are still trapped there. I am sure virtually every other senator does as well. People are frustrated by the pace of the evacuation, and I can understand that. Several hundred Americans have been evacuated, including children who were in Lebanon alone or individuals in need of medical care. But thousands of Americans remain trapped there.

U.S. Ambassador Jeffrey D. Feltman said that by the end of the week, the

evacuation will proceed at a pace of 1,000 Americans a day. Since a Swedish ship departed today with over 1,000 Scandinavians and other Europeans and with some 200 Americans on board, it is difficult to understand why we cannot marshal the resources to evacuate our citizens more quickly.

I have also received many calls from constituents who were appalled to learn that one of the first things that Americans trapped in Lebanon hear from the State Department is that they will be charged for the cost of their evacuation to Cyprus. The United States must make clear to all the parties involved that we will move quickly to evacuate our citizens. Those Americans should not bear the costs of this regional crisis.

Secretary Rice has emphasized the need to safeguard civilian lives and to ''create sustainable conditions for political progress.''

The Israeli soldiers who are being held hostage by Hezbollah, and the soldier captured by Hamas, must be released immediately and unconditionally. The rocket attacks on Israel, which began long before this new phase of the conflict, must end. All the parties involved must commit to abide by United Nations Security Council Resolution 1559, which was adopted in 2004. This resolution requires that all militias, including Hezbollah, be disarmed and disbanded.

All of these principles are embodied in the legislation passed by the Senate today, along with an absolutely clear statement that we stand with Israel. To make these principles a reality and to protect the lives of the innocent civilians caught in the crossfire in both Israel and Lebanon will clearly require sustained U.S. engagement in a regional solution.

Mr. FRIST. Mr. President, I urge adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 534) was agreed to.

Mr. FRIST. Mr. President, I ask unanimous consent that the preamble be agreed to and the motion to reconsider be laid upon the table.

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 534

Whereas Israel fully complied with United Nations Security Council Resolution 425 (adopted March 19, 1978) by completely withdrawing its forces from Lebanon, as certified by the United Nations Security Council and affirmed by United Nations Secretary General Kofi Annan on June 16, 2000, when he said, ''Israel has withdrawn from [Lebanon] in full compliance with Security Council Resolution 425.'';

Whereas United Nations Security Council Resolution 1559 (adopted September 2, 2004) calls for the complete withdrawal of all foreign forces and the dismantlement of all independent militias in Lebanon;

Whereas despite Resolution 1559, the terrorist organization Hezbollah remains active in Lebanon and has amassed thousands of rockets aimed at northern Israel;

Whereas the Government of Lebanon, which includes representatives of Hezbollah, has done little to dismantle Hezbollah forces or to exert its authority and control throughout all geographic regions of Lebanon;

Whereas Hezbollah receives financial, military, and political support from Syria and Iran;

Whereas the United States has enacted several laws, including the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) and the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note), that call for the imposition of sanctions on Syria and Iran for, among other things, their support for terrorism and terrorist organizations;

Whereas the Government of Israel has shown restraint in the past year even though Hezbollah has launched at least 4 separate attacks into Israel using rockets and ground forces;

Whereas, without provocation, on the morning of July 12, 2006, Hezbollah launched an attack into northern Israel, killing 7 Israeli soldiers and taking 2 hostage into Lebanon;

Whereas on June 25, 2006, despite Israel's evacuation of Gaza in 2005, the terrorist organization Hamas, which is also supported by Syria and Iran, entered sovereign Israeli territory, attacked an Israeli military base, killed 2 Israeli soldiers, and captured an Israeli soldier, and has refused to release that soldier;

Whereas rockets have been launched from Gaza into Israel since Israel's evacuation of Gaza in 2005; and

Whereas both Hezbollah and Hamas refuse to recognize Israel's right to exist and call for the destruction of Israel: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its steadfast support for the State of Israel;

(2) supports Israel's right of self-defense and Israel's right to take appropriate action to deter aggression by terrorist groups and their state sponsors;

(3) urges the President to continue fully supporting Israel as Israel exercises its right of self-defense in Lebanon and Gaza;

(4) calls for the immediate and unconditional release of Israeli soldiers who are being held captive by Hezbollah or Hamas;

(5) condemns the Governments of Iran and Syria for their continued support for Hezbollah and Hamas, and holds the Governments of Syria and Iran responsible for the acts of aggression carried out by Hezbollah and Hamas against Israel;

(6) condemns Hamas and Hezbollah for exploiting civilian populations as shields and locating their military activities in civilian areas;

(7) urges the President to use all available political and diplomatic means, including sanctions, to persuade the governments of Syria and Iran to end their support of Hezbollah and Hamas;

(8) calls on the Government of Lebanon to do everything in its power to find and free the kidnapped Israeli soldiers being held in its territory, and to fulfill its responsibility under United Nations Security Council Resolution 1559 (adopted September 2, 2004) to disband and disarm Hezbollah;

(9) calls on the United Nations Security Council to condemn these unprovoked acts and to demand compliance with Resolution 1559, which requires that Hezbollah and other militias be disbanded and disarmed, and that all foreign forces be withdrawn from Lebanon; and

(10) urges all sides to protect innocent civilian life and infrastructure and strongly supports the use of all diplomatic means available to free the captured Israeli soldiers.

(11) recognizes that thousands of American nationals reside peacefully in Lebanon, and that those American nationals in Lebanon concerned for their safety should receive the full support and assistance of the United States government.

WATER RESOURCES DEVELOPMENT ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to S. 728, the Water Resources Development Act, under the previous order.

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

The legislative clerk read as follows:

A bill (S. 728) to provide for the consideration 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.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(The parts intended to be stricken are shown in boldface brackets and the parts intended to be inserted are shown in italic.)

S. 728

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 ''Water Resources Development Act of 2005''.

(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.

(a) PROJECTS WITH CHIEF'S REPORTS.—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) AKUTAN HARBOR, ALASKA.—The project for navigation, Akutan, Harbor, Alaska: Report of the Chief of Engineers, dated December 20, 2004, at a total estimated cost of $12,200,000, with an estimated Federal cost of $9,800,000 and an estimated non-Federal cost of $2,400,000.

(2) HAINES HARBOR, ALASKA.—The project for navigation, Haines Harbor, Alaska: Report of the Chief of Engineers, dated December 20, 2004, at a total estimated cost of $12,200,000, with an estimated Federal cost of $9,700,000 and an estimated non-Federal cost of $2,500,000.

(3) RILLITO RIVER (EL RIO ANTIGUO), PIMA COUNTY, ARIZONA.—The project for ecosystem restoration, Rillito River (El Rio Antiguo), Pima County, Arizona: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $67,457,000, with an estimated Federal cost of $43,421,000 and an estimated non-Federal cost of $24,036,000.

(4) 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 $4,978,000, with an estimated Federal cost of $3,236,000 and an estimated non-Federal cost of $1,742,000.

(5) SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA.—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 $138,968,000, with an estimated Federal cost of $90,129,000 and an estimated non-Federal cost of $48,839,000.

(6) 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 $50,600,000, with an estimated Federal cost of $33,000,000 and estimated non-Federal cost of $17,600,000.

(7) 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 $11,862,000, with an estimated Federal cost of $7,592,000 and an estimated non-Federal cost of $4,270,000, and at an estimated total cost of $38,004,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $19,002,000 and an estimated non-Federal cost of $19,002,000.

(8) 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 $130,335,000, with an estimated Federal cost of $78,973,000 and an estimated non-Federal cost of [$48,839,000] *$51,362,000*.

(9) 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 $41,793,000, with an estimated Federal cost of $27,256,000 and an estimated non-Federal cost of $14,537,000.

[(10) NAPA RIVER SALT MARSH, CALIFORNIA.—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 $58,412,000, with an estimated Federal cost of $37,740,000 and an estimated non-Federal cost of $20,672,000.]

(10) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, California, at a total cost of $100,500,000, with an estimated Federal cost of $64,000,000 and an estimated non-Federal cost of $36,500,000, to be carried out by the Secretary substantially in accordance

with the plans and subject to the conditions recommended in the final report signed by the Chief of Engineers on December 22, 2004.

(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.

(C) TRANSFER OF OWNERSHIP.—On completion of salinity reduction in the project area, the Secretary shall transfer ownership of the pipeline to the non-Federal interest at the fully depreciated value of the pipeline, less—

(i) the non-Federal cost-share contributed under subparagraph (A); and

(ii) the estimated value of the water to be provided as needed for maintenance of habitat values in the project area throughout the life of the project.

(11) 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 $18,824,000, with an estimated Federal cost of $12,236,000 and an estimated non-Federal cost of $6,588,000.

(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 $1,210,608,000, with an estimated first Federal cost of $605,304,000, and an estimated first non-Federal cost of $605,304,000, 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 $112,562,000, with an estimated Federal cost of $56,281,000, and an estimated non-Federal cost of $56,281,000.

(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) 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 $191,158,000, with an estimated Federal cost of $123,807,000 and an estimated non-Federal cost of $67,351,000.

(14) 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 $16,000,000, with an estimated Federal cost of $10,400,000 and an estimated non-Federal cost of $5,600,000.

(15) 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 $9,000,000. The costs of construction of the project are to be paid [half] ½ from amounts appropriated from the general fund of the Treasury and [half] ½from amounts appropriated from the Inland Waterways Trust Fund.

(16) 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 $788,000,000 with an estimated Federal cost of $512,200,000 and an estimated non-Federal cost of $275,800,000.

(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).

(17) 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 $14,500,000, with an estimated Federal cost of $9,425,000 and an estimated non-Federal cost of $5,075,000.

(18) 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 $15,683,000, with an estimated Federal cost of $10,194,000 and an estimated non-Federal cost of $5,489,000.

(19) 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 $64,872,000, with an estimated Federal cost of $42,168,000 and an estimated non-Federal cost of $22,704,000, and at an estimated total cost of $107,990,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $53,995,000 and an estimated non-Federal cost of $53,995,000.

(20) 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 $112,623,000, with an estimated Federal cost of $73,205,000 and an estimated non-Federal cost of $39,418,000.

(21) 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 $19,494,000, with an estimated Federal cost of $12,671,000 and an estimated non-Federal cost of $6,823,000.

(22) 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 $172,940,000, with an estimated Federal cost of $80,086,000 and an estimated non-Federal cost of $92,854,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subsection (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.

(23) 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 $15,960,000. 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.

(24) 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 $13,104,000. 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.

(25) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—The project for ecosystem restoration, Riverside Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of $25,200,000, with an estimated Federal cost of $10,400,000 and an estimated non-Federal cost of $14,800,000.

(26) 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 $35,573,000.

(27) 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 $109,850,000, with a Federal cost of $66,425,000, and a non-Federal cost of $43,425,000; 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.

(b) PROJECTS SUBJECT TO FINAL REPORT.—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, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2005:

(1) MIAMI HARBOR, MIAMI, FLORIDA.—The project for navigation, Miami Harbor, Miami, Florida, at a total cost of $121,126,000, with an estimated Federal cost of $64,843,000 and an estimated non-Federal cost of $56,283,000.

(2) PICAYUNE STRAND, FLORIDA.—The project for ecosystem restoration, Picayune Strand, Florida, at a total cost of $349,422,000 with an estimated Federal cost of $174,711,000 and an estimated non-Federal cost of $174,711,000, subject to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680).

(3) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa, at a total cost of $10,000,000, with an estimated Federal cost of $6,500,000, and an estimated non-Federal cost of $3,500,000.

(4) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana, at a total cost of $194,000,000, with an estimated Federal cost of $123,000,000 and an estimated non-Federal cost of $71,000,000.

(5) JAMAICA BAY, MARINE PARK AND PLUMB BEACH, QUEENS AND BROOKLYN, NEW YORK.—The project for ecosystem restoration, Jamaica Bay, Queens and Brooklyn, New York, at a total estimated cost of $180,000,000, with an estimated Federal cost of $117,000,000 and an estimated non-Federal cost of $63,000,000.

(6) 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, at a total cost of $105,544,000, with an estimated Federal cost of $68,603,600, and an estimated non-Federal cost of $36,940,400, and at an estimated total cost of $2,315,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $1,157,500, and an estimated non-Federal cost of $1,157,500.

(7) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, Suffolk County, New York, at a total cost of $12,000,000, with an estimated Federal cost of $7,800,000 and an estimated non-Federal cost of $4,200,000.

(8) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio, at a total cost of $20,000,000, with an estimated Federal cost of $13,000,000 and an estimated non-Federal cost of $7,000,000.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR THE UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) PLAN.—The term ''Plan'' means the preferred integrated plan contained in the document entitled ''Integrated Feasibility Report and Programmatic Environmental Impact Statement for the UMR–IWW System Navigation Feasibility Study'' and dated September 24, 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.—There are authorized to be appropriated to carry out this paragraph $235,000,000 for fiscal years beginning October 1, 2004. The costs of construction of the project 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.—There are authorized to be appropriated to carry out this paragraph $1,795,000,000 for fiscal years beginning October 1, 2004. The costs of construction on the project 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 are authorized to carry out this subsection for fiscal years beginning October 1, 2005, $1,580,000,000, of which not more than $226,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $43,000,000 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) CO-CHAIRPERSONS.—The Secretary and the Secretary of the Interior shall serve as co-chairpersons of the advisory panel.

(iv) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Panel and any working group established by the Advisory Panel shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

(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 Pontchartain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana or the State of Mississippi; 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) NONGOVERNMENTAL ORGANIZATIONS.—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.

(d) 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; and

(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.

(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); and

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a).

(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; or

(iv) the plan of the State of Louisiana entitled ''Coast 2050: Toward a Sustainable Coastal Louisiana''.

(e) 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 (d).

(4) WORKING GROUPS.—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.

(5) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—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.

(f) MISSISSIPPI RIVER GULF OUTLET.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for modifying the Mississippi River Gulf Outlet that addresses—

(A) wetland losses attributable to the Mississippi River Gulf Outlet;

(B) channel bank erosion;

(C) hurricane storm surges;

(D) saltwater intrusion;

(E) navigation interests; and

(F) environmental restoration.

(2) REPORT.—[The] *If necessary, the* Secretary, in conjunction with the Chief of Engineers, shall submit to Congress a report recommending modifications to the Mississippi River Gulf Outlet, including measures to prevent the intrusion of saltwater into the Outlet.

(g) 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] *section*.

(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 [and Mississippi]) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(h) 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.

[(i) STUDY.—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 the cause of any degradation of the Louisiana Coastal Area ecosystem that occurs as a result of an activity under this section.

(j) REPORT.—Not later than July 1, 2006, the Secretary, in conjunction with the Chief of Engineers, shall submit to Congress a report describing the features included in table 3 of the report described in subsection (a).]

(i) 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) FINANCE.—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 authorized 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.

(j) REPORT.—Not later than July 1, 2006, the Secretary shall submit to Congress a feasibility report on the features included in table 3 of the report described in subsection (a).

(k) 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) AUTHORIZATION.—Subject to paragraphs (3) and (4), the Secretary may carry out the modifications described in paragraph (1)(B).

[(2)] *(3)* PUBLIC NOTICE AND COMMENT.—Before [modifying an operation or feature of a project under paragraph (1)(B),] *completing the report required under paragraph (4),* the Secretary shall provide an opportunity for public notice and comment.

[(3)] *(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 [paragraph (2)(B)] *subparagraph (A)* shall include such information relating to the timeline and cost of a modification as the Secretary determines to be relevant.

[(4)] *(5)* AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000.

SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—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.

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) LITTLE ROCK PORT, ARKANSAS.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

(2) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(3) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(4) MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

(5) OUTER CHANNEL AND INNER HARBOR, MENOMINEE, WISCONSIN.—Project for navigation, Menominee Harbor, Michigan and 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) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(2) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

(3) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

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** (a) After'' and inserting the following:

''SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.

''(a) COOPERATION OF NON-FEDERAL INTEREST.—

''(1) IN GENERAL.—After''; and

(2) in subsection (a)—

(A) by striking ''In any'' and inserting the following:

''(2) FUTURE APPROPRIATIONS.—In any''; and

(B) by adding at the end the following:]

*(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.

''[(3)] *(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; and

''(ii) the value of materials or services provided before execution of an agreement for the project, including—

''(I) efforts on constructed elements incorporated into the project; and

''(II) 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 2006''; 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 [the private sector] *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 paragraph (1), 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. RECREATIONAL AREAS AND PROJECT SITES.

(a) CONSTRUCTION AND OPERATION OF PUBLIC PARKS AND RECREATIONAL FACILITIES IN WATER RESOURCE DEVELOPMENT PROJECTS; LEASE OF LANDS; PREFERENCE FOR USE; PENALTY; APPLICATION OF SECTION 3401 OF TITLE 18, UNITED STATES CODE; CITATIONS AND ARRESTS WITH AND WITHOUT PROCESS; LIMITATIONS; DISPOSITION OF RECEIPTS.—Section 4 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (16 U.S.C. 460d) is amended—

(1) in the second sentence—

(A) by striking ''*Provided*, That leases'' and all that follows through ''premises'' and inserting the following: ''*Provided*, That any new lease granted under this section to a nonprofit organization for park and recreational purposes, and any new lease or license granted to a Federal, State, or local governmental agency for any public purpose, shall include a provision requiring that consideration for the grant of the lease or license shall be at least sufficient to pay the costs of administering the grant, as determined by the Secretary of the Army''; and

(B) by striking ''*Provided further*, That preference'' and all that follows through ''*And provided*'' and inserting ''*Provided*''; and

(2) by striking the last sentence and inserting the following: ''Any funds received by the United States for a lease or privilege granted under this section shall be deposited and made available in accordance with section 210 of the Flood Control Act of 1968 (16 U.S.C. 460d–3).''.

(b) RECREATIONAL USER FEES.—Section 210 of the Flood Control Act of 1968 (16 U.S.C. 460d–3) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary of the Army shall carry out a recreation user fee program to recover from users of recreation areas and project sites under the jurisdiction of the Corps of Engineers the portion of costs associated with operating and maintaining those recreation areas and project sites.'';

(2) in subsection (b)—

(A) in the subsection heading, by inserting ''ADMISSION AND USER'' before ''FEES'';

(B) by striking paragraphs (3) and (4);

(C) by redesignating paragraph (2) as paragraph (3);

(D) in paragraph (1), by striking ''but excluding'' and all that follows and inserting the following: '', including fees—

''(A) for admission to the recreation area or project site of an individual or group; and

''(B) for the use by an individual or group of an outdoor recreation area, a facility, a visitors' center, a piece of equipment, or a service at the recreation area or project site.'';

(E) by inserting after paragraph (1) the following:

''(2) AMOUNT.—The Secretary of the Army shall determine the amount of a fee established and collected under paragraph (1) based on the fair market value, taking into consideration any comparable recreation fee for admission to, or use of, the recreation area or project site.'';

(F) in paragraph (3) (as redesignated by subparagraph (C))—

(i) by striking ''picnic tables'';

(ii) by striking ''surface water areas''; and

(iii) by striking ''or general visitor information'' and inserting ''general visitor information, or a project site or facility that includes only a boat launch ramp and a courtesy dock''; and

(G) by inserting after paragraph (3) (as redesignated by subparagraph (C)) the following:

''(4) CONTRACTS AND SERVICES.—The Secretary of the Army may—

''(A) enter into a contract (including a contract that provides for a reasonable commission, as determined by the Secretary) with any public or private entity to provide a visitor service for a recreation area or project site under this section, including the taking of reservations and the provision of information regarding the recreation area or project site; and

''(B) accept the services of a volunteer to collect a fee established and collected under paragraph (1).

''(5) DEPOSIT INTO TREASURY ACCOUNT.—

''(A) IN GENERAL.—Any fee collected under this subsection shall—

''(i) be deposited into the Treasury account for the Corps of Engineers established by section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(i)(1)(A)); and

''(ii) be made available until expended to the Secretary of the Army, without further appropriation, for use for the purposes described in section 4(i)(3) of that Act (16 U.S.C. 460*l*–6a(i)(3)).

''(B) LIMITATION.—Not more than 80 percent of a fee established and collected at a recreational area or project site under this subsection shall be made available to pay the costs of a water resources development project under the jurisdiction of the Corps of Engineers located at the recreational area or project site.''; and

(3) by adding at the end the following:

''(c) OTHER FEES.—Any fee established and collected at a recreational area or project site under subsection (b) shall be considered to be established and collected in lieu of a similar fee established and collected at the recreational area or project site under any other provision of law.''.

(c) ADMISSION AND USE FEES; ESTABLISHMENT AND REGULATIONS.—Section 4(i)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(i)(3)) is amended—

(1) in the first sentence, by striking ''For'' and inserting the following:

''(A) IN GENERAL.—For'';

(2) by striking the second sentence and inserting the following:

''(B) USE OF FUNDS.—To the maximum extent practicable, funds under this subsection shall be used for a purpose described in subparagraph (A) that is directly related to the activity through which the funds were generated, including water-based recreational activities and camping.''; and

(3) by adding at the end the following:

''(C) DEPARTMENT OF ARMY SITES.—Any funds under this subsection may be used at a project site of the Department of the Army to pay the costs of—

''(i) a repair or maintenance project (including a project relating to public health and safety);

''(ii) an interpretation project;

''(iii) signage;

''(iv) habitat or facility enhancement;

''(v) resource preservation;

''(vi) annual operation (including collection of fees and costs of administering grants under section 4 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (16 U.S.C. 460d);

''(vii) law enforcement relating to public use; and

''(viii) planning.''.

(d) CONFORMING AMENDMENT.—Section 225 of the Water Resources Development Act of 1999 (16 U.S.C. 460*l*–6a note; Public Law 106–53) is repealed.

SEC. 2005. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2006, the Chief of Engineers shall submit to the Committee of Environment and Public Works of the Senate and the Transportation and Infrastructure Committee 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. 2006. 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) FEASIBILITY REPORTS.—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended—

(1) in subsection (a), by inserting before ''This subsection shall not apply'' the following: ''The Secretary shall establish a plan and schedule to periodically update and revise the planning guidelines, regulations, and circulars of the Corps of Engineers to improve the analysis of water resource projects, including the integration of new and existing analytical techniques that properly reflect the probability of project benefits and costs, as the Secretary determines appropriate.''; and

(2) by striking subsection (c) and inserting the following:

''(c) COST-BENEFIT ANALYSIS.—Recommendation of a feasibility study shall be based on an analysis of the benefits and costs, both quantified and unquantified, that—

''(1) identifies areas of risk and uncertainty in the analysis;

''(2) clearly describes the degree of reliability of the estimated benefits and costs of the effectiveness of alternative plans, including an assessment of the credibility of the physical project construction schedule as the schedule affects the estimated benefits and costs;

''(3) identifies national, regional, and local economic costs and benefits;

''(4) identifies environmental costs and benefits, including the costs and benefits of protecting or degrading natural systems;

''(5) identifies social costs and benefits, including a risk analysis regarding potential loss of life that may result from flooding and storm damage; and

''(6) identifies cultural and historical costs and benefits.''.

(c) 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;

(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); and

(4) shall—

(A) identify and review all critical methods, models, and procedures used in the planning process of the Corps of Engineers to formulate and evaluate water resource projects;

(B) identify other existing or new methods, models, or procedures that may enhance the water resource planning process;

(C) establish a systematic process for evaluating and validating the effectiveness and efficiency of all methods, models, and procedures;

(D) develop and maintain a set of approved methods, models, and procedures to be applied to the water resource planning process across the Corps of Engineers;

(E) develop and maintain effective systems for technology transfer and support to provide state-of-the-art skills and knowledge to the workforce; and

(F) identify the discrete elements of studies and establish benchmarks for the resources required to implement elements to improve the timeliness and effectiveness of the water resource planning process.

(d) PROJECT PLANNING.—

(1) OBJECTIVES.—

(A) FLOOD AND HURRICANE AND STORM DAMAGE REDUCTION AND NAVIGATION PROJECTS.—The Federal objective of any study of the feasibility of a water resource project carried out by the Secretary for flood damage reduction, hurricane and storm damage reduction, or navigation shall be to maximize the net national economic development benefits associated with the project, consistent with protecting the environment of the United States.

(B) ECOSYSTEM RESTORATION PROJECTS.—The Federal objective of any study of the feasibility of a water resource project for ecosystem restoration carried out by the Secretary shall be to maximize the net national ecosystem restoration benefits associated with the project, consistent with national economic development of the United States.

(C) PROJECTS WITH MULTIPLE PURPOSES.—In the case of a study that includes multiple project purposes, the primary and other project purposes shall be evaluated based on the relevant Federal objective identified under subparagraphs (A) and (B).

(D) SELECTION OF PROJECT ALTERNATIVES.—

(i) IN GENERAL.—Notwithstanding the Federal objectives identified in this paragraph, the Secretary may select a project alternative that does not maximize net benefits if there is an overriding reason for selection of the alternative that is based on other Federal, State, local, or international concerns.

(ii) FLOOD AND HURRICANE AND STORM DAMAGE REDUCTION AND NAVIGATION PROJECTS.—With respect to a water resource project described in subparagraph (A), an overriding reason for selecting a project alternative other than the alternative that maximizes national economic development benefits may be, as determined by the Secretary, with the concurrence of the non-Federal interest, that the other project alternative is feasible and achieves the project purposes but provides greater ecosystem restoration benefits or less adverse environmental impacts.

(iii) ECOSYSTEM RESTORATION PROJECTS.—With respect to a water resource project described in subparagraph (B), an overriding reason for selecting a project alternative other than the project alternative that maximizes national ecosystem restoration benefits may be, as determined by the Secretary, with the concurrence of the non-Federal interest, that the other project alternative is feasible and achieves the project purpose but provides greater economic development benefits or less adverse economic impacts.

(2) IDENTIFYING ADDITIONAL BENEFITS AND PROJECTS.—

(A) PRIMARILY ECONOMIC BENEFITS.—In conducting a study of the feasibility of a project the primary benefits of which are expected to be economic, the Secretary may—

(i) identify ecosystem restoration benefits that may be achieved in the study area; and

(ii) after obtaining the participation of a non-Federal interest, study and recommend construction of additional measures, a separate project, or separable element, to achieve those benefits.

(B) PRIMARILY ECOSYSTEM RESTORATION BENEFITS.—In conducting a study of the feasibility of a project the primary benefits of which are expected to be associated with ecosystem restoration, the Secretary may—

(i) identify economic benefits that may be achieved in the study area; and

(ii) after obtaining the participation of a non-Federal interest, study and recommend construction of additional measures, a separate project, or separable element, to achieve those benefits.

(C) RULES APPLICABLE TO IDENTIFIED SEPARATE PROJECTS AND ELEMENTS.—

(i) IN GENERAL.—Any additional measure, separable project, or element identified under subparagraph (A) or (B) and recommended for construction shall not be considered integral to the underlying project under study unless the Secretary determines, and the non-Federal interest agrees, that the measure, project, or element, is integral.

(ii) PARTNERSHIP AGREEMENT.—If authorized, the measure, project, or element shall be subject to a separate partnership agreement, unless the non-Federal interest agrees to share in the cost of the additional measure, project, or separable element.

(3) 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—

(A) a calculation of the residual risk of flooding following completion of the proposed project;

(B) a calculation of any upstream or downstream impacts of the proposed project; and

(C) calculations to ensure that the benefits and costs associated with structural and nonstructural alternatives are evaluated in an equitable manner.

(e) 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.

(f) 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) NO EFFECT ON AUTHORITY OF CHIEF.—The Chief of Engineers—

(i) shall not, in the completion of reports of the Chief of Engineers to Congress, be subject to direction as to the contents, findings, or recommendation of the reports; and

(ii) shall be solely responsible for—

(I) those reports; and

(II) any related recommendations, including evaluations and recommendations for changes in law or policy that may be appropriate to attain 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, upon 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.

(g) 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. 2007. INDEPENDENT REVIEWS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ORGANIZATION.—The term ''eligible organization'' means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

(2) PROJECT STUDY.—

(A) IN GENERAL.—The term ''project study'' means a feasibility study or reevaluation study for a project.

(B) INCLUSIONS.—The term ''project study'' includes any other study associated with a modification or update of a project that includes an environmental impact statement or an environmental assessment.

(b) PEER REVIEWS.—

(1) POLICY.—

(A) IN GENERAL.—Major engineering, scientific, and technical work products related to Corps of Engineers decisions and recommendations to Congress should be peer reviewed.

(B) APPLICATION.—This policy—

(i) applies to peer review of the scientific, engineering, or technical basis of the decision or recommendation; and

(ii) does not apply to the decision or recommendation itself.

(2) GUIDELINES.—

(A) IN GENERAL.—Not later than the date that is 1 year after the date of enactment of this Act, the Chief of Engineers shall publish and implement guidelines to Corps of Engineers Division and District Engineers for the use of peer review (including external peer review) of major scientific, engineering, and technical work products that support the recommendations of the Chief to Congress for implementation of water resources projects.

(B) INFORMATION QUALITY ACT.—The guidelines shall be consistent with the Information Quality Act (section 515 of Public Law 106–554), as implemented in Office of Management and Budget, Revised Information Quality Bulletin for Peer Review, dated December 15, 2004.

(C) REQUIREMENTS.—The guidelines shall adhere to the following requirements:

(i) APPLICATION OF PEER REVIEW.—Peer review shall—

(I) be applied only to the engineering, scientific, and technical basis for recommendations; and

(II) shall not be applied to—

(aa) a specific recommendation; or

(bb) the application of policy to recommendations.

(ii) ANALYSES AND EVALUATIONS IN MULTIPLE PROJECT STUDIES.—Guidelines shall provide for conducting and documenting peer review of major scientific, technical, or engineering methods, models, procedures, or data that are used for conducting analyses and evaluations in multiple project studies.

(iii) INCLUSIONS.—Peer review applied to project studies may include a review of—

(I) the economic and environmental assumptions and projections;

(II) project evaluation data;

(III) economic or environmental analyses;

(IV) engineering analyses;

(V) methods for integrating risk and uncertainty;

(VI) models used in evaluation of economic or environmental impacts of proposed projects; and

(VII) any related biological opinions.

(iv) EXCLUSION.—Peer review applied to project studies shall exclude a review of any methods, models, procedures, or data previously subjected to peer review.

(v) TIMING OF REVIEW.—Peer review related to the engineering, scientific, or technical basis of any project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(vi) DELAYS; INCREASED COSTS.—Peer reviews shall be conducted in a manner that does not—

(I) cause a delay in study completion; or

(II) increase costs.

(vii) RECORD OF RECOMMENDATIONS.—

(I) IN GENERAL.—After receiving a report from any peer review panel, the Chief of Engineers shall prepare a record that documents—

(aa) any recommendations contained in the report; and

(bb) any written response for any recommendation adopted or not adopted and included in the study documentation.

(II) EXTERNAL REVIEW RECORD.—If the panel is an external peer review panel of a project study, the record of the review shall be included with the report of the Chief of Engineers to Congress.

(viii) EXTERNAL PANEL OF EXPERTS.—

(I) IN GENERAL.—Any external panel of experts assembled to review the engineering, science, or technical basis for the recommendations of a specific project study shall—

(aa) complete the peer review of the project study and submit to the Chief of Engineers a report not later than 180 days after the date of establishment of the panel, or (if the Chief of Engineers determines that a longer period of time is necessary) at the time established by the Chief, but in no event later than 90 days after the date a draft project study of the District Engineer is made available for public review; and

(bb) terminate on the date of submission of the report by the panel.

(II) FAILURE TO COMPLETE REVIEW AND REPORT.—If an external panel does not complete the peer review of a project study and submit to the Chief of Engineers a report by the deadline established by subclause (I), the Chief of Engineers shall continue the project without delay.

(3) COSTS.—

(A) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(i) shall be a Federal expense; and

(ii) shall not exceed $500,000 for review of the engineering, scientific, or technical basis for any single water resources project study.

(B) WAIVER.—The Chief of Engineers may waive the $500,000 limitation under subparagraph (A) if the Chief of Engineers determines appropriate.

(4) REPORT.—Not later than 5 years after the date of enactment of this Act, the Chief of Engineers shall submit to Congress a report describing the implementation of this section.

(5) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to any peer review panel established by the Chief of Engineers.

(6) PANEL OF EXPERTS.—The Chief of Engineers may contract with the National Academy of Sciences (or a similar independent scientific and technical advisory organization), or an eligible organization, to establish a panel of experts to peer review for technical and scientific sufficiency.

(7) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Chief of Engineers 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 PLAN CONTENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended by adding at the end the following:

''(3) CONTENTS.—A mitigation plan shall include—

''(A)(i) a description of the physical action to be undertaken to achieve the mitigation objectives in the watershed in which the losses occur; and

''(ii) in any case in which mitigation must take place outside the watershed, a justification detailing the rationale for undertaking the mitigation outside of the watershed;

''(B) a description of the quantity of types of land or interests in land that should be acquired for mitigation and the basis for a determination that the land are available for acquisition;

''(C) the type, quantity, and characteristics of the habitat being restored; and

''(D) a plan for any necessary monitoring to determine the success of the mitigation, including the cost and duration of any monitoring and, to the extent practicable, the entities responsible for the monitoring.

''(4) RESPONSIBILITY FOR MONITORING.—In any case in which it is not practicable to identify in a mitigation plan for a water resources project the entity responsible for monitoring at the time of a final report of the Chief of Engineers or other final decision document for the project, the entity shall be identified in the partnership agreement entered into with the non-Federal interest.''.

(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).

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) $10,000,000 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 $5,000,000 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) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Holman Field), St. Paul, Minnesota.

''(11) 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.

''(12) 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.''.

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:

''(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.

[''(3) TOTAL COST.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.**]**

''*(C) Total cost.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.*

''**[**(4)**]** *(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 $30,000,000 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(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended by striking ''In fiscal years 2001 through 2003, the'' and inserting ''The''.

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.—

(1) IN GENERAL.—Revenues collected in connection with water storage for municipal or industrial water supply at a reservoir operated by the Corps of Engineers for navigation, flood control, or multiple purpose projects shall be credited to the revolving fund established under section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 701b–10).

(2) AVAILABILITY.—

(A) DISTRICT FROM WHICH REVENUE IS RECEIVED.—

(i) IN GENERAL.—Subject to clause (ii), 80 percent of the revenue received from each District of the Corps of Engineers shall be available for defraying the costs of planning, operation, maintenance, replacements, and upgrades of, and emergency expenditures for, any facility of the Corps of Engineers projects within that District.

(ii) SOURCE OF PAYMENTS.—With respect to each activity described in clause (i), costs of planning, operation, maintenance, replacements, and upgrades of a facility of the Corps of Engineers for the project shall be paid from available revenues received from [the] *that* project.

(B) AGENCY-WIDE.—20 percent of the revenue received from each District of the Corps of Engineers shall be available agency-wide for defraying the costs of planning, operation, maintenance, replacements, and upgrades of, and emergency expenditures for, all Corps of Engineers projects.

(3) SPECIAL CASES.—

(A) 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.

(B) 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.

(C) 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.

SEC. 2020. CORPS OF ENGINEERS HYDROPOWER OPERATION AND MAINTENANCE FUNDING.

(a) IN GENERAL.—Notwithstanding the last sentence of section 5 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 890, chapter 665; 16 U.S.C. 825s), the 11th paragraph under the heading ''OFFICE OF THE SECRETARY'' in title I of the Act of October 12, 1949 (63 Stat. 767, chapter 680; 16 U.S.C. 825s–1), the matter under the heading ''CONTINUING FUND, SOUTHEASTERN POWER ADMINISTRATION'' in title I of the Act of August 31, 1951 (65 Stat. 249, chapter 375; 16 U.S.C. 825s–2), section 3302 of title 31, United States Code, or any other law, and without further appropriation or fiscal year limitation, for fiscal year 2005 as set forth in subsection (c) and each fiscal year thereafter, the Administrator of the Southeastern Power Administration, the Administrator of the Southwestern Power Administration, and the Administrator of the Western Area Power Administration may credit to the Secretary of the Army (referred to in this section as the ''Secretary''), receipts from the sale of power and related services, in an amount determined under subsection (c).

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary—

(A) shall, except as provided in paragraph (2), use an amount credited under subsection (a) to fund only the Corps of Engineers annual operation and maintenance activities

that are allocated exclusively to the power function and assigned to the respective power marketing administration and respective project system as applicable for repayment; and

(B) shall not use an amount credited under subsection (a) for any cost allocated to a non-power function of Corps of Engineer operations.

(2) EXCEPTION.—The Secretary may use an amount credited by the Southwestern Power Administration under subsection (a) for capital and nonrecurring costs and may use an amount credited by Southeastern Power Administration for capital and nonrecurring costs, if no credit exceeds the rates on file at the Federal Energy Regulatory Commission for the Southeastern Power Administration.

(c) AMOUNT.—The amount credited under subsection (a) shall be equal to an amount that—

(1) the Secretary requests; and

(2) the appropriate Administrator, in consultation with the Secretary and the power customers of the power marketing administration of the Administrator, determines to be appropriate to apply to the costs referred to in subsection (b).

(d) CONSULTATION.—

(1) TIME FRAME.—Not later than the date that is 20 days after the date of enactment of this Act, the appropriate Administrator shall submit to the Appropriations Committee a report describing the time frame during which the consultation process described in subsection (c) shall be completed.

(2) FAILURE TO AGREE.—If the Secretary and the appropriate Administrator and customer representatives cannot agree on the amount to be credited under subsection (c), the appropriate Administrator shall determine the amount to be credited.

(e) APPLICABLE LAW.—An amount credited under subsection (a) is exempt from sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.).

SEC. 2021. FEDERAL HOPPER DREDGES.

(a) ELIMINATION OF RESTRICTION ON USE.—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.''.

(b) DECOMMISSION.—Section 563 of the Water Resources Development Act of 1996 (110 Stat. 3784) is amended to read as follows:

''SEC. 563. HOPPER DREDGE MCFARLAND.

''Not later than 1 year after the date of enactment of the Water Resources Development Act of 2005, the Secretary shall promulgate such regulations and take such actions as the Secretary determines to be necessary to decommission the Federal hopper dredge Mcfarland.''.

SEC. 2022. OBSTRUCTION TO NAVIGATION.

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended by adding at the end the following: ''Nothing in this section shall be construed as to provide for the regulation of activities or structures on private property, unless the Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, determines that such activity would pose a threat to the safe transit of maritime traffic.''.

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBOURNE 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 WATERBOURNE 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—

(1) by striking ''$15,000,000'' and inserting ''$20,000,000''; and

(2) 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 ''$75,000,000''.

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 ''$50,000,000''.

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 $25,000,000 for each fiscal year beginning after the date of enactment of this Act.

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)), by—

(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 fiscal year $45,000,000, to remain available until expended.''.

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION OR REMOVAL OF DAMS.

(a) 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.

(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 $25,000,000 for each fiscal year.

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) *(as amended by section 2001)* is amended—

⟦(1) in subsection (a)—

⟦(A) by striking ''After the date of enactment'' and inserting the following:

''⟦(1) IN GENERAL.—After the date of enactment'';

⟦(B) by striking ''under the provisions'' and all that follows through ''under any other'' and inserting ''under any'';

⟦(C) by inserting ''partnership'' after ''written'';

⟦(D) by striking ''Secretary of the Army to furnish its required cooperation for'' and inserting ''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'';

⟦(E) by inserting after ''$25,000.'' the following:

⟦''(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.''; and

⟦(F) by striking ''In any such agreement'' and inserting the following:

⟦''(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any agreement described in paragraph (1)'';⟧

⟦(2)⟧ *(1)* by redesignating subsection (e) as subsection (g); and

⟦(3)⟧ *(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 the following: ''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) 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.

⟦(a) STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.—Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g) is amended by striking ''**Sec.** 3. The Secretary'' and inserting the following:

''SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

⟦''The Secretary''.

⟦(b) *Projects to Enhance Reduction of Flooding and Obtain Risk Minimization.*⟧—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''.

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 Thompson Harbor, 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 element, at a Federal cost of $6,300,000.

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

(a) IN GENERAL.—The Secretary shall construct a new project management office located in the city of Tuscaloosa, Alabama, at a location within the vicinity of the city, at full Federal expense.

(b) TRANSFER OF LAND AND STRUCTURES.—The Secretary shall sell, convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures associated with the existing project management office, if the city agrees to assume full responsibility for demolition of the existing project management office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $32,000,000.

SEC. 3004. 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. 3005. 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. 3006. 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. 3007. 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, is amended in the second sentence of subsection (a) in the matter under the heading ''LOWER MISSISSIPPI RIVER'' (55 Stat. 642, chapter 377) by inserting before the period at the end the following: ''*Provided,* That the Ouachita River Levees, Louisiana, authorized under 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. 3008. 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. [3008] *3009.* 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. [3009] *3010.* 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 $205,226,000, with an estimated Federal cost of $153,840,000 and an estimated non-Federal cost of $51,386,000, 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. [3010] *3011.* 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, 2007''.

SEC. [3011] *3012.* 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. [3012] *3013.* 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 $95,000,000, with an estimated remaining Federal cost of $55,000,000, and an estimated remaining non-Federal cost of $40,000,000.

SEC. [3013] *3014.* LOS ANGELES HARBOR, CALIFORNIA.

Section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577) is amended by striking ''$153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000'' and inserting ''$222,000,000, with an estimated Federal cost of $72,000,000 and an estimated non-Federal cost of $150,000,000''.

SEC. [3014] *3015.* MAGPIE CREEK, CALIFORNIA.

(a) IN GENERAL.—Subject to subsection (b), the project for Magpie Creek, California, authorized under 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 applicable to nonstructural flood control under 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.

(b) CREDITING.—The crediting allowed under subsection (a) shall not exceed the non-Federal share of the cost of the project.

SEC. [3015] *3016.* 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.

[(A)**]** *(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. [3016] *3017.* 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. [3017] *3018.* SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall credit toward that portion of the non-Federal share of the costs of any flood damage reduction project authorized before the date of enactment of this Act that is to be paid by the Sacramento Area Flood Control Agency an amount equal to the Federal share of the flood control project authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(b) FEDERAL SHARE.—In determining the Federal share of the project authorized by section 9159(b) of that Act, the Secretary shall include all audit verified costs for planning, engineering, construction, acquisition of project land, easements, right-of-way, relocations, and environmental, mitigation for all project elements that the Secretary determines to be cost-effective.

(c) AMOUNT CREDITED.—The amount credited shall be equal to the Federal share determined under this section, reduced by the total of all reimbursements paid to the non-Federal interests for work under section 9159(b) of that Act before the date of enactment of this Act.

SEC. [3018] *3019.* 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 not 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. [3019] *3020.* 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.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine that the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372). If the Secretary makes a positive determination, the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out the pilot project for improvement of the environment in 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) acquire 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) $26,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. [3020] *3021.* 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 $212,100,000, with an estimated Federal cost of $113,300,000 and an estimated non-Federal cost of $98,800,000.

SEC. [3021] *3022.* 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 share of $70,000,000 and a non-Federal share of $37,700,000.

SEC. [3022] *3023.* 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. [3023] *3024.* 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 redesignated as an anchorage area.

(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. [3024] *3025.* 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. [3025] *3026.* 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. [3026] *3027.* CHRISTINA RIVER, WILMINGTON, DELAWARE.

(a) IN GENERAL.—The Secretary shall remove the shipwrecked vessel known as the ''State of Pennsylvania'', and any debris associated with that vessel, from the Christina River at Wilmington, Delaware, in accordance with section 202(b) of the Water Resources Development Act of 1976 (33 U.S.C. 426m(b)).

(b) NO RECOVERY OF FUNDS.—Notwithstanding any other provision of law, in carrying out this section, the Secretary shall not be required to recover funds from the owner of the vessel described in subsection (a) or any other vessel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $425,000, to remain available until expended.

SEC. [3027] *3028.* 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. [3028] *3029.* 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. [3029] *3030.* JACKSONVILLE HARBOR, FLORIDA.

The project for navigation, Jacksonville Harbor, Florida, authorized by section 101(a)(17) of the Water Resources Development Act of 1999 (113 Stat. 276), is modified to authorize the Secretary to extend the navigation features in accordance with the report of the Chief of Engineers dated July 22, 2003, at an additional total cost of $14,658,000, with an estimated Federal cost of $9,636,000 and an estimated non-Federal cost of $5,022,000.

SEC. [3030] *3031.* 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. [3031] *3032.* 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. [3032] *3033.* 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. [3033] *3034.* 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. [3034] *3035.* 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. [3035] *3036.* 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 to—

(1) 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) authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000;

(3) 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) 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) 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. [3036] *3037.* 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 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. [3037] *3038.* CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized under the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

SEC. 3039. 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. [3038] *3040*. 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. [3039] *3041*. 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. [3040] *3042*. 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. [3041] *3043*. 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. [3042] *3044*. HARRY S. TRUMAN RESERVOIR, 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. [3043] *3045*. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.

Section 101(16) of the Water Resources Development Act of 2000 (114 Stat. 2578) is amended—

(1) by striking ''(A) IN GENERAL.—Projects for ecosystem restoration, Ohio River Mainstem'' and inserting the following:

''(A) AUTHORIZATION.—

''(i) IN GENERAL.—Projects for ecosystem restoration, Ohio River Basin (excluding the Tennessee and Cumberland River Basins)''; and

(2) in subparagraph (A), by adding at the end the following:

''(ii) NONPROFIT ENTITY.—For any ecosystem restoration project carried out under this paragraph, with the consent of the affected local government, a nonprofit entity may be considered to be a non-Federal interest.

''(iii) PROGRAM IMPLEMENTATION PLAN.—There is authorized to be developed a program implementation plan of the Ohio River Basin (excluding the Tennessee and Cumberland River Basins) at full Federal expense.

''(iv) PILOT PROGRAM.—There is authorized to be initiated a completed pilot program in Lower Scioto Basin, Ohio.''.

[SEC. 3044. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

[The public access features of the Atchafalaya Basin Floodway System, Louisiana, project, authorized by the section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), are 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 Flood for the public access feature of the Atchafalaya Basin Floodway System, Louisiana, to enhance fish and wildlife resources, at a total cost of $4,000,000.**]**

SEC. 3046. 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).

SEC. [3045] *3047*. 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. 3048. LAROSE TO GOLDEN MEADOW, LOUISIANA.

(a) IN GENERAL.—For the project for hurricane protection, Larose to Golden Meadow, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), not later than 180 days after the date of enactment of this Act, the Secretary shall make the determination described in section 325 of the Water

Resources Development Act of 1999 (113 Stat. 304) regarding the technical feasibility, environmental acceptability, and economical justification of converting the Golden Meadow floodgate into a navigation lock.

(b) CONVERSION.—If the Secretary makes a favorable determination under subsection (a), or fails to make a favorable or unfavorable determination by the date specified in subsection (a), the conversion of the Golden Meadow floodgate to a navigation lock shall be considered to be authorized as a feature of the hurricane protection project referred to in subsection (a).

SEC. [3046] *3049*. 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 [August] *December* 2004, at a total cost of $178,000,000.

SEC. [3047] *3050*. 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 $33,000,000;

[(1)] *(2)* to permit the purchase of marginal farmland for reforestation (in addition to the purchase of bottomland hardwood); and

[(2)] *(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. [3048] *3051*. 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 $20,000,000.

SEC. [3049] *3052*. 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. [3050] *3053*. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking ''$10,000,000'' and inserting ''$30,000,000''.

SEC. [3051] *3054*. 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 ''$16,738,000''; and

(3) by striking ''$5,250,000'' and inserting ''$9,012,000''.

SEC. [3052] *3055*. 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. [3053] *3056*. 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 $10,000,000 for each fiscal year.

SEC. [3054] *3057*. 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. [3055] *3058*. 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. [3056] *3059*. UNION LAKE, MISSOURI.

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri, before January 31, [2005] *2006*, 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.—Upon 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. [3057] *3060*. FORT PECK FISH HATCHERY, MONTANA.

Section 325(f)(1)(A) of the Water Resources Development Act of 2000 (114 Stat. 2607) is amended by striking ''$20,000,000'' and inserting ''$25,000,000''.

SEC. 3061. 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. [3058] *3062*. 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. [3059] *3063*. 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.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(1) provide 35 percent of the total cost of the restoration projects including provisions for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(2) 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

(3) 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) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. [3060] *3064*. 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. [3061] *3065*. 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. [3062] *3066*. 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 so redesignated)—

(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. [3063] *3067*. ONONDAGA LAKE, NEW YORK.

Section 573 of the Water Resources Development Act of 1999 (113 Stat. 372) is amended—

(1) in subsection (f), by striking ''$10,000,000'' and inserting ''$30,000,000'';

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) 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 carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

SEC. [3064] *3068*. 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 ''2005'' and inserting ''2010''.

SEC. [3065] *3069*. 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 ''$5,500,000''; and

(2) by adding before the period at the end the following: ''(which repair and rehabilitation shall include lowering the crest of the Dam by not more than 12.5 feet)''.

SEC. [3066] *3070*. 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. [3067] *3071*. 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–002 shall satisfy the obligations of the city under that contract.

SEC. 3072. OKLAHOMA LAKE DEMONSTRATION, OKLAHOMA.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS.—Each reversionary interest and use restriction 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. 62, chapter 118) is terminated.

(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 interest and use restriction described in subsection (a).

SEC. [3068] *3073*. 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. [3069] *3074*. LOOKOUT POINT, DEXTER LAKE PROJECT, LOWELL, OREGON.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value to the community of Lowell, Oregon, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 0.98 acres located in Lane County, Oregon.

(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) CONDITION.—The Secretary shall not complete the conveyance under subsection (a) until such time as the United States 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.

SEC. [3070] *3075*. 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. [3071] *3076*. TIOGA TOWNSHIP, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall convey to the Tioga Township, Pennsylvania, at fair market value, all right, title, and interest in and to the parcel of real property located on the northeast end of Tract No. 226, a portion of the Tioga-Hammond Lakes Floods Control Project, Tioga County, Pennsylvania, consisting of approximately 8 acres, together with any improvements on that property, in as-is condition, for public

ownership and use as the site of the administrative offices and road maintenance complex for the Township.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) RESERVATION OF INTERESTS.—The Secretary shall reserve such rights and interests in and to the property to be conveyed as the Secretary considers necessary to preserve the operational integrity and security of the Tioga-Hammond Lakes Flood Control Project.

(d) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership, or to be used as a site for the Tioga Township administrative offices and road maintenance complex or for related public purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. [3072] *3077.* UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 if 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. [3073] *3078.* COOPER RIVER BRIDGE DEMOLITION, CHARLESTON, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary, at full Federal expense, may carry out all planning, design, and construction for—

(1) the demolition and removal of the Grace and Pearman Bridges over the Cooper River, South Carolina; and

(2) using the remnants from that demolition and removal, the development of an aquatic reef off the shore of South Carolina.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $39,000,000.

SEC. [3074] *3079.* 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. [3075] *3080.* 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. [3076] *3081.* 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 2015.''; 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 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. [3077] *3082.* ANDERSON CREEK, JACKSON AND MADISON COUNTIES, 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 Anderson Creek, Jackson and Madison Counties, 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) Anderson Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Anderson Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. [3078] *3083.* HARRIS FORK CREEK, TENNESSEE AND KENTUCKY.

Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986 (33

U.S.C. 579a), the project for flood control, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (33 U.S.C. 701c note; 90 Stat. 2920) shall remain authorized to be carried out by the Secretary for a period of 7 years beginning on the date of enactment of this Act.

SEC. [3079] *3084*. 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. [3080] *3085*. 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 paragraph (1).

(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. [3081] *3086*. 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. [3082] *3087*. 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. [3083] *3088*. 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. [3084] *3089*. 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. [3085] *3090*. 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. [3086] *3091*. 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. [3087] *3092*. 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. [3088] *3093*. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) GENERAL MANAGEMENT PLAN DEVELOPMENT.—

(1) 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. [3089] *3094*. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (42 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''; and

(2) in subsection (g), by striking ''$20,000,000'' and inserting ''$32,000,000''.

SEC. [3090] *3095*. 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 ''$20,000,000'' 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. [3091] *3096*. 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. [3092] *3097*. 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, 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. [3093] *3098*. 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, 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. [3094] *3099*. 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 under 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. [3095] *3100.* 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 amended to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

SEC. [3096] *3101.* MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA.

Section 101(a)(31) of the Water Resources Development Act of 1996 (110 Stat. 3666), is amended by striking ''$229,581,000'' and inserting ''$358,000,000''.

SEC. [3097] *3102.* LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood control at Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), as modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Secretary to construct the project substantially in accordance with the draft report of the Corps of Engineers dated May 2004, at an estimated total cost of $45,500,000, with an estimated Federal cost of $34,125,000 and an estimated non-Federal cost of $11,375,000.

SEC. 3103. 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 under 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. [3098] *3104.* UNDERWOOD CREEK DIVERSION FACILITY PROJECT, MILWAUKEE COUNTY, WISCONSIN.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(24) Underwood Creek Diversion Facility Project (County Grounds), Milwaukee County, Wisconsin.''.

SEC. [3099] *3105.* 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. [3100] *3106.* 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. [3101] *3107.* PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918), the Secretary shall carry out over at least a 10-year period a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—

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

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

(A) the modification of navigation training structures;

(B) the modification and creation of side channels;

(C) the modification and creation of islands;

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

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

(c) COST-SHARING REQUIREMENT.—The cost-sharing requirement required under the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918), for the project referred to in subsection (a) shall apply to any activities carried out under this section.

SEC. [3102] *3108.* UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

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.

SEC. 3109. 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. 3110. 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. 3111. 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''.

TITLE IV—STUDIES

SEC. 4001. 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. 4002. NATIONAL PORT STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the ability of coastal or deepwater port infrastructure to meet current and projected national economic needs.

(b) COMPONENTS.—In conducting the study, the Secretary shall—

(1) consider—

(A) the availability of alternate transportation destinations and modes;

(B) the impact of larger cargo vessels on existing port capacity; and

(C) practicable, cost-effective congestion management alternatives; and

(2) give particular consideration to the benefits and proximity of proposed and existing port, harbor, waterway, and other transportation infrastructure.

(c) REPORT.—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 report that describes the results of the study.

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 [subsections (b) and (c)] *subsection (b)* in a timely manner.

[(b) NATIONAL ENVIRONMENTAL POLICY ACT ANALYSIS.—In carrying out the responsibility of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under this section, the Secretary shall include consideration of—

[(1) the environmental impacts associated with transporting an equivalent quantity of goods on Federal, State, and county roads and such other alternative modes of transportation and alternative destinations as are estimated to be transported on the MKARN;

[(2) the impacts associated with air quality;

[(3) other human health and safety information (including premature deaths averted); and

[(4) the environmental and economic costs associated with the dredging of any site on the MKARN, to the extent that the site would be dredged if the MKARN were authorized to a 9-foot depth.]

[(c)] *(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. 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. 4005. 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. 4006. 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. 4007. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.

(a) IN GENERAL.—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.

(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. 4008. 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. 4009. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

In carrying out the feasibility phase of the South San Francisco Bay shoreline study, the Secretary shall use planning and design documents prepared by the California State Coastal Conservancy, the Santa Clara Valley Water District, and other local interests, in cooperation with the Corps of Engineers (who shall provide technical assistance to the local interests), as the basis for recommendations to Congress for authorization of a project to provide for flood protection of the South San Francisco Bay shoreline and restoration of the South San Francisco Bay salt ponds.

SEC. 4010. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall complete work as expeditiously as practicable on the San Pablo watershed, California, study authorized under 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. 4011. BUBBLY CREEK, SOUTH FORK OF SOUTH BRANCH, CHICAGO RIVER, ILLINOIS.

The Secretary shall conduct a study of the feasibility of carrying out ecosystem restoration and any other related activity along the South Fork of the South Branch of the Chicago River, Illinois (commonly known as ''Bubbly Creek'').

SEC. 4012. GRAND AND TIGER PASSES AND BAPTISTE COLLETTE BAYOU, LOUISIANA.

The Secretary shall conduct a study of the feasibility of modifying the project in existence on the date of enactment of this Act for enlargement of the navigation channels in the Grand and Tiger Passes and Baptiste Collette Bayou, Louisiana.

SEC. [4011] *4013.* 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. [4012] *4014.* 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. [4013] *4015.* JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary may determine the feasibility of providing improvements to 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, near the vicinity of mile 6 of the Savannah Harbor Entrance Channel.

(b) 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 for maintenance of the ongoing Savannah Harbor Navigation project; and

(3) the results of a consultation with the Governor of the State of [California] *Georgia* and the Governor of the State of South Carolina.

SEC. [4014] *4016.* 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.

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) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(21) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(22) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(23) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

''(24) 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 are—

''(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.—Small projects carried out under this Act shall have a Federal share of less than $1,000,000.

''(B) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this section, the Secretary, on recommendation of the Council, shall consider delegating implementation of the 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.—Small projects delegated to another Federal department or agency may be funded from the responsible department or appropriations of the agency authorized by section 109(a)(1).

''(D) AGREEMENTS.—The Federal department or agency to which a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in sections 104(d) and 104(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 section 107, 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), by striking subparagraphs (A) through (D) and inserting the following:

''(A) to the Secretary, $25,000,000 for each of fiscal years 2006 through 2010;

''(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 2006 through 2010;

''(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2006 through 2010;

''(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2006 through 2010; and

''(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2006 through 2010.''; 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 ''2010''.

(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. 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. 5004. 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 the ex officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and 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 Potomac River Basin Commission 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. 5005. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) EXISTING BARRIER.—The Secretary shall upgrade and make permanent, at full Federal expense, the existing Chicago Sanitary and Ship Canal Dispersal Barrier Chicago, Illinois, 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)).

(b) NEW BARRIER.—Notwithstanding the project cooperation agreement dated November 21, 2003, with the State of Illinois, the Secretary shall construct, at full Federal expense, the Chicago Sanitary and Ship Canal Dispersal Barrier currently being implemented under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

(c) OPERATION AND MAINTENANCE.—The Chicago Sanitary and Ship Canal Dispersal Barriers described in subsections (a) and (b) shall be operated and maintained, at full Federal expense, as a system in a manner to optimize effectiveness.

(d) CREDIT.—

(1) IN GENERAL.—The Secretary shall credit to each State the proportion of funds that the State contributed to the authorized dispersal barriers.

(2) USE.—A State may apply the credit to existing or future projects of the Corps of Engineers.

SEC. 5006. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, NEW MEXICO.

(a) SHORT TITLE.—This section may be cited as the ''Rio Grande Environmental Management Act of 2004''.

(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 of Colorado, New Mexico, and Texas.

(2) RIO GRANDE SYSTEM.—The term ''Rio Grande system'' means the headwaters of the Rio Chama River and the Rio Grande River (including all tributaries of the Rivers), from the border between the States of Colorado and New Mexico downstream to the border between the States of New Mexico and Texas.

(3) STATE.—The term ''State'' means the State of New Mexico.

(c) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary shall carry out, in the Rio Grande system—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(B) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(2) REPORTS.—Not later than December 31, 2008, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the State, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);

(B) describes the accomplishments of each of the programs;

(C) provides updates of a systemic habitat needs assessment; and

(D) identifies any needed adjustments in the authorization of the programs.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs authorized under subsection (c), the Secretary shall—

(1) consult with the State and other appropriate entities in the State the rights and interests of which might be affected by specific program activities; and

(2) enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the United States Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of those programs.

(e) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under subsection (c)(1)(A)—

(A) shall be 35 percent;

(B) may be provided through in-kind services or direct cash contributions; and

(C) shall include provision of necessary land, easements, relocations, and disposal sites.

(3) *(2)* OPERATION AND MAINTENANCE.—The costs of operation and maintenance of a project located on Federal land, or land owned or operated by a State or local government, shall be borne by the Federal, State, or local agency that has jurisdiction over fish and wildlife activities on the land.

(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)(A).

(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 system.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for fiscal year 2005 and each subsequent fiscal year.

SEC. 5007. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX TRIBE AND THE 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 THE 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.'';

(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 THE 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 the results of the investment activities and financial status of the Funds during the preceding 12-month period.''; 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. 5008. 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.

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. BRIDGEPORT, CONNECTICUT.

The project for environmental infrastructure, Bridgeport, Connecticut, authorized by section 219(f)(26) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6005. HARTFORD, CONNECTICUT.

The project for environmental infrastructure, Hartford, Connecticut, authorized by section 219(f)(27) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6006. NEW HAVEN, CONNECTICUT.

The project for environmental infrastructure, New Haven, Connecticut, authorized by section 219(f)(28) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6007. 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. 6008. CENTRAL AND SOUTHERN FLORIDA, EVERGLADES NATIONAL PARK, FLORIDA.

The project to modify the Central and Southern Florida project to improve water supply to the Everglades National Park, Florida, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1257) and the Flood Control Act of 1968 (82 Stat. 740), is not authorized.

SEC. 6009. 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. 6010. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized under section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6011. 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. 6012. 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. 6013. 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. 6014. 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. 6015. 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. 6016. 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. 6017. 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. 6018. 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. 6019. 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 entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (55 Stat. 644), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6020. 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. 6021. 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. 6022. 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. 6023. 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. 6024. 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. 6025. 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. 6026. 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. 6027. 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. 6028. 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. 6029. 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. 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. MANCHESTER, NEW HAMPSHIRE.

The project for environmental infrastructure, Manchester, New Hampshire, authorized by section 219(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4836), is not authorized.

SEC. 6035. 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. 6036. 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. 6037. 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. 6038. 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. 6039. 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. 6040. 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. 6041. 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. 6042. 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. 6043. 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. 6044. CHARTIERS CREEK, CANNONSBURG (HOUSTON REACH UNIT 2B), PENNSYLVANIA.

The project for flood control, Chartiers Creek, Cannonsburg (Houston Reach Unit 2B), Pennsylvania, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), is not authorized.

SEC. 6045. SCHUYLKILL RIVER, PENNSYLVANIA.

The project for navigation, Schuylkill River (Mouth to Penrose Avenue), Pennsylvania, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4013), is not authorized.

SEC. 6046. 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. 6047. 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. 6048. 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. 6049. 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. 6050. 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. 6051. 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. 6052. 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. 6053. 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. 6054. 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. 6055. 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. 6056. 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. 6057. 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. 6058. 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.

Mr. INHOFE. Mr. President, last Thursday Senator JEFFORDS and I took some time to thank the members of our committee and many on the outside for cooperation in bringing to the Senate the Water Resources Development Act. This is a very big bill. It is a very significant bill. It involved the cooperation of quite a number of people. I would say every member of our committee has been very cooperative. I talked a little bit about Senator FEINGOLD and the fact he had some objections. He was very good to work with, along with Senator MCCAIN and others.

We finally are at the point now where, after a lot of negotiation, the Senate is considering today S. 728, the Water Resources Development Act of 2006.

As the world's leading maritime and trading nation, the United States relies on an efficient maritime transportation system to maintain its role as a global power. The bill we debate today is the cornerstone of that system.

The Water Resources Development Act, or WRDA, sets out the Federal policy of procedure for the U.S. Army Corps of Engineers to maintain and build our inland and intracoastal waterway system, which carries one-sixth of the Nation's volume of intercity cargo.

In addition, the Corps is responsible for maintaining approximate channel depths in ports along our coasts and the Great Lakes to handle 95 percent of all foreign trade into and out of the country. In fact, more than 67 percent of all consumer goods pass through harbors maintained by the Corps of Engineers. WRDA also authorizes the Corps to work with communities on flood damage reduction and hurricane and storm damage reduction projects designed to protect human life and property.

Inland and intracoastal waterways, which serve States on the Atlantic seaboard, the gulf coast, and the Pacific Northwest, move about 630 million tons of cargo valued at over $70 billion annually. Furthermore, it is estimated that the average transportation cost savings to users of the system is $10.67 per ton, or $7 billion annually over other modes of transportation.

The nearly 12,000 miles of inland and intracoastal waterways include 192 commercially active lock and dam sites. I might add, a lot of people are surprised these are in my State of Oklahoma. Over 50 percent of the locks and dams operated by the Corps are more than 50 years old and consequently are approaching the end of their design life and are in need of modernization or major rehabilitation. This bill authorizes ongoing work to modernize and rehabilitate our inland and intracoastal waterway system.

In the 1800s, the Corps was first called upon to address flood problems along the Mississippi River. Since then, the Corps has continued to provide flood damage reduction along the Mississippi River and in other regions of the country. These efforts range from small local protection to projects such as levees, or nonstructural measures, to major dams. Today, most of the structures are owned by sponsoring cities, towns, and agricultural districts. Although the Corps cannot prevent all damage from floods, the efforts of the Corps do significantly reduce the cost of the flood events.

To illustrate this point, consider that during the 10 years from 1991 to 2000, the decade of the 1990s, the country suffered $45 billion in property damage from floods. If Corps flood damage reduction measures had not been in place, however, that figure would have been more than $208 billion in damage. Clearly, flood control is a wise investment. According to the American Society of Civil Engineers, the flood control structures on average prevent $22 billion in flood damage each year, a savings of $6 per every $1 spent.

Second, similarly, the Corps also participates in and this bill authorizes hurricane and storm damage reduction projects along our Nation's coast as well as projects to combat shoreline erosion. So we are talking now about three aspects: navigation, the hurricanes, and the erosion problem.

And then the third Corps mission is ecosystems restoration. Working with non-Federal sponsors, the Corps implements single-purpose ecosystems, restoration projects, multipurpose projects with ecosystems restoration components, or projects for flood protection or navigation that incorporate environmental features as good engineering. The Corps has restored, created, and protected over 500,000 acres of wetlands and other habitats between 1988 and 2004. In some cases, existing water resources projects are modified to achieve restoration benefits.

This bill includes authorization of several such projects, including quickly approaching the crisis that, if ignored, would dramatically stunt continued economic growth.

We have to understand right now, with what is happening in this country, the increase in economic activity is what has brought us out of this recession. The deficits people in this Senate like to talk about are being addressed by the fact that, for each additional 1 percent of economic activity, it increases revenues about $45 billion. This bill is going to be very helpful in increasing economic activity.

As one of the most fiscally conservative Members of this Senate, I have long argued that the two most important functions of the Federal Government are to provide for national defense and public infrastructure. A lot of my conservative colleagues are going to be talking about projects and maybe earmarks. That is not in this bill we are talking about. They might be surprised to know that I, with a rating of 100 percent by the American Conservative Union, this year and last year, am proposing this bill, which is a big spending bill, but we are not spending. We are authorizing. We have an orderly procedure to reach those projects which would enjoy the most support.

I say to my conservative friends, I am one who is not for wasteful spending. I have maintained the perfect record in terms of my conservative leanings. In fact, it is exactly what being a fiscal conservative is all about.

The primary purpose of government spending is to provide for the national defense and to provide for critical infrastructure. Think how chaotic the system would be if each individual would build and maintain their own infrastructure system. Society simply would not function. Every first-year political science student learns that the function of the body politic is to provide resources that are used by all. Efficiency and economics require the Government not only plan but construct and maintain public infrastructure. So I am not shy about voting for increased authorization on national defense needs or public infrastructure.

At the same time, we have to spend limited tax dollars wisely, with that in mind, on three major restoration projects in Louisiana, Florida, and the Upper Mississippi River Basin. Unfortunately, as other infrastructure bills, WRDA has been decried in the press perhaps as a pork bill. During the debate in the Senate we may hear from some who will agree with that. It is the popular thing to say. As one of the primary authors of the bill, allow me to explain why this charge, if raised, is not accurate.

First, contrary to public belief, this bill is not just project authorization. It contains also significant policy changes designed to ensure an efficient and effective process for addressing our Nation's water resources needs. Later in this debate, Senators will have an opportunity to consider several amendments on further policy reforms.

The bill does have project authorizations. It is an unfortunate fact of life when infrastructure bills are debated we first have to battle back the charge that all we are doing is funding unneeded projects.

Look at the facts. According to the American Society of Civil Engineers 2005 report cards on America's infrastructure, none of the Nation's primary infrastructure such as roads, airports, drinking water facilities, wastewater management systems, gets above a C, and most receive a D. That is without exception. None. And every project authorization is quickly approaching a crisis that, if ignored, will dramatically stunt continued economic growth. We are at the point now where we need to do something.

With that in mind, the committee established a very firm policy of what types of project requests we would consider. Every project authorization included in this bill is based on a report of the Chief of Engineers verifying that the project is technically feasible, economical, economically justified, and environmentally accepted.

I will talk a little bit about the types of engineering reports that are necessary. We did not include environmental infrastructure projects such as water treatment facilities or riverfront development projects because neither of these are a Corps of Engineers mission. Finally, we did not authorize cost-share waivers on existing or new projects. We have always felt the local community has to have an investment and has to have the support of the State, county, or city in order to come forth with the project.

At the present time, Senator BOND and I will be offering two amendments, one on prioritization of projects, and another establishing a procedure of independent peer review. Both of these issues are important reforms to the program. We agree that Congress needs better analysis so we can more easily compare individual projects, thereby ensuring the most needed projects are addressed in a timely manner. Independent peer review fulfills a critical function to ensure that policymakers are using accurate information to make decisions. Therefore, Senator BOND and I will be offering an amendment to clarify which projects should undergo independent peer review.

Finally, some have expressed a concern about the size of the bill. I understand and appreciate these concerns. However, I point out that it has been 6 years since the last WRDA bill was signed into law. Traditionally, WRDA is done every 2 years. Given the 6-year timelag, what the Senate is being asked to consider represents what would be three WRDAs if we had kept to the 2-year schedule. Given that, I believe the cost is reasonable.

The amount of this bill would be eventually about $7 billion in authorization. However, if we were to follow the pattern set in 2000, for a 2-year bill, it was 5.07, so it is considerably less than if we had been doing it every 2 years as we did in the year 2000.

For the benefit of those who may not be familiar with the Army Corps of Engineers program, let me explain. The program does include planning, design, construction, maintenance, and operation of water projects that give improved flood damage reduction, hurricane and storm damage reduction, shore protection, navigation, ecosystems restoration, hydroelectric power, recreation, and other various water resources needed. Virtually all water resources projects are cost shared with a local sponsor. The statutory cost share varies depending on the size of the project. Generally speaking, the local share is about 35 percent; the Federal share is about 65 percent.

Projects generally originate with a request for assistance from a community or local government entity with the water resource need that is beyond its capability to alleviate. A study authority allows the Corps to investigate a problem and determine if there is a Federal interest in proceeding further.

If the Corps has performed a study in the geographic area before this time—in other words, if it has already done it—a new study can be authorized by a resolution of either the Senate Committee on Environment and Public Works, the committee I chair, or the House Committee on Transportation and Infrastructure. If the Corps has not previously investigated the area, the study needs to be authorized by an act of Congress, typically through what we are considering today, a WRDA bill.

Army Corps studies are usually conducted in two stages: the first, called a reconnaissance study, or the recon study, is a general investigation, including an overview of the problem, identification of potential local sponsors—that could be State, tribal, county, or local agencies or governments or nonprofit organizations—and an initial determination of a Federal interest. A recon study is done at full Federal expense and usually costs $100,000 to $200,000 and usually can be completed in about a year.

The second stage is a feasibility study, which is the detailed analysis of alternatives, costs, benefits, and environmental and other impacts. A feasibility study is cost-shared 50–50 with a local sponsor, usually costing upwards of $1 million and takes up to several years to complete.

Congress must provide authorization for the Corps to begin the recon study, but the Corps can move from the recon to feasibility stage without further authorization. Based on the results of the study, the chief of engineers may—this is the significant part—may sign a final recommendation on the project, known as the Chief's Report. Accordingly, the committee has used a favorable Chief's Report as the basis for authorizing projects.

I am going through this process so people will understand this has been thoughtfully considered in each one of these, and the Corps has gone into them and actually come out with a final Chief's Report. I have to say, individuals who sometimes complain about the way the Corps is working might remember in the late 1990s when we had the Everglades Restoration Act. I happen to be the only Member who voted against it. It was 99 to 1, I say to the Presiding Officer. The reason I voted against it is because it did not have a Chief's Report. We have to stay with this system.

Before I yield the floor to my colleagues, I want to point out some other provisions in the managers' substitute amendment that were added to the committee-reported bill. The primary changes were made in response to the devastating hurricanes that hit the gulf coast last year.

We are proposing a new National Levee Safety Program designed after the National Dam Safety Program. The new Levee Safety Program requires that a national inventory be made of all levees and that those levees that protect human life and public safety be inspected. As with the Dam Safety Program, the provision establishes a State grant program to encourage States to establish their own safety program, as

these activities are best handled at the local level.

We also made some changes to language already in the bill to authorize a project for coastal wetlands restoration in Louisiana. These changes are intended to address the two main suggestions for process improvements that the Environment and Public Works Committee heard from a broad range of stakeholders following Hurricane Katrina.

First, we try to do a better job of addressing our water resources needs in a comprehensive, integrated manner, rather than in the traditional stovepipe manner of separate missions areas.

Secondly, the time it takes between identifying a water resources need to completing a solution is significantly longer than it should be. Our substitute amendment addresses the time from identification of need to solution.

So we are going to proceed with this bill. I have a request from a well-respected Senator, but I am going to ask if the Senator could withhold until we have the opening statements done.

Let me say, in closing, I have a special interest in this bill because—a lot of people do not realize it, and I am sure the Chair does because he is aware of these things—my State of Oklahoma is in that way navigable. We have a navigation way that comes all the way to the Port of Catoosa. That is in Tulsa, OK. It was put together by a State authorization in legislation that was passed by my father-in-law, the late Arthur Patrick, in the early 1930s. And you might have heard of the McClellan-Kerr Dam. That is the one that is there. So we have that history, and I have that bias that I bring to this floor with my opening remarks.

With that, let me thank the ranking minority member, Senator JEFFORDS, who has been so cooperative throughout the development of this legislation.

Mr. JEFFORDS. Mr. President, I say thank you to the Senator. It is a pleasure to work with you.

The PRESIDING OFFICER. The Senator will suspend briefly.

AMENDMENT NO. 4676

Under the previous order, the reported committee amendments are withdrawn. The managers' substitute at the desk, amendment No. 4676, is agreed to, and the bill, as so amended, is original text for further amendment.

The amendment (No. 4676) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Thank you, Mr. President.

Mr. President, I am very pleased to see the Water Resources Development Act of 2006 finally being considered on the Senate floor. This critical water resources bill is long overdue. The last one was completed 6 years ago.

Despite never receiving a water resources proposal from the administration, we are here today with a good, comprehensive bill, and I hope we can work together to finally get it enacted this year.

With this legislation, we maintain our commitment to the protection of our rivers, streams, and lakes. We also protect our aquatic ecosystems, which are so delicate and yet so vital to critical species.

We help our States and local communities manage their water resources through navigation and shoreline protection projects, as well as provide flood and storm damage protection.

This bill includes the authorization of key coastal restoration and hurricane protection projects to help the State of Louisiana recover from Hurricane Katrina.

There are also some very important project authorizations for my State of Vermont, including ecosystem restoration for the Upper Connecticut River and small dam removal and remediation throughout the State.

In addition, I am pleased this bill updates to the Army Corps of Engineers principles and guidelines to improve the efficiency of the Corps. I am disappointed, however, that some important Corps reform provisions were not included in this bill, such as stronger provisions for independent peer review.

Hurricane Katrina tragically reminded us of the importance of comprehensive reform of the Army Corps of Engineers. I am cosponsoring Senator FEINGOLD's amendment on this topic and encourage my colleagues to join us in support of this reform.

In the wake of Hurricane Katrina, the Corps has a tarnished record in many people's minds. The independent review language that will be offered by Senators FEINGOLD and MCCAIN, coupled with the other reforms we have included in the underlying bill, are critical first steps in our efforts to ensure that the Corps has adequate tools and appropriate oversight of its programs.

This water resources bill represents a step forward in our efforts to protect our water resources, enhance environmental restoration, and spur economic development.

Mr. President, I look forward to our debate on this bill. I urge my colleagues to support its passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the minority leader of our committee who has done such a good job.

Let me announce what I would like to do and see if there is any objection. I will not pose this as a UC, but I will mention we have some people who do have to leave. We had announced earlier we would go straight to the Boxer amendment. I am in support of the Boxer amendment, and that is not going to take a long time. However, she has graciously agreed to let the Senator from Michigan go in advance of her for 10 minutes.

The question I would like to ask the Senator from Michigan is, would it be permissible, and not counted against the time of the Senator from California, if Senator SANTORUM went for 3 minutes prior to you? This is at the conclusion of the remarks of the Senator from Missouri. Would that be all right? It would put you off only 3 minutes.

Ms. STABENOW. Yes. Through the Presiding Officer to the chairman, thank you very much for including me in this process. My question would only be, how much time does the Senator from Missouri require?

Mr. INHOFE. How much time?

Mr. BOND. Mr. President, I am, regretfully, limited by having to be at a markup in a subcommittee I chair, and I will limit my remarks to about 15 to 18 minutes.

Ms. STABENOW. Certainly, Mr. Chairman, I would have no objection.

Mr. INHOFE. After the conclusion of his remarks—-

Mrs. BOXER. Can you do a unanimous consent request?

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senator from Missouri be first recognized for 15 to 18 minutes, immediately followed by Senator SANTORUM for not to exceed 4 minutes, and then Senator STABENOW for not to exceed 10 minutes. And then we will proceed on to the Boxer amendment.

Mrs. BOXER. For 20 minutes.

Mr. INHOFE. For whatever time she wants to use.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Chair and I particularly thank our leader, Senator FRIST, and the minority leader, Senator REID, for bringing WRDA to the floor. This is a long and arduous process, and we are grateful they were able to bring together this tremendously important bill.

I pay special thanks to the chairman of the committee, Senator INHOFE, and his staff, and the ranking member, Senator JEFFORDS, and his staff. This has been a truly bipartisan process—a lot longer process than we intended because this was supposed to have been the 2002 WRDA bill. Nevertheless, we have the much needed Water Resources Development Act before us, authorizing projects under the jurisdiction of the U.S. Army Corps of Engineers.

These projects are of tremendous value to the entire Nation. They provide drinking water, electric power production, river transportation, recreation, flood protection, environmental protection and restoration, and emergency response.

Few agencies in the Federal Government touch as many citizens as the Corps does. The Corps provides one-quarter of our Nation's total hydropower output, operates 463 lake recreation areas, moves 630 million tons of cargo valued at over $73 billion annually through our inland system, manages over 12 million acres of land and

water, provides 3 trillion gallons of water for use by local communities and businesses, and has prevented an estimated $706 billion in flood damage within the past 25 years with an investment of less than one-seventh that value.

During the 1993 flood, which we experienced in Missouri with great devastation, an estimated $19.1 billion in flood damage was prevented by flood control facilities in place at the time.

WRDA, as I indicated, is a bipartisan bill, traditionally produced by Congress every 2 years, making possible America's major flood control projects, coastal protection, environmental protection and restoration, transportation, and recreation on our major waterways.

Despite its importance, we have not passed a bill since 2000. The longer we wait, the more unmet needs pile up and the more complicated the demands upon the bill become, making it harder and harder to win approval.

The public voice is loud, clear, and spoken often regarding how they feel about the need for our long-overdue and much needed WRDA legislation.

We believe the bill before the Senate is a good one that balances the needs of States for environmental restoration of key waterways and for navigation projects that create economic growth.

The bill before us will create jobs, spur economic development and trade competitiveness, and improve the environment. And it is financially responsible.

To say it is widely supported is an understatement. It passed the EPW Committee by voice vote. Eighty of our colleagues signed a letter to leadership urging floor action—80 out of 100. It is tough for us to get 80 together on anything, but they said: We want this bill. The House cleared it with an overwhelming vote of 406 for it.

Environmental restoration, in the last 20 years, has become a primary Corps mission.

Our water resources perform a variety of functions simultaneously. They can provide transportation and protection from floods and habitats for many species. Similarly, when it comes to Corps projects, navigational and flood control projects can and should be environmentally sound. Environmental restoration can help prevent or minimize flooding during the next major storm, and many other benefits.

The Corps is leading some of the world's largest ecosystem restoration projects. And the commanding feature of this bill is its landmark environmental and ecosystem restoration authorities. More than half of the cost of the bill consists of authorization for environmental restoration projects.

Think of all the major waterways that are important to America—to our environmental heritage, to recreation, and to commerce. This bill affects all of them.

Among the projects in this bill are those that will restore wetlands in the Upper Connecticut River Basin in Vermont and New Hampshire; restore oyster habitat in the Chesapeake Bay; restore fisheries in the Great Lakes; implement an environmental management program for the Rio Grande River; continue restoration of the Everglades; restore areas of coastal Louisiana damaged by Hurricanes Katrina and Rita; restore habitat on the Upper Mississippi and Illinois waterways; restore oyster habitat on Long Island Sound.

Flood control is also important. If we have learned anything from Mother Nature in the last 15 years, it is that we frequently need protection from her storms. Hurricanes Katrina and Rita are just two of the latest devastating examples.

As I said, the good news is Corps projects had an estimated $706 billion in flood damage within the past 25 years with an investment one-seventh that value. This legislation authorizes flood control projects in California, Louisiana, New Jersey, New York, Pennsylvania, Maryland, West Virginia, Minnesota, Kentucky, South Carolina, Idaho, Washington, and Missouri, to name a few.

While the majority of this legislation is for environmental protection and restoration, a key bipartisan economic initiative included provides transportation efficiency and environmental sustainability on the Mississippi and Illinois Rivers.

As the world becomes more competitive, America must also become more competitive. Between 1970 and 2003, the value of U.S. trade increased 24-fold and 70 percent since 1994. That is an average annual growth of 10.2 percent—nearly double the pace of the GDP growth for the same period. We can expect demand for U.S. exports to continue increasing dramatically over many years.

We have to ask ourselves where the growth in transportation will occur in the next 20 to 50 years to accommodate the growth in demand for commercial shipping. The Department of Transportation suggests that congestion on our roads and rails will double in the next quarter century.

Now, those who drive on the highways know how crowded they are. How would you like to see all of the transportation that we now put on water go on the roads? Ask any farmer who has found difficulty getting rail availability to ship product, commodities, because there is heavy demand. Water transportation is a great untapped capacity.

One medium-sized barge tow carries the freight of 870 trucks. On the road are 2.25 100-car unit trains, 250-car unit trains, and 1 barge carries the equivalent of 15 jumbo hopper cars. Now, how does that translate into the use of energy? We ought to be concerned about energy conservation. Well, the good news is that water transportation conserves fuel and protects the air and environment. How? How far will one gallon of fuel move one ton of freight? If you are going by truck, one gallon of fuel can move a ton of freight 59 miles. If you are going by rail, it can move it 386 miles. But if you are going by water, it can move it 522 miles. That is almost 10-to-1 more efficient than trucks and 1.5 times as efficient as rail. The rail just isn't there. The rail system is overcrowded already.

Over the past 35 years, waterborne commerce on the Upper Mississippi River has more than tripled. The system currently carries 60 percent of our Nation's corn exports and 45 percent of our Nation's soybean exports, and it does so at two-thirds the cost of rail—when rail is available.

In Missouri alone, we ship 34.7 million tons of commodities with a combined value of more than $4 billion. That is not just farm products. It includes coal, petroleum, aggregates, grain, chemicals, iron, steel, minerals, and other commodities, and, yes, the corn, soybean, and wheat that we export overseas.

Our navigable waterways are in environmental and economic decline. Jobs and markets and the availability of habitat for fish and wildlife are at stake. The American Society for Civil Engineers grades navigable waterways infrastructure D– with over 50 percent of the locks ''functionally obsolete'' despite increased demand.

So we have developed a plan that gets the Corps back in the business of building the future, rather than just haggling about predicting the future.

This legislation contains authorization for funding to improve navigation on a number of our major waterways in several States, including Louisiana, Texas, Alaska, Virginia, Delaware, and Maine.

A key piece of the bill modernizes locks and dams on the Upper Mississippi and Illinois Rivers. We authorize capacity expansion on locks 20 to 25 on the Mississippi River and Peoria and LaGrange on the Illinois.

New 1,200-foot locks on the Mississippi River will provide equal capacity in the bottleneck region. Upstream from the Keokuk, there is a lock 19 which is 1,200 feet, and below them at St. Louis are locks 26 and 27. They are also 1,200 feet. These 600-foot locks serve as major water roadblocks to transportation of our products to the world markets and inputs to users upstream.

One-half of the cost of the new locks will be paid for by private users who pay into the Inland Waterways Trust Fund. Additional funds will be provided for mitigation and small scale and nonstructural measurements to improve efficiency.

If you are for increased trade, commercial growth, and job creation, you cannot get there without supporting the basic transportation infrastructure, as our chairman has so eloquently pointed out. New efficiency helps give our producers an edge that can make or break opportunities in the international marketplace.

As we look 50 years into the future, we have to ask ourselves a fundamental question: Should we have a system that promotes growth or should we be confined to a transportation straitjacket designed not for 2050 but for 1950 with paddle wheel boats?

We must ask ourselves if dramatic investments should be made to address environmental problems and opportunities that exist on these great waterways?

In both cases, the answer, to me, is simple. Of course we should improve and modernize. The choice is a very important one today as we have a global economy. Our farmers are the most efficient in the world, but transportation costs can knock them out of the world market. We know our competitors are modernizing their water transportation.

Here is a very troubling picture. This is one of our foremost exports right now. You know what they are exporting? Not renewable crops that come from our fields. These are 2 towboats and 30 barges headed for Argentina. Argentina and Brazil and other Latin American countries are taking imports from our water transportation system because they have the waterways to use them and we don't. Do you want to make a one-time sale of the barges or towboats, or do you want to have sales every year on the goods and commodities these can produce?

Seventy years ago, some argued that a transportation system on the Mississippi River was not justified. Congress, fortunately, decided that its role was not to try to predict the future but to shape it and decided to invest in a system despite the naysayers. Over 84 million tons per year later, it is clear that the decision was wise.

The veteran chief economist at USDA testified that transportation efficiency and the ability of farmers to win markets and higher prices are ''fundamentally related.'' He predicts that corn exports over the next 10 years will rise 45 percent, 70 percent of which will travel down the Mississippi River—if the river has the capacity to carry it.

The decision to improve these waterways has not been taken lightly. As has already been pointed out, all decisions and procedures have been documented and coordinated with an interagency Federal Principals Group, independent technical reviews and stakeholders, and have been made available for public review and comment.

The Corps of Engineers spent $70 million completing a study that was anticipated to take 6 years and cost $12 million, but it actually took 14 years to complete. During that period, there have been 35 meetings of the Governors Liaison Committee, 28 meetings on the Economic Coordinating Committee, among the States along the Upper Mississippi and Illinois waterways, 44 meetings of the Navigation and Environmental Coordination Committee; and there have been 3,879 public involvement activities concerning the Upper Mississippi River alone.

Additionally, there have been 130 briefings for special interest groups and 24 newsletters. There have been 6 sets of public meetings in 46 locations, with over 4,000 people in attendance. To say the least, this has been a very long, very transparent, and very representative process.

While we have been studying, our competitors have been building. Given the extraordinary delay so far, and given the reality that large-scale construction takes decades, further delay is no longer an option.

That is why I am pleased to join the bipartisan group of Senators who agree that we must improve the efficiency and the environmental sustainability of our great resources.

The transportation efficiency provisions are supported by a broad-based group of the States, farm groups, shippers, labor, and those who pay taxes into the trust fund for improvements.

Of particular note, I appreciate the strong support from the carpenters, laborers, operating engineers, Iron Workers, Teamsters, the Nature Conservancy, the Audubon Group, and the construction and energy and agriculture people.

Also, I mention specifically the good efforts of Senators TALENT, DURBIN, OBAMA, GRASSLEY, and HARKIN, who have given strong bipartisan support.

For some, the bill is too small; for others, it is too big. It is important to understand the budget implications in the real world. We are contending with difficult budget realities. It is critical to be mindful of those realities as we make investments in the infrastructure that support those who make and grow and buy and sell things so that we can expand our economy, create jobs, and, yes, pay taxes and secure our future.

This is an authorization bill that doesn't spend a single dollar, not one. Like other authorization bills, it makes projects eligible for funding under constraints administered by Congress. The Appropriations Committee and the President will have final say. Those who don't make it won't be funded.

The WRDA process simply allows for projects to be considered during the process of appropriations. I hear some suggest we should not authorize anything new until everything previously authorized has been funded. That is nonsense because it falsely assumes that all projects authorized 5, 10, 15 years ago are higher priority than those we have now. That is not true.

In fact, we have eliminated the authorization for 56 projects totaling over $500 million in savings. The remaining projects will be subject to the appropriations process.

People have talked about Corps reform. I want to make sure we reform it and don't kill it. I agree that we need to be sure every project is authorized, is needed, and is economically justifiable.

The Corps continues to make agency-wide planning improvements that are responsive to stakeholders' needs and responsible to taxpayers.

The Corps includes independent review in all project studies and review by outside independent experts for larger, higher risk and complex projects. Peer review is integrated into project development.

The Corps is developing new tools to examine regional and watershed issues that will allow a broader view of complex water resource issues.

The bill contains provisions that will further improve the reliability of Corps analyses of projects.

Now, there are many—particularly community leaders around the country—who believe there is already too much redtape, delay, cost, and uncertainty. There are those who want less redtape. I strongly agree with them. Others want more redtape. But I think we strike a necessary balance in the bill.

We have embraced a commonsense, bipartisan proposal by Senators LANDRIEU and COCHRAN that requires major projects to be subject to independent review.

The PRESIDING OFFICER. The Senator has consumed 18 minutes.

Mr. BOND. Mr. President, I ask unanimous consent for 3 more minutes.

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

Mr. BOND. Mr. President, the Landrieu-Cochran proposal requires that necessary mitigation for projects be completed at the same time the project is completed or no longer than 1 year afterward. This will impose a cost on communities, particularly smaller ones, but it is not as onerous as regulations proposed 2 years ago which ultimately prevented a final agreement between the House and Senate. For some, the new regulations are too onerous; for others, not enough. As I said, I believe we strike a balance.

This legislation is supported by over 250 organizations representing the environment, agriculture, labor, and chambers of commerce. I ask unanimous consent that the letter from the National Waterways Alliance listing these groups be printed in the RECORD.

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

NATIONAL WATERWAYS ALLIANCE,
Arlington, VA, June 30, 2006.

Hon. CHRISTOPHER S. BOND,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR BOND: After six long years, we finally have hope for passage of the Water Resources Development Act of 2006 (WRDA). Our country cannot afford further delay. Clearly the time has come, particularly in light of the lessons learned from Hurricane Katrina, for Congress to complete its work on this crucial legislation for our nation's water resources.

As Senate leaders prepare the bill for floor consideration, we urge you to: (a) Request that the Majority Leader bring the bill to the floor quickly; (b) Accept the Inhofe-Bond Amendments and Reject the Feingold-

McCain ''Corps reform'' amendments. (See attachment.)

S. 728, much like its House of Representatives counterpart, represents a workable compromise to address and provide guidance on a number of policy issues, including the need to strengthen the Army Corps of Engineers' feasibility study process, provide meaningful project peer reviews and refine mitigation standards to embody sound ecological science. In addition, S. 728 provides authorization for many important projects with the potential to improve our economy, ease our nation's growing problem of congestion and dependence on foreign oil, and enrich our quality of life and environment.

Our water resources system contributes mightily to our nation's well-being. Ports and waterways are the backbone of our transportation system—ensuring domestic and international trade opportunities and a safe, economical and eco-friendly transportation alternative—for products such as steel, coal, fertilizer, salt, sand and gravel, cement, petroleum, chemicals, etc. In addition, the U.S. maritime transportation system moves more than 60 percent of the nation's grain exports. Our flood damage reduction program saves lives and prevents almost $8 in property losses for each dollar spent. Corps' hydropower facilities supply 24% of the hydropower generated in the United States. Projects for water supply, irrigation, recreation, beach nourishment and wildlife habitat provide innumerable benefits.

We solidly support expeditious passage of S. 728 as a balanced and responsive Water Resources Development Act, and urge you to do the same. The Senate must act now to move us closer to achieving and preserving an economically and environmentally sustainable water resources development program for the nation's future.

Sincerely,

Agricultural Retailers Association; AGC of St. Louis; Ag Processing Inc.; Agribusiness Association of Iowa; Agriculture Ocean Transportation Coalition; AGRIServices of Brunswick, LLC; Agrium; All American Coop; Alter Barge Line; Ameren; American Association of Port Authorities; American Association of State Highway and Transportation Officials (AASHTO); American Farm Bureau Federation; American Feed Industry Association; American Public Works Association; American Shore and Beach Preservation Association; American Soybean Association; American Waterways Operators, Inc.; Aon Risk Services; Arch Coal, Inc.; Arkansas Basin Development Association; Arkansas Waterways Association; Arkansas Waterways Commission; The Associated General Contractors of America.

Association of California Water Agencies; Association of Equipment Manufacturers; Association of Marina Industries; Association of Ship Brokers and Agents (U.S.A.), Inc.; Atlantic Intracoastal Waterway Association; Bay Planning Coalition (San Francisco Bay-Delta); Ben C. Gerwick, Inc.; Bergmann Associates; Boat Owners Association of The United States (BoatUS); Boaters are Voters; J.F. Brennan Marine, Inc.; Bunge North America, Inc.; Bussen Terminal; Buzzi Unicem USA; Caddo-Bossier Port Commission (LA); Cahokia Marine Service; California Coastal Coalition; California Marine Affairs and Navigation Conference; Cargo Carriers/Cargill; Caver and Associates, Inc.; Ceres Consulting, LLC; CF Industries, Inc.; Cherokee Barge & Boat, LLC; City of Carolina Beach, NC.

Carpenters' District Council of Greater Saint Louis and Vicinity; CEMEX, Inc.; CH2MHill, Inc.; CHS, Inc.; Columbiana County Port Authority (OH); Colusa Elevator Co., Inc.; Consolidated Blenders, Inc.; Construction Management Association of America; Continental Cement Company, Inc.; Dairyland Power Cooperative; Dakota, Minnesota & Eastern Railroad Company; DeBruce Grain, Inc.; Determann Industries, Inc.; Dredging Contractors of America; Dyno Nobel, Inc.; Eagle Marine Industries, Inc.; Fabick Power Systems; Farmers Coop Association; Farmers Cooperative Elevator Company; The Fertilizer Institute; Fire Island Association (NY); J. Russell Flowers, Inc.; Gahagan & Bryant Associates, Inc.; City of Galveston, TX.

Galveston County, TX; Garick Corporation; Garvey Marine, Inc.; Gateway Arch Riverboats; Gateway FS, Inc.; Grain & Feed Association of Illinois; Grain Processing Corporation; Grampa Wood Excursions; Great River Economic Development Association; Green Bay Farms, L.P.; Growmark, Inc.; Grundy County Farm Bureau; Hampton Roads Maritime Association; Harber, Inc.; Harmony/Preston Agri Services, Inc.; Harris County Flood Control District (TX); Hatch Mott MacDonald, Inc Hawkins Chemical Company, Inc.; HDR; Heart of Illinois Regional Port District; HNTB, Inc.; Holcim (US) Inc.; IEI Barge Serivces; Illinois Chamber of Commerce; Illinois Corn Growers Association.

Illinois Farm Bureau Federation; Illinois Fertilizer & Chemical Association; Illinois Grain and Feed Association; Illinois Soybean Association; City of Imperial Beach, CA; INCA Engineers, Inc.; Ingram Barge Lines, Inc.; Inland Rivers, Ports & Terminals, Inc.; International Union of Operating Engineers; Iowa Corn Growers Association; Iowa Farm Bureau Federation; Iowa Renewable Fuels Association; James Marine, Inc.; Jeppeson Marine; Jersey County Grain Company; Johnson Machine Works; Johnston Enterprises Inc.; Johnston Port 33; W.B. Johnston Grain Co.; Johnston Seed Co.; Johnston Terminal, Muskogee, OK; Kansas City Power & Light; Kansas Corn Growers; Kaskaskia Regional Port (IL).

Kentucky Corn Growers Association; City of Keokuk, IA; Kindra Lake Towing, L.P.; Kirby Corporation; Lake Carriers' Association; Lake Providence Port Authority (LA); Limited Leasing Company; Linwood Mining & Materials Corp.; Little River Drainage District (MO); Long Island Coastal Alliance (NY); Louisiana Department of Transportation and Development—Public Works, Hurricane Flood Protection & lntermodal Transportation; Luhr Bros.; Magnolia Marine Transport Company; MARC 2000; Maritime Association of the Port of New York/New Jersey; Maritime Exchange for the Delaware River and Bay; Marquette Transportation Co., Inc.; Marquis Inc./Terminal Express; Maryland Grain Producers Association; Massman Construction Company; McCallie Marine Service, LLC; MEMCO Barge Line/AEP River Operations; Merrill Marine Services; MFA, Inc.

Michigan Corn Growers Association; Mid-Central Illinois Regional Council of Carpenters; Midwest Foundation Corporation; Midwest Industrial Fuels, Inc.; Minneapolis Grain Exchange; Minnesota Agri-Growth Council, Inc.; Minnesota Crop Production Retailers; Minnesota Farm Bureau Federation; Minnesota Grain and Feed Association; Minnesota Soybean Growers Association; Mississippi River Citizen Commission; Mississippi Welders Supply Co., Inc.; Missouri Ag Industry Council; Missouri Barge Line Company, Inc.; Missouri Corn Growers Association; Missouri Corn Merchandising Council; Missouri Farm Bureau Federation; Missouri Levee & Drainage District Association; Missouri Port Authority Association; Missouri Soybean Association; MO–ARK Association; Monsanto; Morrow Group USA; National Association of Manufacturers.

National Association of Maritime Organizations; National Association of Waterfront Employers; National Association of Wheat Growers; National Corn Growers Association; National Grain & Feed Association; National Grain Trade Council; National Grange; National Heavy & Highway Alliance: Laborers' International Union of North America, International Union of Operating Engineers, United Brotherhood of Carpenters & Joiners, International Association of Bridge, Structural, Ornamental & Reinforcing Iron Works of America, Operative Plasterers' & Cement Mason International Association, International Brotherhood of Teamsters, International Union, Brickyard Layers & Allied Craftworkers; National Industrial Transportation League; National Marine Manufacturers Association; National Mining Association; National Oilseed Processors Association; NSA Agencies, Inc.; National Stone, Sand and Gravel Association; National Water Resources Association; National Waterways Conference, Inc.; New Madrid County Port Authority; Norman Bros., Inc.

The North American Export Grain Association; City of North Topsail Beach, NC; Ohio Corn Growers Association; Ohio Council of Port Authorities; Oklahoma Department of Transportation Advisory Board; Oklahoma Department of Transportation, Waterways Branch; Olympic Marine Company; Ouachita River Valley Association; Pacific Northwest Waterways Association; Pattison Bros. Mississippi River Terminal, Inc.; Pemiscot County Port Authority (MO); Personal Watercraft Industry Association; Port of Alexandria (LA); Port of Alsea (OR); Port of Bandon (OR); Port of Brookings Harbor (OR); Port of Coos Bay (OR); Port of Corpus Christi (TX); Port of The Dalles (OR); Port of Depot Bay (OR); Port of Garibaldi (OR); Port of Gold Beach (OR); Port of Galveston (TX); Port of Humboldt Bay (OR).

Port of Ilwaco (WA); Port of Memphis (TN); Port of Morrow (OR); Port of Muskogee (OK); Port of New Orleans (LA); Port of Newport (OR); Port of Palacios (TX); Port of Port Orford (OR); Port of Redwood City (CA); Port of Siuslaw (OR); Port of Toledo (OR); Port of Umatilla (OR); Port of Umpqua (OR); Port of Vancouver USA (WA); Port of Victoria (TX); Portland Cement Association; Ports of Indiana; Providence Grain Company; Quad City Development Group; Red River Valley Association; Red River Waterway Commission; Red Wing Port Authority; River Barge Excursion Lines, Inc.; River Navigation Coalition; River Resource Alliance.

Riverway Company; Salt Institute; Sargeant Grain Company; Schutte

Lumber Company; The Scoular Company; Seneca; Shattuck Grain Co.; J.R. Simpson & Associates, Inc.; Smurfit Stone Container Corporation; Southeast Grain & Feed Dealers Association; Southern Illinois Construction Advancement Program; SSA Marine; St. Louis City Port Authority/Economic Council; St. Lucie County, FL; Stone Oil Distributor, Inc.; Texas Water Conservation Association; TPG Marine Enterprises, LLC; Topsail Island Shore Protection Commission (NC); Transportation, Elevator & Grain Merchants Association; Transportation Institute; Tri-City Regional Port District; Trinity Marine Products, Inc.; Tri-Oak Foods, Inc.; Tulsa Port of Catoosa (OK).

Tulsa's Port of Catoosa Facilities Authority; Twomey Company; United Brotherhood of Carpenters and Joiners of America; U.S. Chamber of Commerce; U.S. Great Lakes Shipping Association; Upper Monongahela River Association Incorporated; Upper Mississippi, Illinois & Missouri Rivers Association; Upper Mississippi Waterways Association; United Soybean Board; Upper River Services, LLC; City of Venice, FL; Volunteer Barge & Transport, Inc.; Waterways Council, Inc.; The Waterways Journal, Inc.; Wayne B. Smith, Inc.; Weeks Marine, Inc.; Western Kentucky Navigation, Inc.; White River Coalition; Winona River & Trail; Wisconsin Agri-Service Association; Wisconsin Corn Growers Association.

Mr. BOND. Mr. President, anybody who wants to know if this is broadly based can look at the list of all of these groups. As I said, they include environmental, labor, agriculture, chambers of commerce, construction, energy, local entities. MARC 2000 in my State has been a very strong supporter.

I thank all of these people who support the bill. I thank my colleagues and their staffs for the hard work devoted to this bill and the difficult issues it presents. I particularly thank Chairman INHOFE for his forbearance. I look forward to the debate on this bill and final passage.

I hope my colleagues listen carefully to the debate because we have included significant Corps reform that will achieve all the benefits that legitimate requests for Corps reform entail, but it will not subject the process to unending, wasteful delays and further redtape that sank the bill the last time we tried to send it to the House.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 4 minutes.

Mr. SANTORUM. Mr. President, I thank the chairman and ranking member and the Senator from Michigan for providing me this opportunity to speak for a few minutes about the importance of this legislation to my State.

As many know, the State of Pennsylvania over the last several weeks has experienced catastrophic floods. FEMA has now issued individual assistance declarations for 22 of our 67 counties and declarations of public assistance for 24 counties. It could have been a lot worse but for flood control projects that this Congress authorized and approved in the WRDA process in the past, particularly the Wyoming Valley levee-raising project, which I will address in a moment.

I thank the chairman and ranking member for including a provision for a flood control project for the town of Bloomsburg. It is the only town in Pennsylvania. What you see was 25 percent underwater from the Susquehanna River just a couple weeks ago. Bloomsburg State University is there. It is a beautiful little town. It was completely submerged as a result of the flash flooding and then the raising of the Susquehanna River subsequent to the rains. So I appreciate the fact there is a flood control project in this legislation for the town of Bloomsburg.

In addition, we have had another problem upstream from Bloomsburg, an area where we have had a tremendous success, and that is the Wyoming Valley levee-raising project which is almost completed, but there is an area in Wilkes-Barre in particular called Solomon Creek. It is a tributary to the Susquehanna River.

This picture shows a little bridge that goes over Solomon Creek. This bridge is virtually dry most of the time. You can see it is up 12, 14 feet from the bottom. It is a horrible problem in the city of Wilkes-Barre. It backs up into the river and causes all sorts of damage in the city of Wilkes-Barre and south Wilkes-Barre right near a hospital which is hoping to expand—but will not expand if we can't fix this problem—to serve the residents of the area.

What I have asked the chairman to do—there is a provision that Congressman KANJORSKI got into the House WRDA bill which puts this flood control project underneath the Wyoming Valley levee-raising project which is authorized for over $400 million. Believe it or not, the levee-raising project came in at well under $400 million, about $250 million. So there is room under that cap to bring in this tributary which really does need to be fixed to address this major flooding problem.

The Senator from Oklahoma, when I explained this project to him, said he would support us in conference in making sure this project is included in the final bill. I will tell you, the people of south Wilkes-Barre are very pleased to hear tonight that as a result of this bill passing, and we get it through conference, the chairman of the committee will support the Solomon Creek project in conference, which will mean that literally within the next 12 months, we can begin to work on making sure that south Wilkes-Barre doesn't experience this kind of tragic flooding in the future.

With that, I thank the chairman for his assurance and his support. It is deeply appreciated by me and I know by Senator SPECTER and by the people of Wilkes-Barre.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I thank the distinguished chairman of this important bill and the ranking member for allowing me to speak about a different subject for a few moments. This is a very important bill which is before the Senate. It is very important to Michigan. I very much appreciate all the hard work they have put into bringing this bill to the floor.

I also thank my friend and colleague from California for allowing me to use a few moments of her time.

(The remarks of Ms. STABENOW are printed in today's RECORD under ''Morning Business.'')

Mrs. BOXER. Mr. President, I was pleased to yield time to Senator STABENOW who had a very pressing matter regarding some of her constituents who are stuck in Lebanon with no way out, and a very vulnerable time for many of the families in her district and in her State.

Let me start out by saying thank you to my chairman, Senator INHOFE, and to our ranking member, Senator JEFFORDS, and, of course, Senators BOND and BAUCUS, and the array of Senators who have worked so hard on this very bipartisan bill. We have all worked together, and I believe it is an excellent bill. I thank the staffs for their commitment to this product, particularly Let Mon Lee with Senator BOND, Angie Giancarlo and Stephen Aaron with Senator INHOFE, and Catharine Ransom and Jo-Ellen Darcy with Senator JEFFORDS. They put in very long hours, many of them, to help all of us, and for that I thank them.

All together, this bill represents the collective work of nearly 6 long years. That is how long it has taken to get this water resources bill to the Senate. I think we all agree that 6 years is far too long to wait for a bill that authorizes essential flood control, navigation, and ecosystem restoration projects, projects that help protect thousands of homes and the lives of millions from catastrophic flooding; projects that help restore the great wetlands and the rivers of our Nation. What we learned during Katrina is what happens when we lose the wetlands in our country, and we have been losing them. As a result of that, we lose the natural flood protection that we so desperately need. So restoring the great wetlands we have lost in California—I think it is about 90 percent of our wetlands, and nationwide I think it is even more than that. So we really have lost a great deal of our wetlands, and this bill helps to correct that. It protects the rivers of our Nation, also very important and is addressed here.

We have projects that help increase our port capacity and projects that make shipping easier and safer. Specifically, for my State of California, there are many great and valuable provisions in this bill, essential flood control provisions that more than double the amount of current funds authorized to improve and upgrade levees in the San Joaquin River Delta, levees that

will help protect two-thirds of California's water supply.

I remind my colleagues—I know you are aware of this—we have almost 37 million people in my State. So when we talk about flood control protecting the population, we are talking about quite a sizable population.

We have included ecosystem restoration pilot projects to help improve and restore the Salton Sea, which has been steadily shrinking into the deserts of southern California. The Salton Sea is a remarkable—remarkable—body of water.

The bill also includes authorization to restore vast salt marshes and wetlands around the Napa River.

I want to highlight one final provision in this bill for California. Earlier this year, I introduced the Los Angeles River Revitalization Act. When I tell my colleagues that there was a river in Los Angeles—there still is—they look at me and say: Well, where is this river?

Well, you can take it from me, there is a river. It has been destroyed over time. The local people, with a wonderful project, are trying to restore this river and continue to protect the residents of the area from flooding, but also to provide recreational opportunities for the communities on the riverbanks.

The 2006 WRDA bill before us contains key provisions from that bill, including a feasibility study and provisions authorizing demonstration projects to help get this great restoration effort going. If you have time to come with me to Los Angeles, I say to my colleagues, I will show you the amazing possibilities we have for recreation and for the young people in an area that is in great need, desperate need of recreation, because it is so populated and so crowded.

So in short, Mr. President, this is a great and important bill for my State. We cannot ignore our water infrastructure. We learned that from Hurricane Katrina. We cannot allow long periods of time to elapse without reauthorizing such a vital and important bill. Most of our colleagues agree, earlier this year, more than 80 Senators signed a letter requesting full Senate consideration of this bill. I have worked with colleagues on both sides of the aisle, particularly Senators INHOFE and JEFFORDS, in trying to address every colleague's concerns so that we could get to this moment, and here we are.

I look forward to discussing and debating several key policy issues relating to this bill. We have a couple of controversial ones, and I will be on the Senate floor as these issues come before us.

AMENDMENT NO. 4679

Mrs. BOXER. Mr. President, at this time, I call up my amendment No. 4679, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4679.

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

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

The amendment is as follows:

(Purpose: To modify the project for Folsom Dam, California)

Beginning on page 164, strike line 21 and all that follows through page 165, line 5, and insert the following:

(b) FOLSOM DAM.—Section 128(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2259), is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The Secretaries'' and inserting the following:

''(2) TECHNICAL REVIEWS.—The Secretaries'';

(3) in the third sentence, by striking ''In developing'' and inserting the following:

''(3) IMPROVEMENTS.—

''(A) IN GENERAL.—In developing'';

(4) in the fourth sentence, by striking ''In conducting'' and inserting the following:

''(B) USE OF FUNDS.—In conducting''; and

(5) by adding at the end the following:

''(4) PROJECT ALTERNATIVE SOLUTIONS STUDY.—The Secretaries, in cooperation with non-Federal agencies, are directed to expedite their respective activities, including the formulation of all necessary studies and decision documents, in furtherance of the collaborative effort known as the 'Project Alternative Solutions Study', as well as planning, engineering, and design, including preparation of plans and specifications, of any features recommended for authorization by the Secretary of the Army under paragraph (6).

''(5) CONSOLIDATION OF TECHNICAL REVIEWS AND DESIGN ACTIVITIES.—The Secretary of the Army shall consolidate technical reviews and design activities for—

''(A) the project for flood damage reduction authorized by section 101(a)(6) of the Water Resources Development Act of 1999 (113 Stat. 274); and

''(B) the project for flood damage reduction, dam safety, and environmental restoration authorized by sections 128 and 134 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1838, 1842).

''(6) REPORT.—The recommendations of the Secretary of the Army, along with the views of the Secretary of the Interior and relevant non-Federal agencies resulting from the activities directed in paragraphs (4) and (5), shall be forwarded to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives by not later than June 30, 2007, and shall provide status reports by not later than September 30, 2006, and quarterly thereafter.

''(7) EFFECT.—Nothing in this section shall be deemed as deauthorizing the full range of project features and parameters of the projects listed in paragraph (5), nor shall it limit any previous authorizations granted by Congress.''.

Mrs. BOXER. Mr. President, I offer this amendment on Sacramento flood control at the Folsom Dam, and I want to speak on behalf of my amendment. My statement will be brief because I am very pleased that my amendment has been cleared on both sides of the aisle. Again, I thank Senators INHOFE and JEFFORDS and their staffs. We will be voice-voting this amendment, and it means a great deal to Senator FEINSTEIN and to me and the people from California, be they Republicans or Democrats or Independents. I again extend my thanks to Letmon Lee with Senator BOND, Angie Giancarlo and Stephen Aaron, Catherine Ransom and Jo-Ellen Darcy. I am saying their names again because I think all too often staff just don't get the credit they deserve for the long hours they put in. Their work on this amendment, like so many others in this bill, has been invaluable.

I thank Senator FEINSTEIN for being a cosponsor of this amendment. I offer my appreciation for her help in this effort. Very briefly, I want to talk about why this amendment is so important, and then we will have a voice vote and we can move on to Senator SPECTER's amendment.

Sacramento is one of America's largest metropolitan areas that has less than 100-year flood protection, less than 100-year flood control protection. The Sacramento-American Rivers floodplain contains 165,000 homes—I want my colleagues to think about that—nearly 500,000 residents, the State Capitol is there, and many businesses providing 200,000 jobs. It is also the hub of the six-county regional economy, providing hundreds of thousands of jobs.

A major flood would cripple the Sacramento region's economy, significantly impair the operations of our government in Sacramento, and cause up to $15 billion in direct damage and up to $30 billion in total economic losses, and it would likely result in significant loss of life.

As the capital of the world's sixth largest economy—the world's sixth largest economy—no one can deny it is important to protect the Sacramento region and, fortunately, no one today is denying that. Yet Sacramento is terribly vulnerable to catastrophic flooding, so vulnerable that parts of the Sacramento area were under serious flood threat earlier this year. I remember well, when Senator FEINSTEIN and I came to the floor and we showed you the pictures. We are not going to go through those again tonight because I think you remember those pictures. There was that whole area where you have homes below sea level at risk every single day.

To protect this region from flooding, Folsom Dam was completed in 1956. It is located 15 miles northeast of Sacramento on the American River. To improve the dam's flood control capabilities, Congress authorized two projects to increase the dam's capacity and waterflow control. Over the past year, the Army Corps of Engineers and the Bureau of Reclamation have been working to refine and improve these plans.

My amendment ensures that this important process continues expeditiously and without interruption. This is what it does. It sets a strict timeframe of June 2007 for the Corps and

the Bureau to complete their report, so that design work can proceed without delay.

We all know bureaucracy. They will figure out one way to delay and another way to delay, and before long we have real serious questions of the costs for the project and having to pay more for the project. We pray during that time there will not be a catastrophic flood.

We are so pleased that this amendment has been signed off on, on both sides. It also calls for quarterly reports on the progress of the Bureau of Reclamation and the Corps.

The bill as agreed to by the managers of the bill today is an important next step to provide the region of Sacramento the level of flood protection it deserves. The Corps, the Bureau, and their non-Federal partners are continuing to work on designing the best solution for Folsom Dam, and the outlook is very promising.

As S. 728 moves to conference with the other body, I intend to work with my colleagues in any way needed to support this project. Again, I thank my colleagues on both sides of the aisle for agreeing with this important amendment, and I hope the day will soon come when we will have that report ready for you and move forward.

I ask unanimous consent that all of my time and the time of Senator STABENOW be charged against my amendment. I think that will clear up the time confusion with the Chair. Is that correct? Mr. Chairman, is that making you happy?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. We are done. I hope now we can voice vote this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JEFFORDS. Mr. President, I rise in support of the amendment by Senator BOXER.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. This amendment has simple goals: to consolidate some ongoing work on the Folsom Dam and get the Corps to finish in a timely manner. I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, in my opening statement, I talked about the rather difficult process we go through in this WRDA process and the Corps of Engineers starting off with a reconnaissance or a recon setting and then going to a feasibility study. I would like to say the project, as discussed by the Senator from California, has already gone through all this. It has already been authorized twice. So I join her in wanting to get this done.

I would like to make the comment, though, that at the conclusion of this voice vote, I think we are going to be going to the Specter amendment. It is the intention of the chairman, anyway, to go ahead and have that as a recorded vote this evening.

I support the Boxer amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 4679) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, parliamentary inquiry: We have 1 hour equally divided?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 4680

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] for himself and Mr. CARPER, proposes an amendment numbered 4680.

Mr. SPECTER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify a provision relating to Federal hopper dredges)

Strike section 2020 and insert the following:

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.''.

Mr. SPECTER. Mr. President, this amendment is to delete a provision in the bill which would prohibit the hopper dredge *McFarland* from remaining in operation. I submit this bipartisan amendment on behalf of myself and Senator CARPER, of Delaware.

It is a little hard to understand why this pending bill seeks to retire this vessel, which does important dredging work, on a bill which is denominated to provide for the consideration of the development of water and related resources and authorizes the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, because this dredger is very important for the specific stated purposes of the bill.

I would start with the important role this dredging vessel, the *McFarland*, plays with respect to the Nation's military operations. The *McFarland* is one of only three active dredging vessels owned by the U.S. Government, with one other held in reserve. The other two active vessels are on the west coast. The *McFarland* is available to respond immediately to emergency blockages at the Department of Defense-designated strategic military seaports.

At a time when terrorism is a major threat in this country, it is hard to understand why we would want to give up the only dredger which is available on the east coast and on the gulf coast. I think there may be many Senators whose States will be adversely affected, as will Pennsylvania and Delaware and New Jersey—the States in our region—when you take a look at the Defense-designated ''Strategic Military Seaports'' within the operating range of the *McFarland*, which covers New York and New Jersey; Hampton Roads, VA; Morehead City, NC; Wilmington, NC; Charleston, SC, Savannah, GA; Jacksonville, FL; Gulfport, MS; Beaumont, TX; Corpus Christi, TX; the Earle Naval Weapons Station, NJ and Sunny Point, NC.

Senators from those States, beware about what is going to happen to your State if you don't have this dredger available to perform strategic military seaport operations at a time when there is a significant risk of terrorism.

The *McFarland* has also played a key role in responding to severe weather events and natural disasters. Most recently, the vessel was dispatched to the gulf coast to assist in Hurricane Katrina response efforts. So, Senators of Louisiana and Mississippi and Texas and Alabama, beware if this vessel is not available. There are two on the west coast. They can't get to these areas to perform needed rescue efforts.

There has been no plan put forward to address the void in the Nation's dredging capacity that will be created in the absence of the *McFarland*. The GAO has been critical of restricting the Federal hopper dredge fleet. It made a finding in a March 2003 report that the decreased utilization of the Federal fleet has imposed additional costs on the Corps and not produced significant benefits. That is because those in the private sector are on notice, with a Federal dredger available they are not in a position to raise their costs without the competition that would be supplied by the Federal dredger.

It isn't exactly a matter of having a great Federal fleet and looking to privatize or looking to help the private sector. You have 15 private dredgers, and they are interested in eliminating competition so they can raise the prices.

There was a report by the Corps of Engineers on June 3, 2005. That report does not provide sufficient support for its recommendation to eliminate the *McFarland*. You would think, if the committee was going to come forward and wanted to eliminate the *McFarland*, they would have some Federal report with verified data to rely upon, but they do not. The GAO, in 2003, says we ought not eliminate the limited Federal dredgers. The Corps of Engineers' report of 2005 doesn't give sufficient reasons for what the committee report seeks to accomplish.

There has been some suggestion that the *McFarland* is in need of repairs. That is contrary to fact. That is a scare tactic. The fact is that the *McFarland* is capable of operating for the next 10 to 12 years without undergoing any major rehabilitation work. As of March 23 of this year, just a few months ago, it was fully certified by the Coast Guard and the American Bureau of Shipping. The *McFarland* is able to be dispatched immediately to these areas.

Again, the availability of the *McFarland* ensures that prices will be reasonable when the Corps of Engineers contracts with private industry to perform dredge work. If the *McFarland* were to be decommissioned, maintenance dredging costs on the Atlantic and gulf coast will be entirely at the hands of the private dredge industry, and the Corps of Engineers' dredging costs will likely increase during peak work periods, when the availability of private bidders is limited.

The *McFarland* facilitates the safe and reliable movement of commercial goods. On the Delaware River alone, the *McFarland* helps maintain a shipping channel which supports 38 million metric tons of cargo per year at a total value of $14 billion—amounts which rank second and eighth in the Nation respectively. It is a big economic blow to my State and a big economic blow to Delaware and a big economic blow to New Jersey and a big economic blow to other States to have this *McFarland* phased out.

I am at a loss to see the motivation for the committee to come forward with this recommendation and in effect to pick a fight with half the States in the country. I will be anxious to see what the committee has by way of argument to justify eliminating the *McFarland*.

I ask unanimous consent that the full text of my printed remarks be printed in the RECORD.

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

Mr. President, I have sought recognition today to introduce an amendment to the pending bill, along with my colleagues, the Senators from Delaware, regarding the Federal Hopper Dredge *McFarland*. This amendment would strike language included in the bill to decommission the *McFarland* within 2 years of enactment. The *McFarland* is a 300 foot-long, oceangoing hopper dredge crewed by approximately 80 employees of the U.S. Army Corps of Engineers Philadelphia District. The Federal Government operates a total of four dredges—two on the West Coast and one in ''Ready Reserve'' status on the Gulf Coast. The *McFarland* is the only ''active'' Federal hopper dredge available to perform critical emergency and maintenance dredging work along the Atlantic and Gulf Coasts. I am advised that nearly 80 percent of the national hopper dredging workload occurs along these shores, and that no viable plan has been put forth to fill the void in our Nation's dredge capacity if the *McFarland* were to be decommissioned. Accordingly, I believe that reducing the Federal hopper dredge fleet at this time would be unwise considering its importance to both our national dredging capacity and a maritime industry that relies on prompt, reliable and cost-effective dredge service.

I am advised that the recommendation to decommission the *McFarland* was based on two contentious assertions: that $20 million in major rehabilitation work is required to support the *McFarland*'s continued operation; and that the private dredge industry can perform comparable dredge work at a lower rate than the *McFarland*. It is my understanding, however, that the *McFarland* is capable of operating for the next 10–12 years without undergoing any major rehabilitation work. The *McFarland* has benefitted from routine scheduled servicing and both major and minor overhauls over the past 6 years. The vessel maintains a full oceangoing certification from both the United States Coast Guard as well as the American Bureau of Shipping. I am advised that these inspections are performed on a yearly basis and that the *McFarland* passed both as recently as March 23, 2006. It is my understanding that no extraordinary funding source nor direct appropriation is required to keep the *McFarland* operational and available to perform emergency and maintenance dredging along the Atlantic and gulf coasts. Rather, the *McFarland* can perform dredge work for the remainder of its useful life supported only by a portion of the overall cost of the project on which it is working and routine maintenance.

The assertion that private industry can provide comparable dredge service at a lower rate than the *McFarland* is also questionable. The Corps of Engineers' June 3, 2005 Report to Congress does not sufficiently verify private industry data used to recommend the *McFarland*'s retirement, and there are no assurances that private industry will be able to fill the void created by decommissioning the *McFarland*. For one, private industry may also not have the capability to respond to dredging requirements in as timely a fashion as the *McFarland*. Being a Federal dredge, the *McFarland* is able to be dispatched immediately to respond to emergency situations that occur within its operating range. By contrast, it is my understanding that the bid solicitation and contract award process necessary to dispatch a private dredge typically requires a minimum of 2 weeks. If the *McFarland* is decommissioned, our national ability to respond to emergency dredging requirements in a timely manner will be jeopardized.

Additionally, the cost of dredging contracts could actually increase if the *McFarland* were decommissioned. I am advised that the mere availability of the *McFarland* to perform dredging work ensures that costs will be reasonable in times of high demand or when there are limited bids for dredging projects. The *McFarland*'s presence serves as a check to keep private industry pricing inline on non-Federal dredging contracts. The GAO recognized this in a March 2003 report noting that the decreased utilization of the Federal fleet has imposed additional costs on the Corps and not produced significant benefits. If the *McFarland* is decommissioned, maintenance dredging costs on the Atlantic and gulf coast will be entirely at the hands of the private dredge industry, and costs will likely increase during peak work periods when limited bidders are available.

Further, the *McFarland* dredges areas that private industry has historically avoided, such as environmental restoration projects which require strict adherence to potentially burdensome guidelines. The *McFarland* is also available to respond to small jobs which may not be attractive to private industry. Costly shipping delays could occur if private industry declined a dredge job that was economically unattractive, and a Federal fleet must be maintained to ensure the availability of dredge services in such situations.

The availability of prompt, cost-effective dredge services on both profitable and nonprofitable projects helps ensure the safe and reliable movement of goods coming to and from Atlantic and gulf coast ports. The reliable movement of maritime cargo is vital to the economy and preserving our current dredging capacity is indispensable to maintaining the authorized water depths necessary to support the Nation's commercial navigation activity. Port stakeholders are deeply concerned that costly shipping disruptions could occur if our national dredging capacity is reduced.

Reliable, cost-effective dredge service is also very important to the continued success of our Nation's military. The *McFarland* is available to respond immediately to emergency blockages at Department of Defense-designated ''Strategic Military Seaports'' within its operating range, including Philadelphia, New York/New Jersey, Hampton Roads, Morehead City, Wilmington, Charleston, Savannah, Jacksonville, Gulfport, Beaumont, Corpus Christi, Earle Naval Weapons Station and Sunny Point. Thousands of pieces of military equipment and cargo are shipped to Iraq and depots throughout the Nation from these ports and retaining the existing hopper dredge fleet is essential to ensuring that military cargo arrives at its destination on time.

In addition to supporting commercial and military navigation activities, the *McFarland* plays an important role in responding to severe weather events and natural disasters, including being dispatched to the gulf coast to assist in the Hurricane Katrina response efforts. Seasonal events and natural disasters place great demands on our Nation's already limited dredging capacity. Given the number of weather-related events experienced annually along the Atlantic and gulf coasts, all available dredge resources, including the *McFarland*, are essential and must be retained. Our Nation's ability to respond to natural disasters and weather-related events will be even more limited if the *McFarland* is decommissioned.

In conclusion, no plan has been put forth to address the void that will be created in the *McFarland*'s absence. Absent a viable plan to replace her dredging capacity, decommissioning the *McFarland* is dangerously premature and could have devastating impacts on our Nation's commercial, military and emergency response capabilities. The ability of the private dredge industry to replace the services provided by the *McFarland* at a reasonable rate has not been proved. The continued operation of the *McFarland* will ensure that emergency and maintenance dredging work on both the Atlantic and gulf coasts remains responsive, reliable and cost-effective. Accordingly, I urge my colleagues to adopt this amendment.

Mr. SPECTER. Mr. President, I am reserving 10 minutes for Senator CARPER, but I am waiting with interest to see what the chairman of this committee has to say.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, at this time I will not give my full statement in opposition. I will say I would like, at this point, to have printed in the RECORD a couple of letters, one from the Transportation Institute and the other from the Seafarers International Union of North America, AFL–CIO, both saying essentially the same thing; that is, $165 million has been spent for

hoppers to be able to have modern dredges work in the same areas. The capacity is there to bring the *McFarland* up to date. It would be, according to the Corps of Engineers, a cost of about $20 million. For all these reasons, they oppose it.

I ask unanimous consent that these two letters be printed in the RECORD.

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

TRANSPORTATION INSTITUTE,
Camp Springs, MD, July 17, 2006.

Hon. JAMES M. JEFFORDS,
Ranking Minority Member, Committee on Environment & Public Works, Dirksen Senate Office Building, Washington, DC.

DEAR RANKING MEMBER JEFFORDS: The Transportation Institute is of the understanding that the Senate is about to take up consideration of the Energy and Water Resources Act of 2005. We would like to take this opportunity to respectfully request that the Senate reject any attempt that might be offered during floor consideration of this bill that would modify the language contained in Sections 2021 and 563 of the bill.

These sections would decommission the 39 year-old Federal dredge *McFarland*. The Corps of Engineers is in support of the decommissioning, citing the private sector's aggressive $165 million investment in hopper dredge capacity over the past eight years. Moreover, it is our understanding that the Corps of Engineers has calculated an annual savings of some $10 million as a direct result of decommissioning the *McFarland*. Given the fact that the continued operation of the *McFarland* would only duplicate existing private sector capacity, it would seem fiscally prudent to take advantage of such a cost-saving opportunity.

The Transportation is in strong support of the passage of the Water Resources Development Act of 2005 with the language of Sections 2021 and 563 intact. Passage of this legislation would protect the commercial and environmental interests of our national waterway transportation system while concurrently reflecting the proven capability of our private hopper dredge industry.

Sincerely,

JAMES L. HENRY.

SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA,
Camp Springs, MD, July 16, 2006.

Hon. JAMES M. INHOFE, Chairman, Hon. JAMES M. JEFFORDS, Ranking,
Committee on Environment and Public Works, Washington, DC.

DEAR CHAIRMAN INHOFE AND RANKING MEMBER JEFFORDS: It is our understanding that the Senate is about to consider S.728, the Energy and Water Resources Development Act of 2005. The Seafarers International Union, along with a broad coalition or union, industry, agriculture, aggregate and other interests, has corresponded with Congress in support of this long overdue legislation critical to maintaining and protecting the commercial and environmental integrity of this vital national transportation system.

We would like to take this opportunity to recommend your opposition to any potential amendment that might be offered during floor consideration that would modify the intent of Section 2021 and Section 563 of this bill. This provision, as presently worded, decommissions the 39 year-old Federal hopper dredge *McFarland* The decommissioning of this dredge has the support of the U.S. Army Corps of Engineers citing an anticipated annual savings of $10 million. Furthermore, over the past 8 years, the private sector has invested some $165 million in capital to expand and modernize the private sector hopper dredge fleet. In fact, I participated in the christening ceremony of the SIU-crewed hopper dredge *Liberty Island*, the newest addition to the Great Lakes Dredge and Dock hopper dredge fleet.

In closing, the Seafarers International Union supports passage of the Water Resources Development Act of 2005 with Section 563 fully intact. To do so would be cost effective and entirely appropriate given the private sector's demonstrated hopper dredge capability. Once again, we appreciate the opportunity to comment on this matter.

Sincerely,

MICHAEL SACCO.

Mr. INHOFE. I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

The Senator from Pennsylvania is recognized.

Mr. INHOFE. Could I interrupt just for a moment? I would like at this point to yield a few minutes, whatever time is necessary off of our time, to the Senator from Missouri who has another committee hearing and would like to take his time now. Would that be acceptable?

Mr. SPECTER. Mr. President, I will be glad to yield to the distinguished Senator from Missouri if I may ask one question that was raised by what the Senator from Oklahoma has just said. He has made the assertion that it would cost $20 million to bring the *McFarland* up to shape. I ask him, what is the source for that and how does that square with the fact that on March 23 of this year, just a few months ago, the *McFarland* was fully certified by the Coast Guard and the American Bureau of Shipping, so that it is in good shape and would require no funding to keep it in operation?

Mr. INHOFE. Mr. President, it doesn't need the $20 million to bring it up to standard for it to compete. The Corps of Engineers has stated that its operational costs are almost double that of the private sector dredging that has been taking place. This has been agreed to by the Seafarers International Union of North America. So it is the Corps of Engineers that is making that assertion, and it is agreed to by both the Seafarers International Union and the Transportation Institute.

Mr. SPECTER. Mr. President, if I may make one statement before yielding to the Senator from Missouri, that is in direct variance with a report of the Corps of Engineers on June 3 that did not sufficiently justify its recommendation to retire the *McFarland*. And they found further that there are no assurances that private industry will be able to fill the void created by the decommissioning of *McFarland*.

I yield now to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank our chairman and manager of the bill for yielding time. I join him in urging that my colleagues oppose the amendment to strike the provision to decommission the Hopper Dredge *McFarland*.

As has already been stated, the *McFarland* is an expensive, 39-year-old hopper dredge which costs $79,000 a day to operate, more than double what a more technologically capable commercial dredge would cost. The *McFarland* imposes a wasteful expenditure of scarce resources on Corps dredging projects.

The Energy and Water bill will provide money for removing asbestos from the *McFarland*, another expense we don't need. In addition, it needs between $20 million and $40 million in upgrades to bring its safety and operational efficiency to minimal levels of acceptability in comparison with state-of-the-art private sector dredges.

Since 1978 the dredging industry has developed the capability to perform the majority of the Corps' dredging work.

This came as a result of Public Law 95–269, which directed the Secretary of the Army to dredge by contract, if he determines private industry has the capability to do such work and it can be done at reasonable prices and in a timely manner.

Under the law the Secretary ''shall retain only the minimum federally owned fleet'' to ''carry out emergency and national defense work'' and may set aside ''such amount of work as he determines to be reasonably necessary to keep such fleet fully operational . . . for as long as he determines necessary.''

During the last decade the Corps has successfully followed a ''use industry first'' policy.

Today's facts: industry is more capable; has provided more than reasonable prices; and responds routinely in a timely manner and successfully to emergencies.

All four government dredges, including the ready reserve dredge Wheeler, are fully operational.

The data does not support the continued operation of the 39-year-old *McFarland* or spending an additional $20–40 million on its modernization. The vision provided by Congress and implemented by the Corps has resulted in a vibrant and competitive marketplace.

As the Corps' November 2005 Hopper Dredge Report to Congress points out, generally, the combined industry/Corps hopper fleet has been able to meet demand.

With the January 2006 launching of the hopper dredge *Glenn Edwards*, industry has added 18 percent additional hopper capacity to the combined Federal/private hopper dredge fleet.

With a hopper capacity in excess of 13,000 CY, the *Glenn Edwards* is configured to dredge in all deep draft commercial ports in a highly effective manner. Therefore, ability to meet the Nation's hopper dredging needs has been greatly enhanced since the Corps' Hopper Dredge Report to Congress was released.

Industry by and large does most of its work for the Corps under contract.

Therefore, if an emergency arises and industry dredges are all working, the Corps has the ability to reassign a private dredge working elsewhere under Corps contract to do an emergency dredging job.

Most of the dredging requirements on the Delaware River, particularly in the upper reaches near Philadelphia and Wilmington, can be accomplished through the use of nonhopper dredges. In fact, it is more efficient to dredge with a nonhopper dredge in the case of the *McFarland* because material must be pumped out of the hopper by private pumping equipment in the upper reaches of the Delaware River.

The Corps hopper dredge *Wheeler* was placed in ''Ready Reserve'' by the Congress in WRDA in 1996 as insurance that a hopper dredge would be available to respond to urgent and emergency dredging needs in the gulf, on the Mississippi River, and on the east coast.

The Wheeler has actually been used on the east coast to respond to emergencies when a private hopper dredge is not available. Therefore, the *Wheeler* is working exactly as Congress intended—as insurance for use during emergencies.

We should be looking for ways to make the operation of our major activities more efficient by using private sector facilities where they can be done more reasonably and more effectively rather than spending large amounts of Federal dollars just to keep the dredge in operational capability. Paying a very high charge for it every day when there are better rates available warrants the recommendation in the WRDA bill that we decommission the Hopper Dredge *McFarland*.

I urge my colleagues not to support the striking motion.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, by way of brief reply to the comments of the Senator from Missouri, the Corps of Engineers has put a $20 million figure for putting the *McFarland* into Ready Reserve. But that doesn't deal with having the *McFarland* operational. That estimate was disputed by the Maritime Exchange for the Delaware River and others presenting factual information.

I have just checked to find out if there was any hearing held on this matter. But I am advised that there was not. The rest of the Corps of Engineers report did not provide assurances that private industry would be able to fill the void created by decommissioning the *McFarland*. When you come to the issue as to whether it is capable of proceeding operationally, no one has disputed the facts that the McFarland is capable of functioning for 10 to 12 years without undergoing any major rehabilitation work being fully certified by the Coast Guard and the American Bureau of Shipping as of March 23 of this year, an undisputed fact.

How much time remains on my side, Mr. President?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. SPECTER. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I ask if Senator CARPER would await the arguments of the chairman.

Mr. INHOFE. Mr. President, let me comment.

I was asked the question by the Senator from Pennsylvania as to clarification on this Army Corps of Engineers report. It was the Energy and Water appropriations that made a request of the Corps of Engineers on June 3, 2005. The Corps report states:

> From the above discussion, the most reasonable option would be to retire the McFarland.

It goes on to state:

> It is expected that sufficient industry hopper dredging capability exists to perform the requirements that may occur on the Delaware River.

Finally, it states:

> McFarland would have to be rehabilitated and repowered at the cost of approximately $20 million.

It says that on page 22 of the report. I will go ahead.

I ask the Senator from Delaware to take his time and I will elaborate a little bit more on this on my time.

Mr. SPECTER. Mr. President, the argument that the Senator from Oklahoma makes about a 2005 report by the Corps of Engineers is flatly contradicted by the certification by the Coast Guard and the American Bureau of Shipping as of March 23, 2006, after the 2005 report referred to by the Senator from Oklahoma, that the *McFarland* requires no rehabilitation and remains operational and available to perform dredge work.

I yield 10 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I thank Senator SPECTER, one, for yielding time, and, second, I thank him for offering an amendment to give me an opportunity to join him in offering this amendment.

Before I get to my remarks, for folks who are listening to the debate tonight, it might be confusing. There is a question as to whether this dredge called the *McFarland* is seaworthy. There is a question about whether the enormous investment—as much as $20 million—is required for it to be seaworthy or to become seaworthy or remain seaworthy. This is the deal.

The Coast Guard has said as recently as 4 months ago that the *McFarland* is seaworthy. There is no suggestion—at least that I am aware of—on behalf of the Coast Guard that says $20 million or $2 million has to be spent now or next year to make it continue to be seaworthy.

The question is, What kind of investments would be needed to be made in the *McFarland* if it were to be transitioned to the Ready Reserve? In that case, I am told that an investment—as much as $20 million—might be needed in order to transition this vessel to the Ready Reserve. We are not proposing that the vessel be transitioned to the Ready Reserve. We are simply proposing that it be allowed to continue the work it does along the east coast and not long ago down on the gulf coast as well.

I think maybe that is clarifying and maybe a little bit illuminating for some of the people who are listening to this debate on the edge of their seats to determine the future of the *McFarland*.

The *McFarland* is based in Philadelphia and is one of the four hopper dredges currently owned and operated by the Army Corps of Engineers. It is the only Federal dredge stationed on the Atlantic coast.

The *McFarland* is used for maintenance dredging on the Delaware River and the Delaware Bay as well as on the east coast and the gulf coast of our country. It is also used for emergency and for national defense dredging wherever that might be needed.

The *McFarland* has been used to restore navigation after major emergencies, such as along the gulf coast after Hurricane Katrina, and after the four hurricanes that hit Florida in 2004. This dredge is also utilized when no private dredge is available and no reasonable bid is made by private industry.

In 1979, Congress passed a law instructing the Corps to use private industry dredges when industry has the capability to do the work at reasonable prices and in a timely manner. Congress also directed the Corps to retire Federal dredges when private industry demonstrated the capability to do the work. At the same time, the Corps was charged with maintaining a federally owned fleet to carry out emergency and national defense work.

In attempting to balance these responsibilities, the Army Corps produced a report in 2004 calling for the decommissioning of the *McFarland* dredge, saying that private dredgers had increased their capacity to do the same job for less. But the Corps report was sharply criticized subsequently by the Government Accountability Office for flaws in its analysis and its cost estimates.

As a result, a new report was produced last year by the Army Corps. While it still called for the decommissioning of the *McFarland*, it raised several troubling questions about private industry's capacity and the Army Corps' ability to respond to emergencies without the *McFarland*.

The report indicated that the Corps' dredge fleet is still sometimes needed, saying ''industry alone has not been able to meet peak demands.''

The report goes on further to say that when private capacity is

stretched, the Corps fleet is needed to protect the taxpayers' dollars and ensure reasonable bids. It states:

With such a limited number of vessels in the fleet, and during peak workload periods when only one bidder may be available, there is a tendency to exercise the principles of supply and demand, and costs will rise. The Corps' presence will serve as a deterrent for potential cost increases.

Without the *McFarland*, when private industry is at capacity and unable to respond to dredging needs on the east coast, we will have to turn to the *Wheeler* dredge, which is stationed in New Orleans. But this dredge is already in high demand. And in recent years, both dredges have been needed to respond to natural emergencies.

Emergency situations were considered by the Corps. They looked at a ''worst case scenario'' in their report, using the 2004 hurricane season as a good example of a worst case scenario. That year, private industry's capacity was stretched and natural disasters created an emergency need for still further dredge work.

The Army Corps pointed out in their report that the *McFarland* was needed in 2004 to respond to the four hurricanes that hit Florida. But the report downplayed the likelihood of a worst case scenario occurring again, saying:

Having four hurricanes in a row with the extent and magnitude of damages experienced is not a common occurrence.

I wish that were true. Sadly, the following year, demonstrated that the worst Hurricanes Katrina, Rita and Wilma case scenario can come in different forms. And more active hurricane seasons are predicted to continue to occur this year, next year, and the year after that.

We would all love to believe that this type of disaster will not happen again and that we do not have to plan for that possibility. But we have no choice.

Active hurricane seasons should be expected, and we cannot fail to clear our navigation channels after a disaster—they are too important to our economy and our national security.

Finally, the Corps has found that smaller channels and smaller jobs sometimes do not attract as many bids from private industry. The Corps expressed concern about this in their report.

In discussing the industry's lack of ability to meet peak demands, it pointed out that private industry may not always have the right kind of dredge available to serve a smaller channel.

These same concerns can apply to smaller jobs, where it is not cost effective to move a private industry dredge to perform the work. In fact, without the *McFarland*, it might not be economical to use the remaining federal dredges to respond to such jobs. It could cost as much to move the Wheeler to the northeast Atlantic coast and back to the gulf as it would cost to operate it for 2 weeks.

In this case, it would be more economical to keep the *McFarland* where it is. This way it can be used when there is not enough private dredge capacity to meet the needs along the east coast.

We must ensure that we can maintain our waterways and access to our ports, whether small or large.

We should also continue to support the growing private dredge industry. However, we cannot and should not expect private industry to do work that is not profitable or beyond their capacity.

Nor can we plan for only the best case scenarios. Recent hurricane seasons have proven that we don't have that luxury.

To my colleagues, I urge support for this amendment. I thank Senator SPECTER for offering it. I am pleased, again, to join him in doing so.

I yield back whatever time I have not consumed.

Mr. SPECTER. Mr. President, I yield to the distinguished Democrat manager of the bill, Senator JEFFORDS.

Mr. JEFFORDS. Mr. President, I rise in support of the Specter-Carper amendment of the hopper dredge *McFarland*.

The Corps of Engineers maintains a fleet of four hopper dredges, and according to the GAO the Corps needs to maintain its own fleet, even when there are commercial dredges available.

One reason the Corps needs to maintain a hopper dredge fleet is that changes in annual weather patterns and severe weather events, such as hurricanes and floods, can create a wide disparity in the demand for hopper dredges from year to year.

The *McFarland* is the only hopper dredge on the East coast. If it were retired, it is not certain that the needs of the East coast during an emergency could be met by the private sector.

I support the amendment by Senators SPECTER and CARPER that would keep the *McFarland* in the hopper dredge fleet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from Vermont, the ranking member of the committee, for those comments.

I think he puts his finger on the critical spot. That is, if the *McFarland* is decommissioned, we may well have a need which will not be fulfilled. That was a big hole in the report of the Corps of Engineers that there were no assurances that the private sector would be able to handle the workload.

The fact is, as outlined in the report by the Corps of Engineers, the Corps' hopper dredges serve to ensure that costs will be reasonable, but with a limited number of vessels in the fleet and during peak workload periods when only one bidder may be available, there is a tendency to exercise the principles of supply and demand and costs will rise.

The Corps' presence will serve as a deterrent for potential cost increases. That means we need to keep the *McFarland* in operation.

The report goes on to say that a current example is the Wheeler being called out in February to perform work in the Mississippi River when a single industry bid exceeded the award amount. The Corps report further points out during the peak workload scenario, the largest industry hopper dredge, the *Stuyvesant*, experienced engine trouble and had to stop work, creating a capability shortfall. Subsequent to this event, increased shoaling in the Mobile Harbor created the need for an additional hopper dredge resulting in calling out the *Wheeler*, as the *McFarland* was also fully engaged.

When there has been talk about the daily rate of the *McFarland*, it is unsupported by the fine print. The *McFarland*'s estimated daily rate includes a payment the Corps has to make into a ''dredge replacement fund'' even though the Corps has no intention of replacing the *McFarland* with another federal dredge. Therefore, the daily rate which has been cited is inflated, unrealistic, and does not support decommissioning the *McFarland*.

How much time remains?

The PRESIDING OFFICER. The Senator has 5½ minutes remaining.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know no Senator on this floor would misrepresent the facts in a case like this. We have an opportunity with an agreed-to provision of our bill, which I thought we all agreed to, that we are able to save a lot of money and finally put this thing to rest.

Every year we go through this same exercise. Everyone wants to keep this old relic called the *McFarland*. I cannot figure out for the life of me why they want to do it other than the fact maybe this is some kind of an emotional institution that exists that we want to hold on to. If that is the case, maybe we should let the Historical Society have that and they can see what dredging used to be like in the old days.

The *McFarland* is the oldest and most expensive hopper dredge owned and operated by the Corps. The Corps did a study in the hopper fleet and concluded that the *McFarland* should be retired. The WRDA bill does that. The pending amendment would prevent the retirement of the *McFarland*.

The Corps found the *McFarland* operates at almost double the daily cost of a private-sector dredge, and there is sufficient private dredge capacity to cover the work of the *McFarland*.

Proponents of keeping the *McFarland* in service argue that it is necessary for two main reasons. No. 1, to keep the Delaware River free from navigational hazards and to be ready for emergency dredging. Both are incorrect.

The Corps found they have more than enough capacity to handle dredge for

the Delaware River. Private dredges currently do over 80 percent of the dredging in the *McFarland* service area and still have idle capacity. The *McFarland* is the wrong type of dredge for much of the work on the Delaware.

The Corps and private industry have an agreement whereby the Corps can pull any private dredge off of any Corps project to send to an emergency. Since this agreement, the *McFarland* has not done any emergency work on the Delaware. Not only is the *McFarland* dramatically more expensive to operate than the private dredges, its age necessitates a rehabilitation that would cost over $20 million to remain in service. Even after updating, it would still be far more expensive to operate than those private dredges.

Since 1978, Corps policy has been to use industry first. This policy has been very successful. We need to retire this inefficient dredge. It will save the taxpayers a lot of dollars and get the Government out of the business of competing with the private sector.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this effort to retain the *McFarland* is not being undertaken for historical reasons. To talk about placing the *McFarland* in a museum is making light of an issue which is very, very serious for my State. It is potentially serious for about two-thirds of the other States in the United States which are affected by hurricanes and which have very important national security areas.

This amendment is being pursued at the request of the Governor of Pennsylvania and the Maritime Exchange. They are deadly serious about the adverse impact of retiring the *McFarland*.

On the Delaware River alone the *McFarland* helps maintain a shipping channel that supports 38 million metric tons of cargo per year, a total value of $14 million. That ranks second and eighth in the Nation.

We are not talking about a museum piece. We are talking about a dredge which is vital for jobs and the economy of the region. We are talking about the *McFarland*'s availability to respond to emergency blockades at the Department of Defense designated strategic military seaports. You are not talking about an antique. You are talking about an era where terrorism is an ongoing threat; where, within the past 2 weeks, we had a threat by terrorists to blow up the Holland Tunnel; where the President has a terrorist surveillance program which has superseded the Foreign Intelligence Surveillance Act and is viewed under the President's article II powers as a wartime precedent because of the threat of terrorism.

We are talking about Department of Defense interests in New Jersey, Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, and Texas. We are talking about a dredge which played a key role in responding to severe weather events and natural disasters and was dispatched to the gulf coast to assist in Hurricane Katrina.

We have a report by the Corps of Engineers which relies upon industry data. The Corps report concedes that ''to verify the industry data would require extensive auditing and is beyond the scope or need of this report.''

Beyond the scope of the report; we ought to rely on a Corps of Engineers report that relies upon industry data where the industry has a vested interest in having the *McFarland* retired so they can make more money, and you have a national defense interest?

There has been no case made by the committee to replace the *McFarland*.

How much time remains on my side?

The PRESIDING OFFICER (Mr. DEMINT). The Senator has 2½ minutes remaining.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I have listened to these arguments. We keep going back and refuting the arguments. We have it documented. There is no question about that.

As far as the national security ramifications are concerned, I tell my good friend from Pennsylvania I have served for 20 years either on the House or the Senate Committee on Armed Services and I have watched these things very carefully.

The Senator has mentioned San Diego and San Francisco, all these areas for national security purposes.

I suggest to my good friend from Pennsylvania that these do not use the Corps dredges. They use private-sector dredges in these areas, in all of them you mentioned.

Again, going back to the arguments, as I quoted from institutions such as the Transportation Institute and the Seafarers International Union of North America, AFL–CIO, they all say the same thing, which I could repeat as many times as we need to tonight—and I have quite a bit of time left, so I guess I could do it several times—that it would take $20 million or so to refurbish this thing, to get it so it can operate.

The report that was quoted by the Senator from Pennsylvania of the American Bureau of Shipping, that was, as I understand it, only referring to the hull, that the hull has some problems and that the hull is not cracked. So again, I just repeat these arguments, as I have done before.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I did not refer to San Francisco and I did not refer to San Diego. The long list of States affected were on the east coast and on the gulf. There are two other Federal dredgers on the west coast.

I have great respect for the distinguished Senator from Oklahoma and his 20 years of service on the Armed Services Committee. But I have been, for 26 years, on the Defense Appropriations Subcommittee and have some familiarity with these issues. I was on the Intelligence Committee for 8 years and chaired it in the 104th Congress and have some appreciation of the problems of terrorism. And I have served on the Judiciary Committee for 26 years, now chair it, and have been very deeply involved in the President's electronics surveillance program which has superseded the Foreign Intelligence Surveillance Act because of the threat of terrorism.

We are talking here about having the *McFarland* available in many, many ports and in many, many States—not the State of California and San Francisco or San Diego, but in Pennsylvania, New Jersey, New York, Virginia, North Carolina, South Carolina, Georgia, Florida, Texas, and others; and the gulf coast States affected by the hurricane, again, Texas and Louisiana and Mississippi and Alabama and Florida.

We are dealing here with a very flimsy Corps of Engineers report which is based on industry data which is not verified—a concession they make in this report. And it is provided by industry sources which have a vested interest and a bias in eliminating the McFarland as a competitor.

Mr. President, I think it is fair to say that if the committee's point on decommissioning the *McFarland* is to stand, they have a burden of proof. And they have not established it. There has not been a hearing on this subject. There has not been reliable evidence. And I would say that in the face of the threat of terrorism, and the work that the *McFarland* does in that area, and the work that the *McFarland* did in Hurricane Katrina, that their burden of proof is more than a preponderance of the evidence; it ought to be clear and convincing. And it has not been either clear or convincing.

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

Mr. INHOFE. Mr. President, it is my understanding that his time has expired. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Oklahoma has 16 minutes.

Mr. INHOFE. Mr. President, I will just take a couple minutes.

Let me say, if the argument is that it is the industry influencing these reports, I think it is rather strange that the Seafarers International Union of North America, the AFL–CIO, are the ones that agree with this report and strongly recommend that we vote against this amendment to keep us from retiring this—as I referred to several times—this relic.

Now, the Senator has a couple of arguments I had not responded to. One was he states that it went down and performed some type of a function in Katrina. It is my information they took it down to Katrina, but it would not work, so they used it as an office.

As far as the ''flimsy'' report is concerned, I do not think I have actually

read from the report, but this says this is in response to the Energy and Water appropriations bill. They requested the Corps of Engineers to clear this up so once and for all we can get rid of this relic. This was June 3 of 2005. They said, reading from that report:

[I]t is expected that sufficient industry hopper dredge capability exists to perform the requirements. . . .

It further says:

Even if the scheduled work for the McFarland were maximized, the reduction in daily rate would still be almost double the daily rate of a comparable industry hopper dredge. . . .the McFarland is the oldest dredge in the fleet, and operates at a daily rate that substantially exceeds comparable industry medium class hopper dredges. If the McFarland were to be kept in the Minimum Fleet it would have to be rehabilitated and repowered at a cost of approximately $20 million.

So what you are saying is, you want to spend public funds of $20 million more to get something to compete with the private sector, that costs twice as much to operate as the private sector. I think this is absurd. I think we have been trying to do this for a number of years.

Now, we have the labor unions joining other interests in saying that we need to get rid of this thing and start saving money in our dredging. I urge my colleagues to oppose the amendment by the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

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

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—63

Akaka	Harkin	Murkowski
Baucus	Hatch	Murray
Bennett	Hutchison	Nelson (FL)
Biden	Inouye	Nelson (NE)
Bingaman	Isakson	Pryor
Boxer	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Rockefeller
Carper	Kerry	Salazar
Chafee	Kohl	Santorum
Chambliss	Landrieu	Sarbanes
Clinton	Lautenberg	Schumer
Cochran	Leahy	Sessions
Collins	Levin	Shelby
Dayton	Lieberman	Snowe
DeWine	Lincoln	Specter
Dole	Lott	Stabenow
Domenici	Martinez	Stevens
Feingold	McCain	Vitter
Feinstein	Menendez	Warner
Graham	Mikulski	Wyden

NAYS—36

Alexander	Bayh	Bunning
Allard	Bond	Burns
Allen	Brownback	Burr
Coburn	Ensign	McConnell
Coleman	Enzi	Obama
Conrad	Frist	Roberts
Cornyn	Grassley	Smith
Craig	Gregg	Sununu
Crapo	Hagel	Talent
DeMint	Inhofe	Thomas
Dorgan	Kyl	Thune
Durbin	Lugar	Voinovich

NOT VOTING—1

Dodd

The amendment (No. 4680) was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. CARPER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Ohio is recognized.

HONORING OUR ARMED FORCES

LANCE CORPORAL DUSTIN DERGA

Mr. DEWINE. Mr. President, this evening I rise to pay tribute to a courageous marine, LCpl Dustin Derga, of Pickerington, OH. Dustin was killed in Iraq while fighting insurgents on May 8, 2005, Mother's Day. After taking an interest in the military as a child, Dustin served 5½ years as a marine, and Operation Iraqi Freedom was to be his final deployment. Sadly, 24-year-old Dustin died just 1 month short of his scheduled homecoming.

He is survived by his mother Stephanie, his father and stepmother, Robert and Marla, sister Kristin, and girlfriend Kristin Earhart.

A 1999 graduate of Pickerington High School, Dustin went on to attend Columbus State Community College, where he pursued a degree in EMS and fire science. He also served his community by working as a firefighter.

Robert Derga shared these words about his son:

Dustin was a great pitcher and could play just about any position. He loved to play catcher, which was unusual. I remember all the weekends we would go out to the ball diamonds and watch him play ball. We really enjoyed that. He loved working with his hands. He just loved doing things and getting his elbows dirty.

Friends describe Dustin as fun-loving and said he was always trying to make others laugh. His father recalled that:

Dustin had a wonderful, fun personality. When you first met him, he seemed quiet and somewhat reserved—at least he let you think that. But once he got to know you, he would reveal that he is a practical joker at heart and the life of the party. He always had a great smile on his face. All the guys in Dustin's unit said he was always making them laugh.

Laura Giller of Pickerington said this about Dustin:

Dustin was my friend, and I always enjoyed seeing his face wherever I went. I worked with him, and whenever he was there, it made the day that much better. He always told the silliest jokes. I will never forget the friendship that Dustin gave me. Thank God for men like him.

Erik Mellquist, another hometown friend of Dustin's, wrote the following on an Internet tribute site:

Dustin was a great guy. I remember laughing constantly during cub scouts and little league baseball whenever Dustin was around. Thank you for sharing him with the rest of us.

Friends also emphasized Dustin's loyalty to the Marines. Fellow reservist Jeff Schmitz of Pickerington commented:

I saw Dustin around the Reserve Center on drill weekends. He was a great Marine and an even better human being. He will be greatly missed.

Retired marine Mike Hamilton added:

Dustin was a friend and fellow firefighter here in Baltimore, OH. I used to kid him about being too small to be a marine. He would set me straight, and then we would discuss the differences between the new Marine Corps he was in and the old one I was in. We both loved the Corps.

Dustin's loyalty to his military service was also apparent to his family and to those with whom he served. Robert said that his son ''had a passion for the Corps and was proud to be a Marine. Dustin really respected his brothers in the unit and he tried to have a good time with his comrades, even under the worst of conditions.''

Dustin's girlfriend Kristin wrote:

Dustin was a great man. I wish everyone would have been given the opportunity to know him. He was my world, my heart, and my soul. His smile would make your heart melt. He was so honored to be a part of the U.S. Marine Corps and defend every last one of us.

A friend named Martin shared the following memories of Dustin, and also his good friend, Nick Erdy, a fellow marine who died 3 days after Dustin. This is what his friend, Martin, said:

Derga and Erdy were some of the first guys I got to know when I joined the unit. They were all about having fun and enjoying life. Even in Iraq, they seemed to make the worst situations turn into great ones. Their character is what made our platoon what it was. We were full of jokes, laughter, and memorable experiences. The first platoon will never be the same without them and the others that we lost. They were great guys, and they will be remembered in our hearts forever. They will never be forgotten.

Upon returning from Iraq, Dustin planned to finish college and use his savings to buy a new truck. In one of his last notes home he wrote:

I miss everyone a lot and can't wait to get home and go on maybe three vacations. I look forward to one vacation in particular.

He and his girlfriend Kristen had been planning on taking a vacation with his friend Nick Erdy and his fiance Ashley Boots.

Ashley said they just wanted to go somewhere fun to relax. These plans, of course, came to a tragic end when both

men died within 3 days of each other in Iraq.

After their deaths, Kristen wrote:

I just wish we could have had the chance to continue our lives the way we planned, but at least you are with Erdy. And don't worry, Ashley and I will never forget you two.

Nor will the rest of us forget the brave sacrifices made by these fine young men. My wife Fran and I continue to keep the family of Dustin Derga in our thoughts and in our prayers.

EDWARD SEITZ

Mr. President, I would like to pay tribute this evening to a brave Ohioan who lost his life while protecting the U.S. State Department personnel in Iraq. Edward Seitz was the first U.S. diplomat to be killed in Iraq since Operation Iraqi Freedom began in March 2003. He died on October 24, 2004, after a mortar shell struck him in the Green Zone in Camp Victory. He was 41 years old.

Ed grew up in Garfield Heights and in Brecksville, OH. He graduated from Holy Name High School in 1981 where he was on the wrestling team and then went on to Baldwin-Wallace College. Edward leaves behind his wife Joyce, his parents Elroy and Alba, a brother William, and a sister-in-law Colleen.

Colleen described her brother-in-law as ''a large man with a John Wayne kind of figure whose trademark outfit included a vest, button down shirt, boots, and felt hat.''

He was sent to Baghdad for a 1-year assignment with the State Department's Bureau of Diplomatic Security, which is the State Department's security unit. William said that his brother's work was his life. I continue to quote:

He did what he could to protect this country and to keep terrorism from your front door. He was 100 percent into the government and 100 percent into doing what he wanted to do to defeat terrorism. That's what he did and how he did it. That's what he gave his life for. That's what made him Eddy. That's what made him my brother.

Colleen echoed her husband's sentiments by saying:

Ed was just an amazing man. There was just nothing that he wouldn't do for someone. Every time he'd get on the phone, he'd say: What can I do for you? What do you need? What can I help with? That's just the way he was, and that's just what he was trying to do there.

I would like to read portions of the remarks that Joe D. Morton, the Director of the Diplomatic Security Service, gave at Ed's funeral because I find it particularly telling of Ed's life and values, and descriptive of his life and values:

In 16-plus years of service with the Department of State and the Diplomatic Security Service, Ed's strength and character and his dedication to family and to this organization were his hallmarks. His work was nothing short of magnificent. He accepted every challenge willingly and always performed with an unmatched level of excellence. Ed took on some of the most important missions throughout his career. Ed protected Secretaries of State and other foreign dignitaries so that they could conduct their business safely and securely in the hope of bringing peace and stability to troubled regions of the world.

Not only was Ed an exceptional agent, but he was an exceptional person as well. In an organization where so many interactions and personal contacts are short-lived by reassignments and the transient nature of the profession, the depths of personal friendships and length of time of the friendships Ed developed are quite remarkable. Ed's classmates from his basic agent training days unanimously remember Ed's caring and unselfish dedication to his colleagues and the organization. Ed would always be looking out for the welfare and safety of his fellow agents. Ed's first words to a person were, What can I do to help? He was always attending to the needs of his colleagues. No request was beyond the realm of possibility.

Once, in the midst of a particularly grueling trip, Ed literally gave another agent the shirt he was wearing so that agent could attend a senior level meeting. It is all these memories that stay with us forever.

Shortly after receiving word of Ed's death, the consulate in Shenyang held a memorial service in Ed's honor. The outpouring of emotions from those who worked with Ed and from those whose lives were touched by Ed, even after several years had passed, are a tremendous tribute to Ed's character and personality. His dedication to his profession is only outmatched by his devotion to his family.

Several years ago, when Ed and another agent were meeting in Ed's hotel room, the agent noticed a wedding photo in the room. When asked about it, Ed replied that it was a wedding photo of his parents and he took it with him wherever he traveled.

Ed's life was complete when he met his wife Joyce in Yemen. Their friends unanimously note that Joyce was Ed's perfect match. Ed was never happier than when he was with Joyce.

Again, those were the words of Joe Morton, the Director of the Diplomatic Security Service. I feel they perfectly capture what Ed stood for and what he fought for.

I would like to close by reading a poem written by one of Ed's cousins entitled ''The Third Tour.'' This is the poem:

The tower fell in Baghdad today.
Unlike the World Trade Center's Twin Towers, this tower is not made of concrete and glass.
This structure was formed with the steel of conviction.
Each element, riveted with the strength of brotherhood.
Larger than life was Eddy, a tower built not of man, but created by God.
A tower of a man to stand between terror and calm.
A friend and relative to be proud of. We all felt safer, somehow, knowing you were there.
We prayed for you and an end to the conflict.
A clink of the glass to celebrate a tower of a man.

Mr. President, this tower of a man, Edward Seitz, will indeed be dearly missed by his family and friends here at home, as well as those individuals whose lives he touched overseas. My wife Fran and I will continue to keep him and his family in our prayers.

STAFF SERGEANT ROGER CLINTON TURNER, JR.

Mr. President, I today pay tribute to a fine soldier and fellow Ohioan. SSG Roger Clinton Turner, Jr.—''Clinton'' as he was known—lost his life while serving in Operation Iraqi Freedom. He was killed February 1, 2004 when the sleeping area of his base camp came under mortar fire. Clinton was 37 years-old.

When I think about the sacrifices our men and women in uniform and their families make in the service of our Nation, I am reminded of something President Ronald Reagan said about the strength of the American people. He said,

Putting people first has always been America's secret weapon. It's the way we've kept the spirit of our revolutions alive—a spirit that drives us to dream and dare, and take risks for the greater good.

Clinton embodies the spirit President Reagan describes. He dedicated his life to military service and risked his well-being to bring freedom to the Iraqi people. Clinton excelled in his military career—but more importantly, he excelled as a son, husband, and father.

Clinton was born in Elgin, IL, but moved with his family to Ohio when he was 8 years old. At a young age, Clinton's mother Dottie recognized her son's artistic talent. She remembers how he loved to sketch and act, in addition to his other hobbies of reading comic books and playing video games.

Clinton attended Meigs High School in Pomeroy, OH, where he cultivated his love for the stage. He starred in several theatrical productions as a member of the school's drama club, including roles as Ebenezer Scrooge in ''A Christmas Carol'' and Ralph Malph in ''Happy Days.''

Celia McCoy, a drama teacher at Meigs High School, had Clinton in several classes and remembers his role as Sam Smalley in ''Crosspatch.'' She considered that role a difficult one because it was the opposite of Clinton's natural personality—Smalley was crude, whereas Clinton could not have been a nicer kid. Celia stated, ''A lot of high school students would have been intimidated to play this role, but not Clinton.''

In addition to his acting talents, Clinton was known by both teachers and students as a great guy to be around. Clinton's younger sister, Charmele Spradling, described him as the ''class clown'' who loved to laugh. ''He was definitely a character,'' she said. ''He had a very good sense of humor, was a good student, and a very bright young man.''

After winning several acting awards in high school, Clinton enrolled at Ohio University as a theatre major. A little more than a year later, however, Clinton did what most college students do. He changed his major—to elementary education. This would not be the last major change he would announce to his mother.

While a student at Ohio University, Clinton served in the National Guard and found that he enjoyed military life. So much so that he wanted to make it a career. He also found the love of his

life—his future wife, Teresa. Clinton's mother Dottie vividly remembers the phone call when her son laid out his life plan. She recalls, ''He called and asked if I was sitting down one day. Then, all in one breath he said he was quitting school, enlisting in the Navy, and getting married. I did sit down!''

Clinton served in the United States Navy for five years and was deployed during Operation Desert Storm, where he served as a radar man. After returning from Desert Storm Clinton changed service branches and enlisted in the Army. In total, Clinton dedicated 19 years of his life in service to our Nation.

More than a career serviceman, however, Clinton was a great dad. He and his wife Teresa considered their greatest accomplishments to be their son Steven and daughter Tabitha. Clinton's sister Denise remembers him as ''a playful father to his children.'' Though he did not like to leave his family, Clinton was committed to his country and went to Iraq when his unit was called.

As a supervisor for an armored tank repair unit with the 10th Cavalry Regiment, 4th Infantry Division, based out of Fort Hood, TX, Clinton had been in Iraq since the start of military operations there. He was stationed at a base in Balad, Iraq, 50 miles south of the Division's headquarters in Tikrit. Military officials reported that Clinton was killed when the sleeping area of his base camp came under mortar fire. He was evacuated to a combat support hospital, where he died from his injuries.

On that day, our Nation lost a great soldier. Teresa lost her husband; Steven and Tabitha lost their father; Denise, Charmele Monica, and Katrina lost their brother; and Dottie lost her son. Dottie says she will always remember Clinton as ''a devoted family man and a devoted military man who was proud to serve his country. He was a good son who was never in trouble. This is the way I want my son to be remembered. He loved his family and he loved his country. I think that's the greatest thing you can say about anybody.''

At the service held in his honor, the Reverend William Williamson delivered a statement from Clinton's wife Teresa, which read, ''Every time there is a smiling child's face in Iraq . . . it's because you made the sacrifice.''

SSG Roger Clinton Turner paid the ultimate sacrifice in the service of our Nation and for the Iraqi people. I know that he will live on in the hearts and minds of all those who had the privilege of knowing him. My wife, Fran, and I continue to keep Clinton's family and friends in our thoughts and prayers.

ARMY SERGEANT BRYAN W. LARGE

Mr. President, today I pay tribute to a courageous soldier in the war on terror, Army SGT Bryan Large of Cuyahoga Falls, OH. Bryan was killed by a roadside bomb in Iraq on October 3, 2005 during his third tour of duty. Having joined the Army after the September 11th terrorist attacks, Bryan served in Afghanistan in 2003 and in Iraq in 2004. A loving father to 14-year-old daughter Devan and 10-year-old daughter Kylie, Bryan is also survived by his mother Linda, father Larry, sister Michelle, and girlfriend Heather Bigalow.

Everyone who knew Bryan emphasized his devotion to his daughters. His Aunt Cybil stressed the many different roles that Bryan fulfilled:

> He was an outstanding soldier, treasured grandson, devoted son and dad; but he was most proud of his role as a father.

Joshua Woods, who was twice deployed with Bryan, said:

> Bryan embodied the principles he preached—love of God, love of family, and love of country. In 25 years, I've never met a man who lived more for his daughters. I've never met a man who lived life as honestly as he did.

Most importantly, his daughters knew how much they were loved by their father. At services after his death, Bryan's 10-year-old daughter Kylie recalled, ''He was a great father and a very good soldier.'' Fourteen-year-old daughter Devan added, ''He loved doing what he did and he loved his daughters.''

A 1992 graduate of Cuyahoga Falls High School, Bryan served as a Sergeant, Paratrooper, and Field Medic with the U.S. Army's 3rd Battalion, 504th Parachute Infantry Regiment, 82nd Airbourne Division. He was 31 years old when he died.

According to Bryan's father Larry, Bryan had his mother's sense of compassion and his father's determination. This combination of qualities served Bryan well in his roll as an Army Field Medic. Bryan's Executive Officer during his second tour in Iraq had this to say about him:

> As the company's senior medic, I was always going to him with issues and to ask for help. It didn't take longer that about 10 seconds for me to realize that he was a man who could make things happen . . . I often think how he would have helped a wounded insurgent without hesitation if the situation had arisen.

Bryan was a selfless individual who always put others ahead of himself. He didn't want his family back home to worry about him and told his mother that he wouldn't be on the front lines and would be okay. Even while he was deployed, he tried to keep the morale high among his fellow service members. Bryan's colleague, Sergeant William Fecke wrote:

> Large was a good man, and I had the pleasure of knowing him. He was the kind of guy you just couldn't forget. His sense of humor helped a lot of us get through the day. He will be missed by all of us.

According to family, Bryan was always willing to try new things. He tried to learn how to cook with his sister Michelle, and his specialty was deep-frying turkeys. In his free time, he enjoyed hunting, fishing, and working on cars.

Fellow soldiers say Bryan often talked about his family and his plans for when he got out of the Army. Sergeant David Bucholz wrote the following on a memorial Web site for Bryan:

> I had the pleasure of knowing Sergeant Bryan Large for the biggest part of my military career. He was appointed as the Platoon Sergeant; and, being the natural leader he was, he excelled in the position. Bryan and I were in EMT–1 school together and we often talked of our plans once getting out of the Army. He wanted to be a firefighter and spend time in North Carolina as a volunteer. He had a knack for connecting with people and helping people. I'll never forget the night when I heard that his vehicle was hit. I think he was a closer friend to all that knew him than we could ever realize.

Bryan also had many close friends and family members back home, which was evidenced by the 800 people who attended his funeral. Hundreds more lined the streets to pay their final respects and either saluted or held their hands over their hearts as the funeral procession rolled by. Bryan's daughter Kylie rolled down her car window during the procession and yelled, ''Thank you! God bless you all! Thank you!''

Reflecting on the outpouring of community support, Cuyahoga Falls Mayor Don Robart said, ''One of our own lost his life for our freedom and liberty. Today is about rallying around this family and honoring that man.'' During the funeral service, Reverend Thomas Woost reflected:

> Today is a day of great pride in who we are as American people, where strangers are standing side by side waving symbols in memory of the man who worked to preserve and protect our country. Today is about freedom, sacrifice, and heroes. Bryan made the ultimate sacrifice for his country. There is no greater love than to die for another.

This past April 2006, Cuyahoga Falls included a memorial service for Bryan in their community Arbor Day celebration. The city planted a Fort McNair horse chestnut tree in memory of him. Bryan's family worked with the city to choose that particular type of tree because of its red blossoms. Bryan's father Larry observed that as the tree grows with the passing years, it will be noticed more and more. ''It's all in Bryan's honor,'' he said. ''He was bigger than life.''

His father described Bryan as ''a wonderful father, a wonderful son, and a true patriot for our country.'' Indeed, Bryan will be remembered as a loving and devoted father, a selfless son, and a compassionate and determined soldier. My wife Fran and I continue to keep the family of Bryan Large in our thoughts and prayers.

OHIO FALLEN HEROES MEMORIAL

Mr. DEWINE. Mr. President, my wife Fran and I recently attended a very moving memorial dedication ceremony in Sunbury, OH, to honor and to remember the brave Ohio men and women who have died fighting for our country in Iraq and Afghanistan.

These courageous service members—with the many faces of Ohio—came from the smallest villages in our state and from the largest cities. Some came from our farms. Some were born here in Ohio and in America. Others came to this state and this country from many, many miles away. Some were 18 or 19 years old. Some were in their 40s.

Some were Privates and Lance Corporals, while one was a Lieutenant Colonel. Some joined the military as a result of the September 11 attacks, while others planned on a career in the military from their youngest days, marching around as small children in their fathers' uniforms. Some had seen a lot out of life, while for others—most of them, really—their lives had just begun.

All of them, though, shared something in common. All of them changed lives in countless ways, leaving enormous impacts on their families and their friends and their loved ones. Their absence leaves a gapping whole in the lives of those left behind. And while that makes it very hard, we also know that the world is a better place because these brave men and women were a part of it. It is a better place because they lived.

We are all so very fortunate to have had them in our lives for the all too brief time that we did. And for that, we are eternally grateful.

We, as citizens, will never be able to repay these Ohioans for their service. We know that when we lose a service member, there is a tear in the fabric that holds us all, as Americans, together, and there really is no way to repair that. President Theodore Roosevelt perhaps put it best when he said, ''Their blood and their toil, their endurance and patriotism, have made us and all who come after us forever their debtors.''

We are, indeed, in their debt.

I did not personally know any of these men and women we honored in Sunbury at that memorial. I did not personally know any of these men and women who died in Iraq, in Afghanistan, and men and women who I have come to the floor tonight to honor or who I have come to the floor on other nights to honor. But I have spoken with many of their families. I have talked to many of their friends and comrades, and have read a great deal about each one of them. They were all unique—each with their own special story to tell.

One Marine worked as a police officer before going to Iraq. He would bring disco balls into his police cruiser to make his partner laugh and sometimes brought smiley faces into jail to entertain the inmates.

Another Marine was in the high school marching band. During one football game, he forgot his sousaphone and decided to march with the only available instrument in the band room—a banjo.

One soldier's parents remember their son following them around the house at a young age, with his arms out, saying, ''Big hug, big hug.''

Another young man was a delegate to Buckeye Boys' State—a prestigious honor for high school students.

Several enjoyed riding their dirt bikes and fixing up cars. Some played sports. Some were in drama club. Others liked to play games, such as Scrabble.

Many married their high school sweethearts.

All of them made of our lives just a little bit brighter. They made us smile. They filled their loved ones' lives with great joy and happiness.

The recently dedicated memorial in Sunbury, OH, stands as a moving tribute and a lasting testament to these men and women and to their courage, honor, and sacrifice. They have stood tall in the fight against tyranny, aggression, and terrorism.

As John F. Kennedy once said, ''A Nation reveals itself not only by the men [and women] it produces, but also by the men [and women] it honors [and] remembers.'' And that—that is exactly what this memorial is all about. It is about honoring and remembering each of these truly unique, wonderful souls.

Our Nation is proud of these Ohio men and women. They lived their lives well—with great purpose and commitment and love of family and country. And for that, we will never forget them.

SERGEANT MAJOR JEFFREY A. MCLOCHLIN

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave soldier from northern Indiana. Jeffrey McLochlin, father of three, died on July 5 in small-arms fire in Orgun-E, Afghanistan. Jeffrey risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A city police officer in Rochester, Jeffrey had been a National Guardsman for 19 years. He was training Afghan soldiers in police tactics and was on patrol with coalition and Afghan forces when he was shot by antigovernment forces. Jeffrey was on his second tour of duty and had previously served his country in 2004 on a NATO peacekeeping mission in Bosnia-Herzegovina. A proud husband and father, he left behind his wife Nicholle and three children, Darby, 16, Connor, 8, and Kennedy, 5. Nicholle told a local paper, ''This man was amazing. There will never be another, that's for sure. Eighteen thousand miles away, and he called me daily when he could. He did everything he could to be a good father and a good husband.'' I stand here today to express my gratitude for Jeffrey's sacrifice and that of his family and loved ones.

Jeffrey was killed while serving his country in Operation Enduring Freedom. He was assigned to Headquarters and Headquarters Company, 2nd Battalion, 152nd Infantry Regiment, Army National Guard, Marion, IN. In addition to his wife and children, this brave soldier leaves behind his parents, Rich and Cindy McLochlin of Rochester.

Today, I join Jeffrey's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely working at home and abroad to make the world a safer place. It is his courage and strength of character that people will remember when they think of Jeffrey, a memory that will burn brightly during these continuing days of conflict and grief.

Jeffrey was known for his dedication to his family and his love of country. Today and always, Jeffrey will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Jeffrey's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Jeffrey's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Jeffrey McLochlin in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Jeffrey's can find comfort in the words of the prophet Isaiah, who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jeffrey.

ARMY STAFF SERGEANT PAUL S. PABLA

Mr. President, I also rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Fort Wayne. Paul S. Pabla, 23 years old, was killed on July 3 by sniper fire in Mosul, in northern Iraq. Volunteering for deployment to Iraq, Paul risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Pabla enlisted in the National Guard while still a student at Huntington North High School in Huntington, where he graduated in 2000. Service to others came naturally to Paul, who in high school participated in church

youth mission work in Honduras. In Mosul, he especially enjoyed working with Iraqi children, calling them the ''future of Iraq.'' Pabla was remembered by his senior-year English teacher, who told a local news outlet, ''I think (enlisting) was something he felt really strongly about. Without question, he knew what he was getting into. He was really a young man with a sense of purpose.'' Paul was deployed to Iraq in January of 2006 on his first tour of duty there and had attained the rank of staff sergeant.

Paul was killed while serving his country in Operation Iraqi Freedom. He was assigned to B Battery, 3rd Battalion, 139th Field Artillery Regiment, 38th Infantry Division, Army National Guard, Kempton, IN. This brave soldier leaves behind his mother, Lisa Carroll; his father, Sarvjit Pabla; stepmother, Leticia Pabla; a brother, Neil Pabla; half brother, Nicholas Pabla; as well as numerous other relatives.

Today, I join Paul's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Paul, a memory that will burn brightly during these continuing days of conflict and grief.

Paul was known for his dedication to his family and his love of country. Today and always, Paul will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Paul's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Paul's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Paul S. Pabla in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Paul's can find comfort in the words of the prophet Isaiah, who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Paul.

AMERICAN CITIZENS IN LEBANON

Ms. STABENOW. Mr. President, I appreciate being able to come to the floor to speak about something of great urgency for people in Michigan and all across our country who have family and friends who are trapped in Lebanon—and certainly people in Israel as well—as a result of what is happening with the violence in the Middle East. We understand those Americans in Israel are able to leave and come home, but we have literally up to 25,000 Americans who are in Lebanon and trapped and unable to leave. They are frightened, and family members here are worried about their families in desperate situations, and they are asking for us to act much more quickly than has been occurring.

It is deeply disconcerting to me as I watched other countries, such as Italy, Spain, Great Britain, and France, on Saturday beginning to evacuate their citizens from Lebanon, taking them to Cyprus or taking them to other places to safety, and yet I understand that even though we have had some helicopters that have gone in—and I am grateful to the Department of State for that because we have families from Michigan who have been evacuated because of medical emergencies—the vast majority of people are waiting for ships.

One ship was supposed to come today. I understand that was delayed, and now they are waiting until tomorrow. And there will be, I understand, two ships—one that will allow 1,400 people to leave, and one that will allow 1,800 people to leave. But we are talking about in Michigan alone over 5,000 people, mostly women and children who have gone to see grandparents, have gone home for weddings, funerals, birthday parties, gone to see grandpa and grandma or elderly, people going home who are frightened and who are in harm's way.

I am deeply concerned that we have not moved more quickly. I have images of people sitting on rooftops in New Orleans waiting to be evacuated, waiting to be rescued, and now we have a similar situation going on with people waiting now 5 days, 6 days to leave a country that is in a war zone.

On top of that, we are now hearing that people who find themselves in a war zone, not of their making, who thought they were going to visit family during their vacation time while the children were off school or for some special event, are going to have to pay. Our Federal Government is requiring them to sign a promissory note to pay to leave to take their families to safety. That makes absolutely no sense.

So I plan to introduce a bill that will give the Secretary of State the authority to waive the reimbursement requirement for U.S. citizens who wish to evacuate Lebanon. The bill would waive the requirement in two cases: if it would create an undue financial hardship for a family or for an individual who is evacuated or if those citizens would be unable to recoup the cost of or reuse or get credit for a previously purchased airline ticket. That is the least we can do given the current situation that is underway.

This would give those who cannot afford thousands in unexpected travel costs an option for help. We cannot abandon American citizens who are currently in a war zone.

I have been in touch with hundreds of people from Michigan. I am proud to have thousands of members of Michigan who are an important part of our community, who have family members and friends trapped in the conflict in the Middle East. Frankly, our Government should be focused on the fastest, the safest way to bring people home, not how much we are going to bill them once they get here.

Let me share a couple of the hundreds of calls we have taken.

Iman Hatoum called her two young children, girls 14 and 7, who were in Lebanon visiting their grandmother when the conflict broke out. She was terrified, of course, for their safety, as anyone would be, and was working to get them out, but she was worried because this promissory note our Government is requiring them to sign would not be able to be signed by a minor. So we were able to help her work through that situation and to move forward. But she was terrified of what was going to happen to her children.

Samar Saad: Her family members—her cousins—were in Lebanon attending a wedding. They were all registered as requested by the Department of State on the Web site. But now one of her cousins was critically injured in the bombings and is in the hospital. We now find the family having to worry about medical bills because they were caught in a bombing and someone is now in a hospital, and they are having to pay for, of course, the physical injuries suffered by their family. We should not be charging them to come home, to come back to America where they will be safe.

Hoda Amine sent this very desperate e-mail to my office:

> Here we are stuck in Beirut, Lebanon, with over 25 family members. We need you and others to contact our gov. locally and nationally to get us out of here. We are all U.S. citizens and tax payers. Let our money be put to good work by saving ''real U.S. citizens who are in desperate need to be saved. We have infants (my granddaughter) and elders (in-laws and friends) who need help desperately.

It goes on to indicate that they have registered with the embassy three times and have been informed to stay put, paying $150 each night at a hotel, and they say they are in a real, real emergency. Help us.

We need to do that. We need to be doing two things. We need to be getting ships there as quickly as possible. They should already have been there. If ships from other countries could be there Saturday or Sunday or Monday—now we are talking about not having something happen until Wednesday—there is no excuse for this.

The U.S. State Department estimates there are approximately 25,000 American citizens currently in Lebanon; 15,000 have registered with the State Department's Lebanon task force to receive evacuation information. We are keeping in constant contact with the task force.

Unfortunately, while we are working through all of this, current law requires that U.S. citizens and others who qualify to be evacuated by the Federal Government sign a promissory note pledging to reimburse the Government for their travel. They are later going to be billed by the State Department for the cost of any air, land, or sea transportation.

I am sure we all can imagine the situation or have family and friends—I have many friends, I have many people with whom I have talked, a friend over the weekend whose wife and young child went to visit family and have tried various roads and avenues to leave and have not been able to do that. People are frightened, people who are American citizens, who are asking us to help quickly and to please not put them in a situation of more financial hardship because they thought they were visiting their family in the summertime or they thought they were going to a beautiful wedding celebration or they were sharing the sorrow of a funeral or visiting grandpa or grandma or schoolchildren going on buses.

A colleague from the other side of the aisle has 300 members of a church community who are in Lebanon right now and have not been able to leave. Surely we can come together on a bipartisan basis. I know there is bipartisan interest in this issue. I am hopeful that we can come together and agree that we ought not to be charging for these people to leave in order to be able to survive with their families. They did not know this was going to happen. They had no idea they were going to be facing this situation. But now they find themselves needing help from their Government to bring them home and to keep them safe. We have a responsibility to make sure innocent people are not losing their lives or concerned about the safety of their children or their family members because of this situation. That is our responsibility, I believe, very strongly.

This situation is frightening enough without people being placed in financial hardship to pay for a ship to Cyprus and then find themselves where their airline ticket doesn't work from Cyprus so they have to buy a whole new ticket, or whatever it takes—thousands of dollars. People are being told that it is anywhere from $3,000 to $5,000 to be able to protect their families and leave. That is just not right.

I really am hopeful—I know colleagues are concerned about this—I am hopeful that this legislation will be strongly embraced and that we can quickly give the Secretary of State the authority. We have been told by legislative counsel they do not now have the authority to waive these costs. So I am hopeful we will give them that authority very quickly and the Secretary of State will then be able, in a humanitarian way, to address a very critical and frightening situation for many Americans right now in Lebanon.

Mr. President, I yield the floor.

A TRIBUTE TO ANNA MAY HAWEKOTTE SMITH

Mr. DURBIN. Mr. President, I rise today to pay tribute to a remarkable and compassionate woman. Anna May Hawekotte Smith fought tirelessly for underdogs of every sort throughout a professional career hat lasted more than 50 years. She passed away on July 5 at the rich age of 90.

In 1950, at the age of 35, while pregnant with her fourth child, Anna May suffered a crippling stroke. She was left paralyzed, forced to relearn such basic functions as walking and talking. Through perseverance, Anna May recovered. While a limp and leg brace remained the only physical suggestions of her former impairment, the experience left a lasting impression on Anna May. For the next 55 years, she used her extraordinary empathy, skills, and determination to help others and to advance many worthy causes.

Over the course of her lifetime, Anna May Hawekotte Smith served many roles—educator, administrator, advocate of social justice, champion of women's rights, wife, and mother. She attended Barat College in Lake Forest, IL. After graduating in 1938, Anna May obtained a master's degree in speech education from Columbia University in New York. She continued her graduate work in speech at Northwestern University in Evanston, IL, and interned with doctors at the University of Illinois Neuropsychiatric Clinic. Anna May Hawekotte Smith began her professional career as a professor at Barat College. She was soon promoted to chairman of the college's speech and drama department. During her tenure at Barat, she broadcast the first live women's radio talk show to spotlight issues related social justice and the advancement of women.

In 1966, she helped develop a program at Barat to help high school girls from low-income families in Chicago and Lake County to prepare for college. The Upward Bound Program, as it was called, ran for 8 years and assisted hundreds of young women.

It was also during her time at Barat that Anna May met her future husband, Charles Caroll Smith. Charles was executive director of the Catholic Youth Organization of Chicago and the administrative assistant to the late Archbishop Bernard J. Sheil. The pair wed in 1941 and raised three children together.

Anna May Hawekotte Smith was a woman of active faith. That was evident in her work on behalf of the Catholic Church, as well as in her calm acceptance of the hand of God in her own life. Anna May Hawekotte Smith did not fear change; she embraced it as an adventure and God's will for her. Her daughter, Sheila Smith, said her mother was never afraid of seeing one door close because she trusted God would open a new door. Sheila remembers a couple of years ago, when Anna May learned that Barat College would be closing its doors. She didn't express anger or frustration. Instead, she told her daughter that it was time to focus on a new venture: the Barat Education Foundation. The foundation, created in 2000, would carry on the legacy of the school where she had spent so many years.

In 1969, Anna May's husband Charles passed away. Sheila remembers an evening shortly after her father died. She was sitting in the kitchen with her mother when Frank Sinatra's classic song, ''My Way'' came on the radio. Anna May told her daughter that, though she had been comfortable in her life, she had often done what was expected of her and what other people wanted. Widowed now, at the age of 54, she was free to make her own decisions, to live her life her way.

Anna May accepted a teaching position at Sangamon State University, now the University of Illinois Springfield, in 1973 and remained a member of the university faculty until her retirement in 1985. Today, a scholarship in her name recognizes Anna May's commitment to the advancement of women.

Following her retirement, Anna May moved back to Chicago, where she became assistant director for job development programs at the Northern Illinois National Multiple Sclerosis Society. Throughout her life, she also supported social justice causes ranging from civil rights to women's rights.

Mr. President, this Friday, July 21, on what would have been Anna May's 91st birthday, her friends and family will gather at a memorial service at Barat College Chapel to remember and honor this remarkable woman. In the words of her family, Anna May Hawekotte Smith was more than a lifelong learner, she was a lifelong doer. All of us who knew her recall her not only with fondness but with great admiration.

Our thoughts and prayers are with all of those whom she loved and who loved her, especially her children, Charles Smith, Sheila Smith, and Catherine Smith Wilson; her two brothers; and her six grandchildren.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to

the floor to highlight a separate hate crime that has occurred in our country.

On July 15, 2006, in Chicago, IL, a gay man was attacked by Marquell Shepard after leaving a local bar. Shepard approached the man, berating him with sexually derogatory slurs. Shepard then physically assaulted him and fled the scene. He was soon picked up by police and charged with a felony hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SPACE SHUTTLE ''DISCOVERY'' STS–121 MISSION

Mr. NELSON of Florida. Mr. President, yesterday, July 17, 2006, marked the successful conclusion of the STS–121 space shuttle *Discovery* mission with its safe landing at the Kennedy Space Center in Florida. This 13-day mission was the 115th shuttle mission and the 18th to visit the International Space Station. STS–121 satisfied its ''return to flight'' objectives by flight testing improvements to the shuttle and testing on-orbit shuttle repair procedures. This flight provided more than 28,000 pounds of equipment and supplies to the space station and enabled its number of occupants to grow to three. STS–121 included three important spacewalks and laid the groundwork for the continued assembly, and ultimately doubling in size, of the space station.

I applaud the bravery, expertise, and accomplishments of the STS–121 crew—Commander Steven Lindsey, Pilot Mark Kelly, and Mission Specialists Michael Fossum, Lisa Nowak, Thomas Reiter, Piers Sellers, and Stephanie Wilson. This successful mission is a testament to the thousands of people who work on the space shuttle and space station programs.

Mr. President, we must continue with our plans to fly the space shuttle in order to complete the construction of the International Space Station. Equally important, we must work together to preserve the workforce that will soon become the backbone of the new crew exploration vehicle and the next human space project.

VOTING RIGHTS ACT REAUTHORIZATION

Mr. LEAHY. Mr. President, more than 2 months ago I joined the Chairmen of both the Senate and House Judiciary Committees, the ranking member of the House Judiciary Committee, the Democratic and Republican leaders of both the Senate and the House of Representatives, and Members of Congress from both parties to introduce a bill to reauthorize and reinvigorate the temporary provisions of the Voting Rights Act of 1965. The bicameral, bipartisan introduction of this bill reflects not only its historic importance as a guarantor of the right to vote for all Americans, but also the broad consensus that the expiring provisions must be extended this year without delay. Unfortunately, we in the Senate have been delayed in getting this bill to the Senate floor by repeated cancellations and postponements of committee hearings and markups. The bill was also delayed in the House of Representatives for a month by a small group of opponents. Fortunately, the House was able to pass this legislation last week with 390 Members voting in favor. Now it is time for the Senate to do its part and pass this bill.

At my request, the chairman of the Senate Judiciary Committee has agreed to hold a special executive business session of the committee so that after a month of delay we can report out the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I hope that this vital civil rights legislation will be ready for full Senate consideration without further delay and that we can proceed with deliberate speed to pass the House-passed bill so that it may become law before Congress takes its summer vacation.

The U.S. Constitution specifically provides that Congress has the power to remedy discrimination under both the fourteenth and the fifteenth amendments. Over the course of nine Judiciary Committee hearings we received testimony from a range of constitutional scholars, voting rights advocates, and Supreme Court practitioners. There was agreement among these witnesses that Congress is at the height of its powers when giving enforceable meaning to these amendments by enacting laws that address racial discrimination in connection with voting. The fourteenth and fifteenth amendments have not changed. As long as these amendments are in our Constitution, Congress has the authority to enforce them, especially on matters of racial discrimination in connection with the right to vote. These are matters of fundamental importance.

The Senate Judiciary Committee held several hearings this year on the continuing need for the provision of the Voting Rights Act that requires covered jurisdictions to ''pre-clear'' all voting changes before they go into effect. This provision has been a tremendous source of protection for the voting rights of those long discriminated against and also a great deterrent against discriminatory efforts cropping up anew. Some academic witnesses suggested in their committee testimony that section 5 should be a victim of its success. In my view, abandoning a successful deterrent just because it works defies logic and common sense. Why risk losing the gains we have made? When this Congress finds an effective and constitutional way to prevent violations of the fundamental right to vote, we should preserve it. Now is no time for backsliding.

Since section 5 of the Voting Rights Act was first enacted in 1965 and last reauthorized in 1982, the country has made tremendous progress in combating racial discrimination. Certain jurisdictions disregarded the fifteenth amendment for almost 100 years and had a history of pervasive discriminatory practices that resisted attempts at redress from the passage of the fifteenth amendment in 1870 to the passage of the Voting Rights Act in 1965. Section 5 is intended to be a remedy for violations of the fourteenth and fifteenth amendments, in place for as long as necessary to enforce those amendments and eliminate practices denying or abridging the rights of minorities to participate in the political process. In fact, due in large measure to the remedies provided in the VRA, many voters in jurisdictions covered for the purposes of section 5 have gained the effective exercise of their right to vote.

However, based on the record established in hearings before the Senate Judiciary Committee and the Subcommittee on Constitution, Civil Rights, and Property Rights, which builds on the extensive record established in the House of Representatives, there remains a compelling need for section 5. The Judiciary Committee received three categories of evidence supporting the continuation of this remedy. First, there is evidence that even with section 5 in place, covered jurisdictions have continued to engage in discriminatory tactics. Often, this recurring discrimination takes on more subtle forms than in 1965 or 1982, such as vote dilution, which relies on racially polarized voting to deny the effectiveness of the votes cast by members of a particular race. Second, there is evidence of the effectiveness of section 5 as a deterrent against bad practices in covered jurisdictions. Finally, there is evidence of the prophylactic effect of section 5, preserving the gains that have been achieved against the risk of backsliding.

Today, I would like to provide some of the evidence received in the Judiciary Committee about the persistence of discriminatory practices in covered jurisdictions that supports reauthorization of this crucial provision.

The robust record compiled in the Senate Judiciary Committee includes voluminous evidence of recurring discrimination in section 5 covered jurisdictions. Often, this recurring discrimination takes on more subtle forms than in 1965 or 1982, such as vote dilution and redistricting to deny the effectiveness of the votes cast by members of a particular race. Notably, many jurisdictions are repeat offenders, continuing a pattern of persistent resistance dating back to the enactment of the VRA. Debo P. Adegbile, Associate

Director of Litigation of the NAACP Legal Defense and Educational Fund, Inc., testified about some examples of the types of evidence in the record:

The Record before this Congress presents continued evidence of such violations, and highlights the necessity for continued review of voting changes to protect minority voters in covered jurisdictions. For example, since the VRA's 1982 renewal, violations of minority voting rights have taken the form of last minute election date or polling place changes, discrimination at the polls, and familiar dilutive tactics of ''cracking'' and ''packing'' minority voting districts.

Objections to voting changes interposed by DOJ are one category of evidence relevant to the persistence of discrimination in covered jurisdictions. Although several witnesses pointed to a recent reduction in VRA objections as a reason to oppose extension of section 5, in fact there have been more objections in covered jurisdictions since the last reauthorization in 1982—608—than there were before that reauthorization, including 80 statewide section 5 objections. However, these objections only reveal a chapter of a much longer story. Mr. Adegbile also testified:

Although many VRA opponents and commentators point to a recent reduction in DOJ objections as evidence of the decreasing need for Section 5—this analysis oversimplifies the many ways in which the law serves to protect minority voters. Excluded from the category of objection statistics are other categories of deterred and rejected voting changes. These include matters that were denied preclearance by the Washington D.C. District Court; matters that were settled while pending before that court; voting changes that were withdrawn, altered or abandoned after the DOJ made formal More Information Requests, MIRs; as well as any recognition that the very existence of preclearance deters discriminatory voting changes in the first place. Taken together, these categories provide a more holistic view of the sizeable impact, deterrent effect, and continued need for section 5's provisions. Moreover, without the section 5 preclearance provisions many jurisdictions that have experienced a long history of exclusionary practices in voting would have lacked the incentive to tailor their electoral changes in a non-discriminatory fashion. Even with section 5 in place, many covered jurisdictions made voting changes that disadvantaged minority voters without preclearing them with the DOJ.

This is the Testimony of Debo P. Adegbile, Associate Director of Litigation of the NAACP Legal Defense and Educational Fund, Inc., before the United States Senate Judiciary Subcommittee on the Constitution, June 21, 2006, citing generally Luis Ricardo Fraga & Maria Lizet Ocampo, More Information Requests and the Deterrent Effect of section 5 of the Voting Rights Act, June 7, 2006—unpublished essay, submitted to Senate Judiciary Committee on June 9, 2006.

The following are only a small set of examples from the robust record compiled in the Senate Judiciary Committee:

VOTE SUPPRESSION

Through the use of illegal devices, State and local officials in covered jurisdictions have suppressed the ability of minority voters to effectively exercise their right to vote.

In 2001, Kilmichael, Mississippi's white mayor and all white five-member Board of Alderman abruptly cancelled an election after census data revealed that African Americans had become the majority in the town and an unprecedented number of African-American candidates were running for office. Even after DOJ objected, concluding that the cancellation was an attempt to suppress the African-American candidates, the mayor and board did not reschedule the election. Only after DOJ forced Kilmichael to hold an election in 2003 did it elect its first African-American mayor, along with three African-American alderman. This is from Caroline Fredrickson and Deborah J. Vagins, Promises to Keep: The Impact of the Voting Rights Act, March 2006, at 12.

In March, 2004, in Prairie View, Texas, home to historically black Prairie View A&M University, two students decided to run for the local governing body. The white criminal district attorney threatened that any student who voted in the election would face felony prosecution for ''illegal voting'' and only withdrew his statements when the NAACP filed suit. Shortly thereafter, the Commissioner's Court voted to reduce the availability of early voting at the polling place closest to the college from 17 hours over two days, to 6 hours on one day. This would have severely limited the students' political participation, as most planned to take advantage of early voting since their spring break coincided with the primary date. The county did not restore the voting hours until the NAACP filed a section 5 enforcement suit. This is from Laughlin McDonald ''The Case for Extending and Amending the Voting Rights Act,'' A Report of the Voting Rights Project of the American Civil Liberties Union at 65–66.

In a 2004 opinion invalidating South Dakota's redistricting plan, a Federal district judge documented the State's long history of discrimination, including persistent efforts to suppress the Native American vote since 1999. The judge documented illegal denials of the right to vote in certain elections, barriers to voter registration, intimidation and unsubstantiated charges of vote fraud, lack of access to polling sites, non-compliance with the Voting Rights Act's language assistance provision, and dilutive voting schemes. The opinion also quoted legislators expressing prejudice against Indians. For example, when debating an unsuccessful bill to make it easier for Indians to register, one legislator said, ''I'm not sure we want that kind of person in the polling place.'' This is from National Commission on the Voting Rights Act, ''Protecting Minority Voters: The Voting Rights Act at Work 1982–2005'' February 2006 at 44.

The Mayor of the Town of North Johns, AL intentionally discriminated against African-American candidates for city council when he frustrated the attempts of these candidates to acquire the required forms for their candidacy and refused to swear them in when they won their elections. The court found that the mayor acted to undermine the candidacy of two African-American men because their election would result in the town council becoming majority black. This is from Dillard v. North Johns, 717 F. Supp. 1471, M.D. Ala. 1989.

DISCRIMINATORY REDISTRICTING

Due to racially polarized voting, the reality in many jurisdictions is that the ability of minorities to have the opportunity to elect their candidate of choice is often dependent on the racial composition of a voting district. Consequently, the seemingly neutral task of drawing district lines can, in fact, be used strategically to abridge minorities' right to vote using techniques called ''packing'' where a very large percentage of minorities are placed in a single district and thereby denying them influence except in that one jurisdiction, or the obverse ''unpacking,'' which fragments minority communities into numerous jurisdictions, denying them influence anywhere.

The impact of racially polarized voting is significant. In the 2000 elections, only 8 percent of African Americans were elected from majority white districts. This is from National Commission on the Voting Rights Act, ''Protecting Minority Voters: The Voting Rights Act at Work 1982–2005'' February 2006 at 38. As of 2000, neither Hispanics nor Native Americans candidates had been elected to office from a majority white district. Id. This is true throughout covered jurisdictions. Every African-American representative currently holding office in Congress from Louisiana, or in the Louisiana State Legislature, has been elected from a majority African-American district. This is from Debo P. Adegbile, ''Voting Rights in Louisiana: 1982–2006,'' RenewTheVRA.org at 9. In Mississippi, the State with the highest percentage African-American population, not a single African-American candidate has won election to Congress or the state legislature from a majority-white district, and no African-American candidate has won a statewide office in the 20th Century. This is from Robert McDuff, ''Voting Rights in Mississippi: 1982–2006,'' RenewTheVRA.org at 13.

After failing to redistrict for over two decades, following the 1980 and 1990 census, the city of Seguin, Texas was 60 percent Hispanic, yet only 3 out of 9 city council members were Hispanic. After a successful section 5 challenge by Hispanic plaintiffs, the city redrew its discriminatory districts in 1994 and again following the 2000 census, but cut short the filing deadlines for the upcoming elections, ensuring that the white incumbent would run unopposed. Another section 5 suit was necessary to prevent this change, called by some merely de minimis even though it determined the election's outcome, from going into effect. This is Testimony of John Trasvina, Interim President and General Counsel, Mexican American Legal Defense and Educational Fund MALDEF, before the United States Senate Judiciary Committee, June 13, 2006, at 4.

At a 2001 section 2 hearing, while testifying in defense of the St. Bernard Parish School Board's illegal plan to eliminate its only African-American district, Louisiana State Senator Lynn Dean, the highest ranking public official in St. Bernard Parish, admitted that he uses a term considered by many to be a derogatory, even offensive, word in referring to African Americans, had done so recently, and does not necessarily consider it a racial term. Dean had served on the school board for 10 years. This is from Debo P. Adegbile, ''Voting Rights in Louisiana: 1982–2005,'' RenewTheVRA.org at 26.

In the post-1990 redistricting cycle, the Department of Justice objected to Georgia's Senate redistricting bill twice and to Georgia's House redistricting bill three times. The newly adopted plans were then challenged by litigation in which the state admitted to constitutional violations. After

losing the lawsuit, the state claimed to remedy the problem. However, its newly adopted plans reduced the black populations of numerous districts, thereby drawing DOJ objections to both plans yet again in March 1996. This is from Robert Kengle, ''Voting Rights in Louisiana: 1982–2006,'' RenewTheVRA.org at 14.

The 2001 legislative redistricting plan in South Dakota, which divided the State into thirty-five legislative districts, altered the boundaries of District 27, which included Shannon and Todd Counties, so that American Indians comprised 90 percent of the district, while the district was one of the most overpopulated in the State. Had American Indians not been ''packed'' in District 27, they could have comprised a majority in a house district in adjacent District 26. South Dakota refused to submit the plan for preclearance, leading Alfred Bone Shirt and three other residents from Districts 26 and 27 to sue the State in December 2001. The plaintiffs claimed that South Dakota failed to submit its plan for pre-clearance and also that the plan unnecessarily packed Indian voters in violation of section 2. A 3-judge court ordered the state to seek pre-clearance and the Attorney General pre-cleared it, concluding that the additional packing of Indians in District 27 did not have a retrogressive effect. However, the district court, sitting as a single-judge court, heard the plaintiffs' section 2 claim and invalidated the State's 2001 legislative plan as diluting American Indian voting strength, finding that there was ''substantial evidence that South Dakota officially excluded Indians from voting and holding office.'' This is from Bone Shirt v. Hazeltine, 200 F. Supp. 2d 1150, 1154 D.S.D. 2002.

In 2001, the Louisiana State Legislature sought judicial pre-clearance of its statewide redistricting plan for the Louisiana House of Representatives, which eliminated a majority African-American district in Orleans Parish. According to the legislators that drew that plan, the district was eliminated because white voters in Orleans Parish were entitled to ''proportional representation,'' despite significant population growth among African-Americans in Orleans Parish over the course of the prior decade. Although the legislators ultimately dropped their selective ''proportional representation'' argument, the court found that the state ''blatantly violate[ed] important procedural rules'' through its litigation tactics and condemned the state for its ''radical mid-course revision in [its legal] theory of the case.'' The evidence, obtained over plaintiffs' resistance via a motion to compel, showed significant levels of racially-polarized voting in virtually all electoral contests, as well as retrogressive purpose and effect in the adoption of the plan. The evidence also showed that the Speaker Pro Tempore, who was a plaintiff in the action, removed long-standing language from the State's redistricting guidelines that acknowledged the State's obligations under the VRA at the start of the line drawing cycle. The litigation resulted in a settlement on the eve of trial that restored the opportunity district in Orleans Parish. The 2001 Louisiana House redistricting plan followed the standard practice in Louisiana as no initial redistricting plan for the Louisiana House of Representatives has ever been pre-cleared by DOJ since the inception of Voting Rights Act in 1965. This is Testimony of Richard Engstrom before the House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution, October 25, 2005. This is also Debo P. Adegbile, Voting Rights in Louisiana, 1982–2006, at 16.

After finding Point Coupee Parish, Louisiana's redistricting plans retrogressive, the Department of Justice objected 3 decades in a row: in 1983, 1992, and 2002. After the first 2 census cycles, the parish attempted to pack minority voters into a single district while fragmenting the remaining African-Americans into majority-white districts. In 2002, without explanation, the parish eliminated one majority African-American district, despite an increase in the African-American population of the parish. Unfortunately, the experience in Point Coupee Parish is typical in Louisiana: ''[b]etween 1982 and 2003, 10 other parishes were ''repeat offenders,'' and 13 times the DOJ noted that local authorities were merely resubmitting objected-to proposals with cosmetic or no changes.'' This is Debo P. Adegbile, ''Voting Rights in Louisiana: 1982–2006,'' RenewTheVRA.org at 27.

In 1983, African-American legislators were excluded from legislative sessions held to develop Louisiana's post-census redistricting plan after negotiations stalled. The governor had threatened to veto a proposed plan that would create one African-American majority district and the Senate rejected the governor's plan to create all white majority districts. In the absence of minority legislators, a compromise—Act 20—was reached that sacrificed the majority-minority district despite the fact that—after a marked increase in the previous decade—the highly-concentrated African-American population now made up 48.9 percent of the voting age population in Orleans Parish. Act 20 was struck down by a 1982 section 2 case. The remedied district led to the election of Louisiana's first African-American congressman since reconstruction. This is also from Debo P. Adegbile, ''Voting Rights in Louisiana: 1982–2006,'' RenewTheVRA.org at 16.

In 1991 and 1992, the Morehouse Parish, Louisiana, Police Jury drew district lines in an attempt to pack African-American voters in the city of Bastrop multiple times in defiance of DOJ objections. After a 1991 section 5 objection to its attempt to draw the same districting plan several times the Morehouse Parish Police Jury made cosmetic changes and resubmitted the same plan. After DOJ lodged another objection, the police jury resubmitted the same plan with only cosmetic changes. Only after DOJ objected a third time in 1992 did the police jury address the substance of the first objection and draw district lines that did not result in an over-concentration of African-American voters.

In 2006, election officials in Randolph County, Georgia, moved the board of education district lines to include Henry Cook, the African-American chair of the board of education, from District Five of the county board of education, which is majority black, to District Four, which is majority white. In District Four, Cook would almost certainly be defeated given the prevalence of racial bloc voting in the county, depriving the African-American community of an incumbent elected official who had their strong support in past elections. Although Randolph County was covered by section 5, county officials refused to submit the change for pre-clearance. African-American residents of the county filed suit on April 17, 2006, to enjoin use of the change absent pre-clearance. On June 5, 2006, the 3-judge court issued an order enjoining further use of the voting change because of failure to comply with section 5.

In 1991, Mississippi legislators rejected proposed House and Senate redistricting plans that would have given African-American voters greater opportunity to elect representatives of their choice, referring to one such alternative on the House floor as the ''black plan'' and privately as ''the n–plan.'' DOJ objected, concluding that a racially discriminatory purpose was at play. In the 1992 elections, the cured redistricting plans boosted the percentage of African-American representatives in the legislature to an all time high: 27 percent of the House and 19 percent of the Senate—up from 13 percent and 4 percent respectively in a state where 33 percent of the voting age population is African-American. This is Robert McDuff, ''Voting Rights in Mississippi: 1982–2006,'' RenewTheVRA.org at 9–10.

In late 2001, Northampton County, VA proposed a change in the method of electing the board of supervisors by collapsing six districts into three larger districts. The DOJ objected, finding that three of the six districts were majority-minority districts in which African-American voters regularly elected their candidates of choice. The new plan would have diluted the minority-majorities and caused them to completely disappear in 2 of the 3 new districts—clearly having retrogressive effects. Two years later, the county provided a new 6-district plan, which had the same retrogressive effects of the 3-district plan. DOJ objected and provided a model non-retrogressive, 6-district plan, which has yet to be followed by the county. This from Anita S. Earls, Kara Millonzi, Oni Seliski, and Torrey Dixon, ''Voting Rights in Virginia, 1982–2006,'' RenewTheVRA.org at 27–28.

In 1989, in section 2 suit, a Federal district court knocked down Chickasaw County, Mississippi, illegal plan to have all majority-white supervisors' districts. Sent back to the drawing board, the county then passed 3 different plans over the next 6 years. Not one passed section 5 pre-clearance. Finally, the Federal court drew its own plan for the 1995 elections, providing for 2 majority-black districts to reflect a population that was nearly 40 percent black. Only then did the county adopt a plan that met no objection by the Department of Justice. This is Robert McDuff, ''Voting Rights in Mississippi: 1982–2006,'' RenewTheVRA.org at 6.

In 1992, DOJ objected to a Justice of the Peace and Constable redistricting plan in Galveston County, Texas, that fractured geographically compact African-American and Hispanic voters and provided no opportunity districts among the 8 districts in the plan, even though African Americans and Hispanic comprised 31 percent of the county's population. This is from Nina Perales, Luis Figueroa and Criselda G. Rivas, ''Voting Rights in Texas, 1982–2006'', RenewTheVRA.org, at 17–18.

In 1992, DOJ objected to the Terrell County Commissioners Court redistricting plan. Although the Hispanic population in the county had increased from 43 percent to 53 percent, the proposed redistricting plan cracked the Hispanic population by substantially decreasing the number of Hispanic voters in one of the two Hispanic majority districts and packing them into the other to create a district with an 83 percent Hispanic district. This is from Nina Perales, Luis Figueroa and Criselda G. Rivas, ''Voting Rights in Texas, 1982–2006,'' RenewTheVRA.org, at 19.

In 2005, DOJ objected to the redistricting plan for the Town of Delhi, LA, which eliminated an African-American opportunity district, rejected an alternative plan which would have been better for minority voters, and was adopted with the intent to worsen the position of minority voters. According to the 2000 Census, Delhi's population was majority African-American, yet local officials attempted to reduce minority voting strength in the town. DOJ denied pre-clearance after determining that town officials sought to worsen the position of minority voters by looking first to the historical background of the city's decision, which revealed that the plan was adopted despite steadily increasing growth in the town's African-American population. In its April 25, 2005, objection letter, DOJ stated, ''[w]ithout

question, Black voters are worse off under the proposed plan,'' which was adopted despite the counsel of the Town's demographer, who noted the retrogressive effect of the plan. This is from a Letter from R. Alexander Acosta, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, to Mr. David Creed, Executive Director, North Delta Regional Planning and Development District, April 25, 2005.

In 1992, the Department of Justice objected to Florida's redistricting plan for the State Senate, observing that ''[w]ith regard to the Hillsborough County area, the State has chosen to draw its senatorial districts such that there are no districts in which minority persons constitute a majority of the voting age population. To accomplish this result, the State chose to divide the politically cohesive minority populations in the Tampa and St. Petersburg areas.'' This is from JoNel Newman, ''Voting Rights in Florida, 1982–2006'', RenewTheVRA.org, at 9.

The Department of Justice interposed an objection to the 2002 redistricting plan for the Florida House of Representatives, stating that the plan reduced ''the ability of Collier County Hispanic voters to elect their candidate of choice [and] the drop in Hispanic population in the proposed district would make it impossible for these Hispanic voters to continue to do so.'' As a result of the Department's Section 5 objection to the 2002 reapportionment plan, Hispanic majority-minority district was preserved in Collier County. This is JoNel Newman, ''Voting Rights in Florida, 1982–2006,'' RenewTheVRA.org, at 10.

In 2002, the Department of Justice objected to Arizona's state legislative redistricting plan because it fractured Hispanic voters and reduced Hispanic voting age population in 5 districts below their 1994 benchmarks, despite the growth of the State's Hispanic population and the ability to draw three compact majority-Hispanic districts. The State court responded by accepting an interim plan recommended by a Special Master that restored one district to its benchmark level and created 2 new Hispanic-majority districts in metropolitan Phoenix to replace some of the other four majority Hispanic-majority districts that had been eliminated.

In 1991, Hispanic plaintiffs and Monterrey County, California, which was 33.6 percent Hispanic, reached a settlement plan which, unlike Monterrey's initial plan, did not dilute the vote of the county's Hispanic population. However, after voters struck down the county's redistricting plan in a required referendum petition, the county issued a new plan to which the Justice Department objected under section 5, stating that the County's plan ''. . . appears deliberately to sacrifice Federal redistricting requirements, including a fair recognition of Hispanic voting strength, in order to advance the political interests of the non-minority residents of northern Monterey County.'' Subsequently, the district court adopted the plaintiffs' plan. As a result of the implementation of the plaintiffs' plan, a Hispanic was elected to the Board of Supervisors for the first time in over 100 years. This is Gonzalez v. Monterey County 808 F.Supp. 727, 729 (N.D. Cal. 1992); Joaquin G. Avila, California State Report on Voting Discrimination (forthcoming May 25, 2006, manuscript at 9.

After the 1990 census, Merced County, CA, adopted a redistricting plan that ignored the presence of its growing Hispanic population which at the time constituted 32.6 percent. In doing so, the county disregarded its demographer's recommendation to create a supervisor district with a Hispanic majority and instead chose a plan that fragmented the county's Hispanic population. The Justice Department issued an objection rejecting the county's redistricting plan because the plan fragmented the Hispanic population. Following the objection, the county created a new redistricting plan that both avoided the fragmentation of the county's Hispanic population and created a supervisory district with a Hispanic majority. The plan was later approved and a Hispanic Supervisor elected. This is Joaquin G. Avila, California State Report on Voting Discrimination, forthcoming May 25, 2006, manuscript at 11.

DISCRIMINATORY POLLING PLACE CHANGES

Another method used in covered jurisdictions to deny minorities the right to vote has been to move or even eliminate polling places, often without notice. Moving a polling place can appear to have little impact or importance, but the record demonstrates that these changes have been used systematically to deny minorities their constitutional right to vote by injecting intimidation and confusion into the electoral process.

Some have cited polling place changes as ''de minimis'' changes for which there should be an exception to section 5 pre-clearance. However, making such an exeception could lead to substantial violations of minority voting rights. As Robert McDuff, a civil rights attorney in Mississippi who has worked on preclearance testified, ''polling place changes can be retrogressive and should not be dismissed as per se de minimis. With section 5 preclearance requests the context is critical and DOJ has an expertise in assessing the context.'' Robert McDuff, Answers to Written Questions from Senator Coburn. The following examples demonstrate that far from being ''de minimis,'' polling place changes can be one of the most effective means of denying minorities the right to vote.

In 1992, the Attorney General objected to a proposal by the Wrightsville, GA, to relocate the polling place from the county courthouse to the American Legion Hall, an all-white club with a history of refusing membership to black applicants and a then-current practice of hosting functions to which blacks were not welcome. This is Laughlin McDonald ''The Case for Extending and Amending the Voting Rights Act,'' A Report of the Voting Rights Project of the American Civil Liberties Union at 333, 334.

In 1995, Jenkins Parish, LA, attempted to relocate a polling place from a predominately black community easily accessible to many voters by foot to a location outside the city limits in a predominately white neighborhood which had no sidewalks, curving roads, and a speed limit of 55 mph. The Attorney General rejected the change, concluding, ''the county's proffered reasons for the selection of this particular polling site appear to be pretextual, as the selection of this location appears to be designed, in part, to thwart recent black political participation.'' This is Deval L. Patrick, Assistant Attorney General, to William E. Woodrum, Jenkins County Attorney, March 20, 1995.

In 1985, the Apache County Board of Supervisors proposed to eliminate the last remaining polling place on Arizona's Fort Apache Reservation, reduce the daily hours of operation for those voting stations that remained open, and implement a rotating polling place system that would make it even harder for Navajo voters to reach the polls. Yet, absentee voting opportunities were not provided to Indian voters. Pointing to the clear discriminatory purpose and effect of the proposed changes, the Department of Justice objected. This is James Thomas Tucker and Rodolfo Espino, ''Voting Rights in Arizona 1982–2006,'' RenewtheVRA.org, 46, 2006.

In 1994, after receiving word that whites were uncomfortable walking into an African-American neighborhood to vote at the Sunset Community Center, the St. Landry Parish, LA, Police Jury moved the polling place to the Sunset Town Hall, the site of historical racial discrimination. The police jury did not hold a public hearing, seek any further input, or advertise the change in any way. If not for the section 5 pre-clearance process, minority voters would not have known of the change until Election Day. This is Debo P. Adegbile, ''Voting Rights in Louisiana, 1982–2006,'' RenewtheVRA.org, at 31.

In 1999, after the Davills Precinct polling center burned down and the County Board of Supervisors of Dinwiddie County, Virginia, moved the polling place to the Cut Bank Hunt Club, privately owned with a large African-American membership, one hundred and five citizens submitted their signatures to have the precinct moved to the Mansons United Methodist Church, located three miles southeast of the Hunt Club. The petition's stated purpose for moving the precinct was for a ''more central location.'' Before the board's meeting to discuss moving the polling place, the Mansons United Methodist Church withdrew its name as a possible location. The board then placed an advertisement for a public hearing on changing the polling place which stated that if any ''suitable centrally located location [could] be found prior to July 15, 1999,'' they would consider moving it there. On July 12, 1999, the Bott Memorial Presbyterian Church members offered their facilities for polling. On August 4, 1999, the board approved changing the polling place to Bott Memorial Presbyterian Church. The church is located at the extreme east end of the precinct, however, and 1990 Census data showed that a significant portion of the black population resides in the western end of the precinct.

DOJ objected to the change, finding that the polling place was moved for discriminatory reasons. This is a Letter from Bill Lann Lee, Acting Assistant Attorney General, Civil Rights Division, U.S. DOJ., to Benjamin W. Emerson of Sands, Anderson, Marks & Miller, October 27, 1999.

METHODS OF ELECTIONS

Officials have used their authority to set the methods of elections as ways to abridge or even deny the ability of minority citizens to vote and elect candidates of their choice. The following are examples of the use of at-large election systems, dual registration systems and other methods since the last reauthorization of section 5.

In 1995, the State of Mississippi resurrected a form of the dual registration system, which a Federal district court had struck down less than a decade earlier as racially discriminatory in intent and effect. Mississippi then refused to submit its voting procedures for pre-clearance until ordered to do so by the U.S. Supreme Court. Under the unlawful system, voters who registered pursuant to the National Voter Registration Act, NVRA, would only be eligible to vote in federal elections, but not in State and local elections. The majority of voters registered under the NVRA were African-American. In addition, while one state department provided its mostly-African-American public assistance clientele with only the NVRA registration forms, another department registered its mostly-white driver's license applicants through the state forms, which enabled them to vote in all elections. In its objection letter, DOJ noted the state had merely breathed new life into the dual registration system originally enacted by Mississippi in the 19th Century with an aim to eliminate the African-American vote. This is Robert McDuff, ''Voting Rights in Mississippi: 1982–2006,'' RenewTheVRA.org at 16.

In 1992, Effingham County, Georgia proposed an at-large election system despite anticipating that, due to racially polarized voting, after the change, African-Americans would no longer be able to elect the commissioner who would serve as chairperson. This decision came on the heels of the county's decision to eliminate the position of vice-chairperson, long held by an African-American commissioner. The county's justification for the change—that the proposed system would avoid tie votes in the selection of a chairperson—was tenuous at best because under the new system, an even number of commissioners would invite tie votes to a greater extent than the existing system. This is Robert Kengle, ''Voting Rights in Georgia: 1982–2006,'' RenewTheVRA.org at 9–10.

Ten years after a successful lawsuit that forced the adoption of single-member districts in the city of Freeport, TX, minority candidates had gained two seats on the city council. The City then sought to revert to at-large elections, garnering an objection from the Department of Justice. Similarly, the Haskill Consolidated Independent School District sought to revert to at-large voting after significant gains by minority populations.

After the Washington Parish, Louisiana, School Board finally added a second majority-African American district in 1993, bringing the total to 2 out of 8, representing an African American population of 32 percent, it immediately created a new at-large seat to ensure that no white incumbent would lose his or her seat and to reduce the impact of the two African American members, to 2 out of 9. The Department of Justice objected to this change. (See Letter from James P. Turner, Assistant Attorney General, Civil Rights Division, U.S. DOJ, to Sherri Marcus Morris, Assistant Attorney General, State of Louisiana, and Jerald N. Jones, City of Shreveport, September 11, 1995, cited in Debo Adegbile, Voting Rights in Louisiana: 1982–2006, February 2006, at 21.)

A Federal district court found that the at-large method of electing the nine member Charleston County Council in South Carolina violated section 2 of the Voting Rights Act. In particular, the court found evidence of white bloc voting and concluded that in 10 general elections involving African-American candidates, ''white and minority voters were polarized 100 percent of the time.'' The court also noted that there was a history of discrimination that hindered the present ability of minority voters to participate in the political process; significant socio-economic disparities along racial lines; a negligible history of African-American electoral success; and significant evidence of intimidation and harassment of African-American voters at the polls. Following the court's decision, which was affirmed on appeal, a single-member district plan was put in place with four majority African-American districts that eventually led to the election of four African Americans to the County Council. This is Laughlin McDonald ''The Case for Extending and Amending the Voting Rights Act,'' A Report of the Voting Rights Project of the American Civil Liberties Union at 591–592.

In 2005, a three-judge Federal court enjoined the city of McComb, MS, from enforcing a State court order it had obtained that removed an African-American member of that city's board of selectmen from his seat by changing the requirements for holding that office, holding that the order clearly altered the pre-existing practice. The court ordered the selectman restored to his office and enjoined the city from enforcing the change unless preclearance was obtained. This is Robert McDuff, ''Voting Rights in Mississippi: 1982–2006,'' RenewTheVRA.org at 8.

In 1991 the Concordia Parish Police Jury in Louisiana announced that it would reduce its size from 9 seats to 7, with the intended consequence of eliminating one African-American district, claiming the reduction was necessary as a cost-saving measure. However, DOJ noted in its objection that the parish had seen no need to save money by eliminating districts until an influx of African-American residents transformed the district in question from a majority-white district into a majority African-American district. This is Debo P. Adegbile, ''Voting Rights in Louisiana: 1982–2006,'' RenewTheVRA.org at 24.

ANNEXATIONS

The following are examples from the record where jurisdictions changed their boundaries in order to diminish the voting power of minorities by selectively changing the racial composition of a district. Numerous jurisdictions have annexed neighboring white suburbs in order to preserve white majorities or electoral power.

In 1990, the city of Monroe, LA attempted to annex white suburban wards to its city court jurisdiction. In its objection, DOJ noted that the wards in question had been eligible for annexation since 1970, but that there had been no interest in annexing them until just after the first-ever African-American candidate ran for Monroe city court. This is Debo P. Adegbile, ''Voting Rights in Louisiana: 1982–2006,'' RenewTheVRA.org at 24.

Pleasant Grove, Alabama was an all-white city with a long history of discrimination, located in an otherwise racially mixed part of Alabama. The city sought pre-clearance for two annexations, one for an area of white residents who wanted to attend the all-white Pleasant Grove school district instead of the desegregated Jefferson County school district, the other for a parcel of land that was uninhabited at the time but where the city planned to build upper income housing that would likely be inhabited by whites only. At the same time, the city refused to annex to two predominantly black areas. The United States Supreme Court upheld the District Court's denial of pre-clearance. This is from City of Pleasant Grove v. United States, 479 U.S. 462, 1987.

In 2003, the Department of Justice interposed an objection to a proposed annexation in the Town of North, SC, because the town had ''been racially selective in its response to both formal and informal annexation requests.'' DOJ found that ''white petitioners have no difficulty in annexing their property to the town'' while ''town officials provide little, if any, information or assistance to black petitioners and often fail to respond to their requests, whether formal or informal, with the result that the annexation efforts of black persons fail.'' Though the town argued that no formal attempts had been made by African-Americans to be annexed into the town, DOJ's investigation revealed that at least one petition had been signed by a significant number of African-American residents who sought annexation. The fact that the town ignored or was non-responsive to the requests of African-Americans, while accommodating the requests of whites, led DOJ to determine that race was ''an overriding factor in how the town responds to annexation requests.'' This is a Letter from R. Alexander Acosta, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, to H. Bruce Buckheister, Mayor, North, SC, September 16, 2003.

THE CRISIS IN THE MIDDLE-EAST

Mr. FEINGOLD. Mr. President, I stand firmly with the people of Israel and their government as they defend themselves against these outrageous attacks. The kidnapping of Israeli soldiers and missile attacks against Israeli citizens are unacceptable and cannot be tolerated.

The first steps toward establishing peace must begin with the unconditional and immediate return of the kidnapped Israeli soldiers. Lebanon, Syria, Iran, and countries throughout the region must also condemn the actions of and cease all forms of support of Hezbollah, Hamas, and other groups committed to blocking or derailing the pursuit of peace. These countries must take strong actions immediately to return stability to the region.

Any sustainable peace depends on the cessation of support for terrorist organizations. U.N. resolutions have clearly articulated obligations and requirements of countries throughout the region. Iran and Syria must stop all support for Hezbollah and Hamas immediately.

That said, all sides to this conflict must show as much restraint as possible. It is in the long-term interest of peace that parties to this conflict find an end to this current crisis without damaging the prospects for a sustained and permanent solution to this conflict.

ADDITIONAL STATEMENTS

HONORING DR. PETER ALAN McDONALD

• Mr. BAYH. Mr. President, today I, along with Senator CANTWELL, pay tribute to the life of a talented physician and respected citizen, Dr. Peter Alan McDonald, who passed away on June 15. I know he will be greatly missed in both Washington and his native Indiana.

Peter has left a rich legacy through his efforts to better the lives of others. From his studies in mathematics and medicine at Indiana University to his well-known work as a gifted and efficient emergency physician at St. Joseph Hospital, he dedicated himself to ensuring the welfare of those around him.

Peter's boundless passion for life led him to excel in many fields beyond his profession. An active outdoorsman and athlete, he found great joy in hockey, windsurfing, boating, and fishing. Family and friends may best remember Peter for his wonderful stories and sense of humor. He is survived by his wife, Kelli McDonald; his father, Alan McDonald; his mother, Mary Mandeville; his two brothers, Tom McDonald and Jeff McDonald; and his sister, Linda Frank.

While it is a tragedy to have Peter taken from us at such an early age, we can find comfort in the full life he led. It is a rare man who can make such an

impact on so many people throughout his years.

It is my sad duty to enter the name of Dr. Peter McDonald in the official RECORD of the U.S. Senate for his service to the States of Washington and Indiana. May God grant strength and peace to those who mourn, and may God be with all of you, as I know he is with Peter.●

CONGRATULATING OWENSBORO CATHOLIC ELEMENTARY SIXTH GRADE

● Mr. BUNNING. Mr. President, today I congratulate the Owensboro Catholic Elementary sixth grade Future Problem Solving Team of Owensboro, KY. The Future Problem Solving Team recently earned the State championship in their division, placing first out of about 50 teams. They went on to compete at the international conference in Colorado and placed 22nd out of 55 teams.

The Future Problem Solving Program is a nationally recognized, award-winning program that seeks to increase awareness for the future and encourage creativity in students of all ages.

Over 50,000 students participate in the competitive components associated with future problem solving and community problem solving. Of these, less than 3 percent earn an invitation to the prestigious international event.

I congratulate the Owensboro Catholic Elementary sixth grade Future Problem Solving Team for their achievement. The administrators, teachers, parents, and students of this team are an inspiration to the citizens of Kentucky. I look forward to all that the Future Problem Solving Team accomplishes in the future.●

125TH ANNIVERSARY OF SHELDON, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that recently celebrated its 125th anniversary. On June 23–25, the residents of Sheldon gathered to celebrate their community's history and founding.

Sheldon is a small town located in the eastern part of North Dakota. Previously named Jenksville, E.E. Sheldon bought the land in June 1881 and renamed it after himself. On July 20 of that same year, a new post office was established with Karl E. Rudd as the first postmaster. The National Pacific Railroad arrived in Sheldon in 1882, and the village began to grow, becoming incorporated in 1884. Since the day of its founding, the community has been small but very active.

Shortly after its founding Sheldon established itself as a hotbed for amateur baseball, winning the state title in 1895. In addition, Lynn Bernard ''Line Drive'' Nelson, 1905–1955, born and raised in Sheldon, played major league baseball during the 1930's with the Chicago Cubs, the Philadelphia Athletics, and Detroit Tigers.

The community had a wonderful weekend celebration to commemorate its 125th anniversary. The celebration was highlighted by a full day of activities on Saturday, including a pancake breakfast, two parades, a tractor and pick-up pull, and a car show. The day was capped off by a street dance that night. In addition to those festivities, a quilt show and a room celebrating the history of the town were open all weekend. The celebration concluded on Sunday with an all-faiths service followed by a brunch.

Mr. President, I ask the U.S. Senate to join me in congratulating Sheldon, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Sheldon and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Sheldon that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Sheldon has a proud past and a bright future.●

125TH ANNIVERSARY OF COLFAX, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 22, the residents of Colfax will gather to celebrate their community's history and founding.

Colfax was founded in 1881 and was proudly named after former Vice President Schulyer Colfax, who had owned property in the area. In February 1881, Colfax's post office was established. Colfax became known as the ''Fountain City'' because of the numerous artesian wells that can be found in the community and the surrounding areas.

Today, Colfax remains a small, proud community. Each year, the community gathers together and has picnics in the park. During the summer, many of its residents can be found at the local pool, catching up with friends and family.

To celebrate the 125th anniversary of its founding, the residents of Colfax will gather on July 22. There will be an all-school reunion to allow former classmates to reunite with each other and a coffee social at the local church. The highlight of the celebration will be the parade, which will feature floats, horses, and this years' North Dakota nine-man football state champs—all of whom are residents of Colfax.

Mr. President, I ask the Senate to join me in congratulating Colfax, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Colfax and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Colfax that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Colfax has a proud past and a bright future.●

HONORING MARIO KAVCIC

● Mr. DEWINE. Mr. President, I ask that the following proclamation be printed in the RECORD.

The proclamation follows:

A PROCLAMATION HONORING THE DISTINGUISHED CAREER OF MARIO KAVCIC

Whereas; Mr. Mario Kavcic began his radio career forty years ago in Cleveland Heights for a Slovenian interest radio program, and

Whereas; Mr. Kavcic conducted his first on-air interview in his native Slovenian with then Ohio State Representative and current United States Senator George Voinovich, and

Whereas; Mr. Kavcic moved to Cleveland to work with other ethnic language broadcast companies, and

Whereas; Mr. Kavcic's great success and popularity earned him a prestigious evening time slot for his program, and

Whereas; Mr. Kavcic created a program devoted to international affairs that aired on Saturday nights for ten consecutive years, and

Whereas; Mr. Kavcic moved his program to Nationality Broadcast Network—which reaches communities in Ohio, Pennsylvania, and West Virginia—after National Ethnic Programming went through a format change, and

Whereas; Mr. Kavcic interviewed President Richard Nixon, President Gerald Ford, Senator Howard Metzenbaum, Congressman Dennis Kucinich, and Cleveland Mayors Michael White and Jane Campbell, to inform his listeners about current issues, and

Whereas; Mr. Kavcic was awarded the prestigious Governor Award by former Ohio Governor John Gilligan, and

Now, therefore, I, Mike DeWine, United States Senator from the Great State of Ohio, would like to commend Mr. Mario Kavcic for his longtime and tireless efforts serving the Slovenian population in Cleveland and throughout Ohio. Mr. Kavcic's outstanding work to preserve and promote the rich heritage and culture of the Slovenian community is a shining example of the positive role the press can play in our society.

On this, the 18th Day of July, 2006.●

COMMEMMORATING THE 75TH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS

● Mr. JOHNSON. Mr. President, today I pay tribute to the Department of Veterans Affairs, and the extraordinary men and women who work there to assist our Nation's veterans. Last year, the VA began a year-long celebration in order to commemorate the 75th anniversary of the founding of the Department. As the agency that administers veterans' benefits, a well-funded VA is one way our Nation honors those who have served in the Armed Forces.

Veterans programs have a long and distinguished history stretching back before nationhood itself. During the conflict between the Pilgrims of Plymouth Colony and the Pequot Indians in 1636, a law was approved mandating that disabled veterans would be supported by the colony. Over the course

of the next 300 years, a variety of programs designed to assist veterans were instituted by different administrative bodies. In 1930, all veterans programs were consolidated and placed under the jurisdiction of the Veterans' Administration. Finally, in 1988, President Reagan signed legislation creating the Department of Veterans Affairs.

The mission of the Department of Veterans Affairs is ''to care for him who shall have borne the battle and for his widow and his orphan,''—a quote from Abraham Lincoln's second inaugural address. The Department has five core values: commitment, excellence, people, communication, and stewardship. By upholding these core values, the Department of Veterans Affairs seeks to fulfill its obligation to those who have served in defense of our Nation.

The men and women who work at the Department of Veterans Affairs constitute a group who are highly trained and deeply devoted to the goals of the organization. This is true across the board but in South Dakota particularly. The Black Hills Health Care System was designated a top performer in the Department's fiscal year 2005 Survey of Healthcare Experiences of Patients. Furthermore, the Sioux Falls VA Medical Center has a strong track record of top notch service. For example, Luella Onken, a local volunteer at the hospital, was the recipient of the 2006 First Premier Bank/Premier Bankcard Spirit of Volunteerism Award. She volunteers 5 days a week at the medical center and has devoted 35,000 hours toward helping our veterans.

For 75 years, the Department of Veterans Affairs has done an exemplary job of providing quality health care, administering benefits, and overseeing military cemeteries for the men and women who have served our country. I am proud to recognize and commend the Department of Veterans Affairs. The dedicated service of the men and women who work at the VA is a testament to the Department's commitment to our veterans.●

CONGRATULATORY NOTE ON KAZAKH AMBASSADOR'S BIRTHDAY

● Ms. LANDRIEU. Mr. President, today, July 18th, 2006, Ambassador Kanat Saudabayev from Kazakhstan is congratulated on his 60th birthday and recognized for all of his work around the world as a diplomat, government official, and culture and arts leader.

In his work with Washington since December 2000, Ambassador Saudabayev has helped to build a strong relationship with the United States on many levels. In 2001, Kazakhstan's positive support after terrorist attacks on September 11 helped extend the U.S. partnership on important issues such as energy policy, arms proliferation, the environment, and terrorism. In the past year, he and his country have helped to build positive economic and educational affiliations with Louisiana and also have graciously donated $50,000 to two local schools for rebuilding after Hurricanes Katrina and Rita.

Serving in many important leadership positions before now, Ambassador Saudabayev was born in the Almaty region in 1946 and is now married to Kullikhan and is privileged to have two sons, a daughter, and three grandchildren. He has served as the head of the Prime Minister's Office in 1999 and 2000. In the 1990s he was appointed to serve as Ambassador to the United Kingdom of Great Britain and Northern Ireland. He worked as the Minister of Foreign Affairs in 1994 for his state and signed for Kazakhstan in NATO's Partnership for Peace Agreement. In 1991, he served as Ambassador to Turkey, the last under Soviet order, and worked to create a new strong future for Kazakhstan in its international relationships.

Before his diplomatic ventures, Ambassador Saudabayev had a passion for and held many positions in Kazakhstan's focus on culture. Starting as a theatrical producer, Ambassador Saudabayev acted as chairman of the State Committee of Culture, chairman of the State Film Committee, and Deputy Culture Minister.

Besides his devoted nature in working with the United States and his homeland, the Ambassador's most impressive past will lead the United States to not only recognize him for his past contribution to the world but most likely also for his efforts to come.

We wish him Happy Birthday on this celebratory year and occasion along with many years of health and good fortune in his future.●

TRIBUTE TO SHARON DALY

● Mr. ROCKEFELLER. Mr. President, this month, Sharon Daly will retire from Catholic Charities USA. She has been a compassionate, committed advocate for the most vulnerable children and needy families for more than a decade. She has skillfully represented a nationwide faith-based network that serves people in every State, including West Virginia. For many years, Sharon and her grassroots network of service providers have provided information and valuable insights on the needs of children and families. I have gained facts and support on a wide range of issues, from adoption and foster care to childcare and welfare reform, thanks to Sharon Daly and Catholic Charities. She has been a clear, compelling voice for the needs of children and the poor. Her leadership has been inspiring, and her voice will be missed.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY BLOCKING PROPERTY OF CERTAIN PERSONS AND PROHIBITING THE IMPORTATION OF CERTAIN GOODS FROM LIBERIA THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13348 ON JULY 22, 2004—PM–54

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. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency and related measures blocking the property of certain persons and prohibiting the importation of certain goods from Liberia are to continue in effect beyond July 22, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on July 21, 2005 (70 FR 41935).

The actions and policies of former Liberian President Charles Taylor and his close associates, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons and prohibiting the importation of certain goods from Liberia.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 18, 2006*.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

The President pro tempore (Mr. STEVENS) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

S. 655. An act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention.

H.R. 2872. An act to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

At 12:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1871. An act to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

H.R. 3085. An act to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

H.R. 3496. An act to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes.

H.R. 3729. An act to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts.

H.R. 4019. An act to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income.

H.R. 4075. An act to amend the Marine Mammal Protection Act of 1972 to provide for better understanding and protection of marine mammals, and for other purposes.

H.R. 4376. An act to authorize the National Park Service to enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College, and for other purposes.

At 7:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3504. An act to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1871. An act to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

H.R. 3496. An act to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3729. An act to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts; to the Committee on the Judiciary.

H.R. 4019. An act to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income; to the Committee on Finance.

H.R. 4376. An act to authorize the National Park Service to enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College, and for other purposes; to the Committee on Energy and Natural Resources.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 18, 2006, she had presented to the President of the United States the following enrolled bill:

S. 655. An act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention.

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–7577. A communication from the President/Chief Executive Officer and the Senior Vice President/Chief Financial Officer, Federal Home Loan Bank of Indianapolis, transmitting jointly, pursuant to law, the Bank's 2005 Annual Report, Statement on the System of Internal Controls, and Audited Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–7578. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, the Bank's 2005 statement on the system of internal controls, audited financial statements, and Report of Independent Auditors on Internal Control over Financial Reporting; to the Committee on Banking, Housing, and Urban Affairs.

EC–7579. A communication from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's 2005 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–7580. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's 2005 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–7581. A communication from the President, Federal Home Loan Bank of Cincinnati, transmitting, pursuant to law, the Bank's 2005 Management Report and statement on system of internal controls; to the Committee on Banking, Housing, and Urban Affairs .

EC–7582. A communication from the First Vice President and Controller, Federal Home Loan Bank of Atlanta, transmitting, pursuant to law, the Bank's 2005 management reports and statements on system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–7583. A communication from the Assistant Secretary, Division of Market Regulation, Securities and Exchange Commission , transmitting, pursuant to law, the report of a rule entitled ''Application of the Definition of Narrow-Based Security Index to Debt Securities Indexes and Security Futures on Debt Securities'' (RIN3235–AJ54) received on July 12, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7584. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Imposition of Special Measure Against VEF Bank Including Its Subsidiary, Veiksmes lizings, as a Financial Institution of Primary Money Laundering Concern'' (RIN1506–AA82) received on July 12, 2006; to the Committee on Banking, Housing, and Urban Affairs.

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 Mr. BURR (for himself, Mr. KENNEDY, Mr. ENZI, Mr. HARKIN, Mr. GREGG, Mr. FRIST, and Ms. MIKULSKI):

S. 3678. A bill to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS (for himself and Mr. ROCKEFELLER):

S. 3679. A bill to authorize appropriations for the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 3680. A bill to amend the Small Business Investment Act of 1958 to reauthorize and expand the New Markets Venture Capital Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DOMENICI (for himself, Mrs. LINCOLN, Mr. CRAIG, Mr. PRYOR, Mr. ALLARD, Mr. BROWNBACK, Mr. BURNS, Mr. BOND, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAPO, Mrs. DOLE, Mr. GRASSLEY, Mr. HAGEL, Mr. LOTT, Mr. ROBERTS, Mr. STEVENS, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. BURR, Mr. NELSON of Nebraska, and Ms. LANDRIEU):

S. 3681. 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; to the Committee on Environment and Public Works.

By Mr. ALEXANDER (for himself, Mr. ENSIGN, Mr. GREGG, and Mr. SANTORUM):

S. 3682. A bill to establish the America's Opportunity Scholarships for Kids Program;

to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS:

S. 3683. A bill to preserve the Mr. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States; to the Committee on Energy and Natural Resources.

By Mr. ALLEN (for himself, Mr. BINGAMAN, and Mrs. BOXER):

S. 3684. A bill to study and promote the use of energy efficient computer servers in the United States; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. REID, Mr. BIDEN, Mr. SANTORUM, Mr. NELSON of Florida, Mr. KYL, Mr. BOND, Mrs. HUTCHISON, Mr. LEVIN, Mrs. DOLE, Mr. GRASSLEY, Mr. BUNNING, Mr. SMITH, Mr. TALENT, Mr. ROBERTS, Mr. VITTER, Mr. CORNYN, Mr. VOINOVICH, Mr. ALLEN, Mr. COLEMAN, Mr. MCCONNELL, Mr. BROWNBACK, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CONRAD, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WYDEN, and Mr. MCCAIN):

S. Res. 534. A resolution condemning Hezbollah and Hamas and their state sponsors and supporting Israel's exercise of its right to self-defense; considered and agreed to.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. BAYH, Mr. ALLEN, Mr. BROWNBACK, Mr. LOTT, Mr. DORGAN, Ms. STABENOW, Mr. CARPER, and Mr. TALENT):

S. Res. 535. A resolution commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. ENSIGN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 351

At the request of Mr. KENNEDY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 351, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 403

At the request of Mr. ENSIGN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 418

At the request of Mr. BURNS, his name was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 537

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 882

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 882, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 929

At the request of Mr. ALLEN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 929, a bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

S. 1293

At the request of Mr. BUNNING, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1293, a bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies.

S. 1575

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1575, a bill to amend the Public Health Service Act to authorize a demonstration program to increase the number of doctorally-prepared nurse faculty.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2354

At the request of Mr. NELSON of Florida, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2435

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2435, a bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2493

At the request of Mr. LAUTENBERG, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2493, a bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes.

S. 2590

At the request of Mr. COBURN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2635

At the request of Mr. WYDEN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2635, a bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 2703

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

At the request of Mr. SPECTER, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 2703, supra.

S. 2754

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2754, a bill to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

S. 2762

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2762, a bill to amend title 38, United States Code, to ensure appropriate payment for the cost of long-term care provided to veterans in State homes, and for other purposes.

S. 2793

At the request of Mr. LUGAR, the name of the Senator from Kansas (Mr.

ROBERTS) was added as a cosponsor of S. 2793, a bill to enhance research and education in the areas of pharmaceutical and biotechnology science and engineering, including therapy development and manufacturing, analytical technologies, modeling, and informatics.

S. 3504

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3504, a bill to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

S. 3547

At the request of Mr. SESSIONS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Texas (Mr. CORNYN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 3547, a bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

S. 3658

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3658, a bill to reauthorize customs and trade functions and programs in order to facilitate legitimate international trade with the Untied States, and for other purposes.

S. 3667

At the request of Mr. FRIST, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3667, a bill to promote nuclear nonproliferation in North Korea.

S. RES. 531

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 531, a resolution to urge the President to appoint a Presidential Special Envoy for Sudan.

At the request of Mr. LIEBERMAN, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Colorado (Mr. SALAZAR), the Senator from Wyoming (Mr. THOMAS) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. Res. 531, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself, Mr. KENNEDY, Mr. ENZI, Mr. HARKIN, Mr. GREGG, Mr. FRIST, and Ms. MIKULSKI):

S. 3678. A bill to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. 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. 3678

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 ''Pandemic and All-Hazards Preparedness Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

SEC. 101. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

(1) by striking the title heading and inserting the following:

''TITLE XXVIII—NATIONAL ALL-HAZARDS PREPAREDNESS FOR PUBLIC HEALTH EMERGENCIES'';

(2) by amending subtitle A to read as follows:

''Subtitle A—National All-Hazards Preparedness and Response Planning, Coordinating, and Reporting

''SEC. 2801. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS.

''(a) IN GENERAL.—The Secretary of Health and Human Services shall lead all Federal public health and medical response to public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

''(b) INTERAGENCY AGREEMENT.—The Secretary, in collaboration with the Secretary of Veterans Affairs, the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the head of any other relevant Federal agency, shall establish an interagency agreement, consistent with the National Response Plan or any successor plan, under which agreement the Secretary of Health and Human Services shall assume operational control of emergency public health and medical response assets, as necessary, in the event of a public health emergency.''.

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

(a) ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

(1) in the subtitle heading, by inserting ''All-Hazards'' before ''Emergency Preparedness'';

(2) by redesignating section 2811 as section 2812;

(3) by inserting after the subtitle heading the following new section:

''SEC. 2811. COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO ALL-HAZARDS PUBLIC HEALTH EMERGENCIES.

''(a) IN GENERAL.—There is established within the Department of Health and Human Services the position of the Assistant Secretary for Preparedness and Response. The President, with the advice and consent of the Senate, shall appoint an individual to serve in such position. Such Assistant Secretary shall report to the Secretary.

''(b) DUTIES.—Subject to the authority of the Secretary, the Assistant Secretary for Preparedness and Response shall carry out the following functions:

''(1) LEADERSHIP.—Serve as the principal advisor to the Secretary on all matters related to Federal public health and medical preparedness and response for public health emergencies.

''(2) PERSONNEL.—Register, credential, organize, train, equip, and have the authority to deploy Federal public health and medical personnel under the authority of the Secretary, including the National Disaster Medical System, and coordinate such personnel with the Medical Reserve Corps and the Emergency System for Advance Registration of Volunteer Health Professionals.

''(3) COUNTERMEASURES.—

''(A) OVERSIGHT.—Oversee advanced research, development, and procurement of qualified countermeasures (as defined in section 319F–1) and qualified pandemic or epidemic products (as defined in section 319F–3).

''(B) STRATEGIC NATIONAL STOCKPILE.—Maintain the Strategic National Stockpile in accordance with section 319F-2, including conducting an annual review (taking into account at-risk individuals) of the contents of the stockpile, including non-pharmaceutical supplies, and make necessary additions or modifications to the contents based on such review.

''(4) COORDINATION.—

''(A) FEDERAL INTEGRATION.—Coordinate with relevant Federal officials to ensure integration of Federal preparedness and response activities for public health emergencies.

''(B) STATE, LOCAL, AND TRIBAL INTEGRATION.—Coordinate with State, local, and tribal public health officials, the Emergency Management Assistance Compact, health care systems, and emergency medical service systems to ensure effective integration of Federal public health and medical assets during a public health emergency.

''(C) EMERGENCY MEDICAL SERVICES.—Promote improved emergency medical services medical direction, system integration, research, and uniformity of data collection, treatment protocols, and policies with regard to public health emergencies.

''(5) LOGISTICS.—In coordination with the Secretary of Veterans Affairs, the Secretary of Homeland Security, the General Services Administration, and other public and private

entities, provide logistical support for medical and public health aspects of Federal responses to public health emergencies.

''(6) LEADERSHIP.—Provide leadership in international programs, initiatives, and policies that deal with public health and medical emergency preparedness and response.

''(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

''(1) have authority over and responsibility for the functions, personnel, assets, and liabilities of the following—

''(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act);

''(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C-2; and

''(C) the Public Health Preparedness Cooperative Agreement Program pursuant to section 319C-1;

''(2) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

''(A) the Medical Reserve Corps pursuant to section 2813 as added by the Pandemic and All-Hazards Preparedness Act;

''(B) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I;

''(C) the Strategic National Stockpile; and

''(D) the Cities Readiness Initiative; and

''(3) assume other duties as determined appropriate by the Secretary.''; and

(4) by striking ''Assistant Secretary for Public Health Emergency Preparedness'' each place it appears and inserting ''Assistant Secretary for Preparedness and Response''.

(b) TRANSFER OF FUNCTIONS; REFERENCES.—

(1) TRANSFER OF FUNCTIONS.—There shall be transferred to the Office of the Assistant Secretary for Preparedness and Response the functions, personnel, assets, and liabilities of the Assistant Secretary for Public Health Emergency Preparedness as in effect on the day before the date of enactment of this Act.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Assistant Secretary for Public Health Emergency Preparedness as in effect the day before the date of enactment of this Act, shall be deemed to be a reference to the Assistant Secretary for Preparedness and Response.

SEC. 103. NATIONAL HEALTH SECURITY STRATEGY.

Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 101, is amended by inserting after section 2801 the following:

''SEC. 2802. NATIONAL HEALTH SECURITY STRATEGY.

''(a) IN GENERAL.—

''(1) PREPAREDNESS AND RESPONSE REGARDING PUBLIC HEALTH EMERGENCIES.—Beginning in 2009 and every 4 years thereafter, the Secretary shall prepare and submit to the relevant Committees of Congress a coordinated strategy and any revisions thereof, and an accompanying implementation plan for public health emergency preparedness and response. The strategy shall identify the process for achieving the preparedness goals described in subsection (b) and shall be consistent with the National Preparedness Goal, the National Incident Management System, and the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

''(2) EVALUATION OF PROGRESS.—The National Health Security Strategy shall include an evaluation of the progress made by Federal, State, local, and tribal entities, based on the evidence-based benchmarks and objective standards that measure levels of preparedness established pursuant to section 319C–1(g). Such evaluation shall include aggregate and State-specific breakdowns of obligated funding spent by major category (as defined by the Secretary) for activities funded through awards pursuant to sections 319C–1 and 319C–2.

''(3) PUBLIC HEALTH WORKFORCE.—In 2009, the National Health Security Strategy shall include a national strategy for establishing an effective and prepared public health workforce, including defining the functions, capabilities, and gaps in such workforce, and identifying strategies to recruit, retain, and protect such workforce from workplace exposures during public health emergencies.

''(b) PREPAREDNESS GOALS.—The strategy under subsection (a) shall include provisions in furtherance of the following:

''(1) INTEGRATION.—Integrating public health and public and private medical capabilities with other first responder systems, including through—

''(A) the periodic evaluation of Federal, State, local, and tribal preparedness and response capabilities through drills and exercises; and

''(B) integrating public and private sector public health and medical donations and volunteers.

''(2) PUBLIC HEALTH.—Developing and sustaining Federal, State, local, and tribal essential public health security capabilities, including the following:

''(A) Disease situational awareness domestically and abroad, including detection, identification, and investigation.

''(B) Disease containment including capabilities for isolation, quarantine, social distancing, and decontamination.

''(C) Risk communication and public preparedness.

''(D) Rapid distribution and administration of medical countermeasures.

''(3) MEDICAL.—Increasing the preparedness, response capabilities, and surge capacity of hospitals, other health care facilities (including mental health facilities), and trauma care and emergency medical service systems with respect to public health emergencies, which shall include developing plans for the following:

''(A) Strengthening public health emergency medical management and treatment capabilities.

''(B) Medical evacuation and fatality management.

''(C) Rapid distribution and administration of medical countermeasures.

''(D) Effective utilization of any available public and private mobile medical assets and integration of other Federal assets.

''(E) Protecting health care workers and health care first responders from workplace exposures during a public health emergency.

''(4) AT-RISK INDIVIDUALS.—

''(A) Taking into account the public health and medical needs of at-risk individuals in the event of a public health emergency.

''(B) For purpose of this title and section 319, the term 'at-risk individuals' means children, pregnant women, senior citizens and other individuals who have special needs in the event of a public health emergency, as determined by the Secretary.

''(5) COORDINATION.—Minimizing duplication of, and ensuring coordination between Federal, State, local, and tribal planning, preparedness, and response activities (including the State Emergency Management Assistance Compact). Such planning shall be consistent with the National Response Plan, or any successor plan, and National Incident Management System and the National Preparedness Goal.

''(6) CONTINUITY OF OPERATIONS.—Maintaining vital public health and medical services to allow for optimal Federal, State, local, and tribal operations in the event of a public health emergency.''.

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) by amending the heading to read as follows: ''improving state and local public health security.'';

(2) by striking subsections (a) through (i) and inserting the following:

''(a) IN GENERAL.—To enhance the security of the United States with respect to public health emergencies, the Secretary shall award cooperative agreements to eligible entities to enable such entities to conduct the activities described in subsection (d).

''(b) ELIGIBLE ENTITIES.—To be eligible to receive an award under subsection (a), an entity shall—

''(1)(A) be a State;

''(B) be a political subdivision determined by the Secretary to be eligible for an award under this section (based on criteria described in subsection (h)(4); or

''(C) be a consortium of entities described in subparagraph (A); and

''(2) prepare and submit to the Secretary an application at such time, and in such manner, and containing such information as the Secretary may require, including—

''(A) an All-Hazards Public Health Emergency Preparedness and Response Plan which shall include—

''(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802;

''(ii) a pandemic influenza plan consistent with the requirements of paragraphs (2) and (5) of subsection (g);

''(iii) preparedness and response strategies and capabilities that take into account the medical and public health needs of at-risk individuals in the event of a public health emergency;

''(iv) a description of the mechanism the entity will implement to utilize the Emergency Management Assistance Compact or other mutual aid agreements for medical and public health mutual aid; and

''(v) a description of how the entity will include the State Area Agency on Aging in public health emergency preparedness;

''(B) an assurance that the entity will report to the Secretary on an annual basis (or more frequently as determined by the Secretary) on the evidence-based benchmarks and objective standards established by the Secretary to evaluate the preparedness and response capabilities of such entity;

''(C) an assurance that the entity will conduct, on at least an annual basis, an exercise or drill that meets any criteria established by the Secretary to test the preparedness and response capabilities of such entity, and that the entity will report back to the Secretary within the application of the following year on the strengths and weaknesses identified through such exercise or drill, and corrective actions taken to address material weaknesses;

''(D) an assurance that the entity will provide to the Secretary the data described under section 319D(d)(3) as determined feasible by the Secretary;

''(E) an assurance that the entity will conduct activities to inform and educate the hospitals within the jurisdiction of such entity on the role of such hospitals in the plan required under subparagraph (A);

''(F) an assurance that the entity, with respect to the plan described under subparagraph (A), has developed and will implement an accountability system to ensure that

such entity make satisfactory annual improvement and describe such system in the plan under subparagraph (A);

''(G) a description of the means by which to obtain public comment and input on the plan described in subparagraph (A) and on the implementation of such plan, that shall include an advisory committee or other similar mechanism for obtaining comment from the public and from other State, local, and tribal stakeholders; and

''(H) as relevant, a description of the process used by the entity to consult with local departments of public health to reach consensus, approval, or concurrence on the relative distribution of amounts received under this section.

''(c) LIMITATION.—Beginning in fiscal year 2009, the Secretary may not award a cooperative agreement to a State unless such State is a participant in the Emergency System for Advance Registration of Volunteer Health Professionals described in section 319I.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (2), (4), (5), and (6) of section 2802(b).

''(2) EFFECT OF SECTION.—Nothing in this subsection may be construed as establishing new regulatory authority or as modifying any existing regulatory authority.

''(e) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant Metropolitan Medical Response Systems, local public health departments, the Cities Readiness Initiative, and local emergency plans.

''(f) CONSULTATION WITH HOMELAND SECURITY.—In making awards under subsection (a), the Secretary shall consult with the Secretary of Homeland Security to—

''(1) ensure maximum coordination of public health and medical preparedness and response activities with the Metropolitan Medical Response System, and other relevant activities;

''(2) minimize duplicative funding of programs and activities;

''(3) analyze activities, including exercises and drills, conducted under this section to develop recommendations and guidance on best practices for such activities, and

''(4) disseminate such recommendations and guidance, including through expanding existing lessons learned information system to create a single Internet-based point of access for sharing and distributing medical and public health best practices and lessons learned from drills, exercises, disasters, and other emergencies.

''(g) ACHIEVEMENT OF MEASURABLE EVIDENCE-BASED BENCHMARKS AND OBJECTIVE STANDARDS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop or where appropriate adopt, and require the application of measurable evidence-based benchmarks and objective standards that measure levels of preparedness with respect to the activities described in this section and with respect to activities described in section 319C-2. In developing such benchmarks and standards, the Secretary shall consult with and seek comments from State, local, and tribal officials and private entities, as appropriate. Where appropriate, the Secretary shall incorporate existing objective standards. Such benchmarks and standards shall, at a minimum, require entities to—

''(A) demonstrate progress toward achieving the preparedness goals described in section 2802 in a reasonable timeframe determined by the Secretary;

''(B) annually report grant expenditures to the Secretary (in a form prescribed by the Secretary) who shall ensure that such information is included on the Federal Internet-based point of access developed under subsection (f); and

''(C) at least annually, test and exercise the public health and medical emergency preparedness and response capabilities of the grantee, based on criteria established by the Secretary.

''(2) CRITERIA FOR PANDEMIC INFLUENZA PLANS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop and disseminate to the chief executive officer of each State criteria for an effective State plan for responding to pandemic influenza.

''(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the development of criteria or standards, without regard to whether such efforts were carried out prior to or after the date of enactment of this section.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall, as determined appropriate by the Secretary, provide to a State, upon request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality assessments, the setting of State objectives and assessment methods, the development of measures of satisfactory annual improvement that are valid and reliable, and other relevant areas.

''(4) NOTIFICATION OF FAILURES.—The Secretary shall develop and implement a process to notify entities that are determined by the Secretary to have failed to meet the requirements of paragraph (1) or (2). Such process shall provide such entities with the opportunity to correct such noncompliance. An entity that fails to correct such noncompliance shall be subject to paragraph (5).

''(5) WITHHOLDING OF AMOUNTS FROM ENTITIES THAT FAIL TO ACHIEVE BENCHMARKS OR SUBMIT INFLUENZA PLAN.—Beginning with fiscal year 2009, and in each succeeding fiscal year, the Secretary shall—

''(A) withhold from each entity that has failed substantially to meet the benchmarks and performance measures described in paragraph (1) for a previous fiscal year (beginning with fiscal year 2008), pursuant to the process developed under paragraph (4), the amount described in paragraph (6); and

''(B) withhold from each entity that has failed to submit to the Secretary a plan for responding to pandemic influenza that meets the criteria developed under paragraph (2), the amount described in paragraph (6).

''(6) AMOUNTS DESCRIBED.—

''(A) IN GENERAL.—The amounts described in this paragraph are the following amounts that are payable to an entity for activities described in section 319C-1 or 319C-2:

''(i) For the fiscal year immediately following a fiscal year in which an entity experienced a failure described in subparagraph (A) or (B) of paragraph (5) by the entity, an amount equal to 10 percent of the amount the entity was eligible to receive for such fiscal year.

''(ii) For the fiscal year immediately following two consecutive fiscal years in which an entity experienced such a failure, an amount equal to 15 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal year under clause (i).

''(iii) For the fiscal year immediately following three consecutive fiscal years in which an entity experienced such a failure, an amount equal to 20 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i) and (ii).

''(iv) For the fiscal year immediately following four consecutive fiscal years in which an entity experienced such a failure, an amount equal to 25 percent of the amount the entity was eligible to receive for such a fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i), (ii), and (iii).

''(B) SEPARATE ACCOUNTING.—Each failure described in subparagraph (A) or (B) of paragraph (5) shall be treated as a separate failure for purposes of calculating amounts withheld under subparagraph (A).

''(7) REALLOCATION OF AMOUNTS WITHHELD.—

''(A) IN GENERAL.—The Secretary shall make amounts withheld under paragraph (6) available for making awards under section 319C-2 to entities described in subsection (b)(1) of such section.

''(B) PREFERENCE IN REALLOCATION.—In making awards under section 319C-2 with amounts described in subparagraph (A), the Secretary shall give preference to eligible entities (as described in section 319C-2(b)(1)) that are located in whole or in part in States from which amounts have been withheld under paragraph (6).

''(8) WAIVER OR REDUCE WITHHOLDING.—The Secretary may waive or reduce the withholding described in paragraph (6), for a single entity or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.'';

(3) by redesignating subsection (j) as subsection (h);

(4) in subsection (h), as so redesignated—

(A) by striking paragraphs (1) through (3)(A) and inserting the following:

''(1) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $824,000,000 fiscal year 2007 for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)), and such sums as may be necessary for each of fiscal years 2008 through 2011.

''(B) COORDINATION.—There are authorized to be appropriated, $10,000,000 for fiscal year 2007 to carry out subsection (f)(3).

''(C) REQUIREMENT FOR STATE MATCHING FUNDS.—Beginning in fiscal year 2009, in the case of any State or consortium of two or more States, the Secretary may not award a cooperative agreement under this section unless the State or consortium of States agree that, with respect to the amount of the cooperative agreement awarded by the Secretary, the State or consortium of States will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to—

''(i) for the first fiscal year of the cooperative agreement, not less than 5 percent of such costs ($1 for each $20 of Federal funds provided in the cooperative agreement); and

''(ii) for any second fiscal year of the cooperative agreement, and for any subsequent fiscal year of such cooperative agreement, not less than 10 percent of such costs ($1 for each $10 of Federal funds provided in the cooperative agreement).

''(D) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.—As determined by the Secretary, non-Federal contributions required in subparagraph (C) may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment or services. Amounts provided by

the Federal government, or services assisted or subsidized to any significant extent by the Federal government, may not be included in determining the amount of such non-Federal contributions.

''(2) MAINTAINING STATE FUNDING.—

''(A) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for public health security at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

''(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal public health agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

''(3) DETERMINATION OF AMOUNT.—

''(A) IN GENERAL.—The Secretary shall award cooperative agreements under subsection (a) to each State or consortium of 2 or more States that submits to the Secretary an application that meets the criteria of the Secretary for the receipt of such an award and that meets other implementation conditions established by the Secretary for such awards.'';

(B) in paragraph (4)(A)—

(i) by striking ''2003'' and inserting ''2007''; and

(ii) by striking ''(A)(i)(I)'';

(C) in paragraph (4)(D), by striking ''2002'' and inserting ''2006'';

(D) in paragraph (5), by striking ''2003'' and inserting ''2007''; and

(E) by striking paragraph (6) and inserting the following:

''(6) FUNDING OF LOCAL ENTITIES.—The Secretary shall, in making awards under this section, ensure that with respect to the cooperative agreement awarded, the entity make available appropriate portions of such award to political subdivisions and local departments of public health through a process involving the consensus, approval or concurrence with such local entities.''; and

(5) by adding at the end the following:

''(i) ADMINISTRATIVE AND FISCAL RESPONSIBILITY.—

''(1) ANNUAL REPORTING REQUIREMENTS.—Each entity shall prepare and submit to the Secretary annual reports on its activities under this section and section 319C–2. Each such report shall be prepared by, or in consultation with, the health department. In order to properly evaluate and compare the performance of different entities assisted under this section and section 319C–2 and to assure the proper expenditure of funds under this section and section 319C–2, such reports shall be in such standardized form and contain such information as the Secretary determines (after consultation with the States) to be necessary to—

''(A) secure an accurate description of those activities;

''(B) secure a complete record of the purposes for which funds were spent, and of the recipients of such funds;

''(C) describe the extent to which the entity has met the goals and objectives it set forth under this section or section 319C–2; and

''(D) determine the extent to which funds were expended consistent with the entity's application transmitted under this section or section 319C–2.

''(2) AUDITS; IMPLEMENTATION.—

''(A) IN GENERAL.—Each entity receiving funds under this section or section 319C–2 shall, not less often than once every 2 years, audit its expenditures from amounts received under this section or section 319C–2. Such audits shall be conducted by an entity independent of the agency administering a program funded under this section or section 319C–2 in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions and generally accepted auditing standards. Within 30 days following the completion of each audit report, the entity shall submit a copy of that audit report to the Secretary.

''(B) REPAYMENT.—Each entity shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the entity, not to have been expended in accordance with this section or section 319C–2 and, if such repayment is not made, the Secretary may offset such amounts against the amount of any allotment to which the entity is or may become entitled under this section or section 319C–2 or may otherwise recover such amounts.

''(C) WITHHOLDING OF PAYMENT.—The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any entity which is not using its allotment under this section or section 319C–2 in accordance with such section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

''(3) MAXIMUM CARRYOVER AMOUNT.—

''(A) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the States and political subdivisions, shall determine the maximum percentage amount of an award under this section that an entity may carryover to the succeeding fiscal year.

''(B) AMOUNT EXCEEDED.—For each fiscal year, if the percentage amount of an award under this section unexpended by an entity exceeds the maximum percentage permitted by the Secretary under subparagraph (A), the entity shall return to the Secretary the portion of the unexpended amount that exceeds the maximum amount permitted to be carried over by the Secretary.

''(C) ACTION BY SECRETARY.—The Secretary shall make amounts returned to the Secretary under subparagraph (B) available for awards under section 319C–2(b)(1). In making awards under section 319C–2(b)(1) with amounts collected under this paragraph the Secretary shall give preference to entities that are located in whole or in part in States from which amounts have been returned under subparagraph (B).

''(D) WAIVER.—An entity may apply to the Secretary for a waiver of the maximum percentage amount under subparagraph (A). Such an application for a waiver shall include an explanation why such requirement should not apply to the entity and the steps taken by such entity to ensure that all funds under an award under this section will be expended appropriately.

''(E) WAIVE OR REDUCE WITHHOLDING.—The Secretary may waive the application of subparagraph (B) for a single entity pursuant to subparagraph (D) or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.''.

SEC. 202. USING INFORMATION TECHNOLOGY TO IMPROVE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in subsection (a)(1), by inserting ''domestically and abroad'' after ''public health threats''; and

(2) by adding at the end the following:

''(d) PUBLIC HEALTH SITUATIONAL AWARENESS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal public health officials, shall establish a near real-time electronic nationwide public health situational awareness capability through an interoperable network of systems to share data and information to enhance early detection of rapid response to, and management of, potentially catastrophic infectious disease outbreaks and other public health emergencies that originate domestically or abroad. Such network shall be built on existing State situational awareness systems or enhanced systems that enable such connectivity.

''(2) STRATEGIC PLAN.—Not later than 180 days after the date of enactment the Pandemic and All-Hazards Preparedness Act, the Secretary shall submit to the appropriate committees of Congress, a strategic plan that demonstrates the steps the Secretary will undertake to develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3).

''(3) ELEMENTS.—The network described in paragraph (1) shall include data and information transmitted in a standardized format from—

''(A) State, local, and tribal public health entities, including public health laboratories;

''(B) Federal health agencies;

''(C) zoonotic disease monitoring systems;

''(D) public and private sector health care entities, hospitals, pharmacies, poison control centers or professional organizations in the field of poison control, and clinical laboratories, to the extent practicable and provided that such data are voluntarily provided simultaneously to the Secretary and appropriate State, local, and tribal public health agencies; and

''(E) such other sources as the Secretary may deem appropriate.

''(4) RULE OF CONSTRUCTION.—Paragraph (3) shall not be construed as requiring separate reporting of data and information from each source listed.

''(5) REQUIRED ACTIVITIES.—In establishing and operating the network described in paragraph (1), the Secretary shall—

''(A) utilize applicable interoperability standards as determined by the Secretary through a joint public and private sector process;

''(B) define minimal data elements for such network;

''(C) in collaboration with State, local, and tribal public health officials, integrate and build upon existing State, local, and tribal capabilities, ensuring simultaneous sharing of data, information, and analyses from the network described in paragraph (1) with State, local, and tribal public health agencies; and

''(D) in collaboration with State, local, and tribal public health officials, develop procedures and standards for the collection, analysis, and interpretation of data that States, regions, or other entities collect and report to the network described in paragraph (1).

''(e) STATE AND REGIONAL SYSTEMS TO ENHANCE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.—

''(1) IN GENERAL.—To implement the network described in section (d), the Secretary may award grants to States to enhance the ability of such States to establish or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies, in collaboration with public health agencies, sentinel hospitals, clinical laboratories, pharmacies, poison control centers, other health care organizations, or animal health organizations within such States.

''(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), the State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State will submit to the Secretary—

''(A) reports of such data, information, and metrics as the Secretary may require;

''(B) a report on the effectiveness of the systems funded under the grant; and

''(C) a description of the manner in which grant funds will be used to enhance the timelines and comprehensiveness of efforts to detect, respond to, and manage potentially catastrophic infectious disease outbreaks and public health emergencies.

''(3) USE OF FUNDS.—A State that receives an award under this subsection—

''(A) shall establish, enhance, or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies; and

''(B) may award grants or contracts to entities described in paragraph (1) within or serving such State to assist such entities in improving the operation of information technology systems, facilitating the secure exchange of data and information, and training personnel to enhance the operation of the system described in paragraph (A).

''(4) LIMITATION.—Information technology systems acquired or implemented using grants awarded under this section must be compliant with—

''(A) interoperability and other technological standards, as determined by the Secretary; and

''(B) data collection and reporting requirements for the network described in subsection (d).

''(5) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report, concerning the activities conducted under this subsection and subsection (d).

''(f) GRANTS FOR REAL-TIME SURVEILLANCE IMPROVEMENT.—

''(1) IN GENERAL.—The Secretary may award grants to eligible entities to carry out projects described under paragraph (4).

''(2) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means an entity that is—

''(A)(i) a hospital, clinical laboratory, university; or

''(ii) poison control center or professional organization in the field of poison control; and

''(B) a participant in the network established under subsection (d).

''(3) APPLICATION.—Each eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible entity described in paragraph (2)(A)(i) that receives a grant under this section shall use the funds awarded pursuant to such grant to carry out a pilot demonstration project to purchase and implement the use of advanced diagnostic medical equipment to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance and report any results from such project to State, local, and tribal public health entities and the network established under subsection (d).

''(B) OTHER ENTITIES.—An eligible entity described in paragraph (2)(A)(ii) that receives a grant under this section shall use the funds awarded pursuant to such grant to—

''(i) improve the early detection, surveillance, and investigative capabilities of poison control centers for chemical, biological, radiological, and nuclear events by training poison information personnel to improve the accuracy of surveillance data, improving the definitions used by the poison control centers for surveillance, and enhancing timely and efficient investigation of data anomalies;

''(ii) improve the capabilities of poison control centers to provide information to health care providers and the public with regard to chemical, biological, radiological, or nuclear threats or exposures, in consultation with the appropriate State, local, and tribal public health entities; or

''(iii) provide surge capacity in the event of a chemical, biological, radiological, or nuclear event through the establishment of alternative poison control center worksites and the training of nontraditional personnel.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FISCAL YEAR 2007.—There are authorized to be appropriated to carry out subsections (d), (e), and (f) $102,000,000 for fiscal year 2007, of which $35,000,000 is authorized to be appropriated to carry out subsection (f).

''(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated such sums as may be necessary to carry out subsections (d), (e), and (f) for each of fiscal years 2008 through 2011.''.

SEC. 203. PUBLIC HEALTH WORKFORCE ENHANCEMENTS.

(a) DEMONSTRATION PROJECT.—Section 338L of the Public Health Service Act (42 U.S.C. 254t) is amended by adding at the end the following:

''(h) PUBLIC HEALTH DEPARTMENTS.—

''(1) IN GENERAL.—To the extent that funds are appropriated under paragraph (5), the Secretary shall establish a demonstration project to provide for the participation of individuals who are eligible for the Loan Repayment Program described in section 338B and who agree to complete their service obligation in a State health department that serves a significant number of health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary, or in a local health department that serves a health professional shortage area or an area at risk of a public health emergency.

''(2) PROCEDURE.—To be eligible to receive assistance under paragraph (1), with respect to the program described in section 338B, an individual shall—

''(A) comply with all rules and requirements described in such section (other than section 338B(f)(1)(B)(iv)); and

''(B) agree to serve for a time period equal to 2 years, or such longer period as the individual may agree to, in a State, local, or tribal health department, consistent with paragraph (1).

''(3) DESIGNATIONS.—The demonstration project described in paragraph (1), and any healthcare providers who are selected to participate in such project, shall not be considered by the Secretary in the designation of health professional shortage areas under section 332 during fiscal years 2007 through 2010.

''(4) REPORT.—Not later than 3 years after the date of enactment of this subsection, the Secretary shall submit a report to the relevant committees of Congress that evaluates the participation of individuals in the demonstration project under paragraph (1), the impact of such participation on State, local, and tribal health departments, and the benefit and feasibility of permanently allowing such placements in the Loan Repayment Program.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2010.''.

(b) GRANTS FOR LOAN REPAYMENT PROGRAM.—Section 338I of the Public Health Service Act (42 U.S.C. 254q-1) is amended by adding at the end the following:

''(i) PUBLIC HEALTH LOAN REPAYMENT.—

''(1) IN GENERAL.—The Secretary may award grants to States for the purpose of assisting such States in operating loan repayment programs under which such States enter into contracts to repay all or part of the eligible loans borrowed by, or on behalf of, individuals who agree to serve in State, local, or tribal health departments that serve health professional shortage areas or other areas at risk of a public health emergency, as designated by the Secretary.

''(2) LOANS ELIGIBLE FOR REPAYMENT.—To be eligible for repayment under this subsection, a loan shall be a loan made, insured, or guaranteed by the Federal Government that is borrowed by, or on behalf of, an individual to pay the cost of attendance for a program of education leading to a degree appropriate for serving in a State, local, or tribal health department as determined by the Secretary and the chief executive officer of the State in which the grant is administered, at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965), including principal, interest, and related expenses on such loan.

''(3) APPLICABILITY OF EXISTING REQUIREMENTS.—With respect to awards made under paragraph (1)—

''(A) the requirements of subsections (b), (f), and (g) shall apply to such awards; and

''(B) the requirements of subsection (c) shall apply to such awards except that with respect to paragraph (1) of such subsection, the State involved may assign an individual only to public and nonprofit private entities that serve health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2010.''.

SEC. 204. VACCINE TRACKING AND DISTRIBUTION.

Section 319A of the Public Health Service Act (42 U.S.C. 247d-1) is amended to read as follows:

''SEC. 319A. VACCINE TRACKING AND DISTRIBUTION.

''(a) TRACKING.—The Secretary, together with relevant manufacturers, wholesalers, and distributors as may agree to cooperate, may track the initial distribution of federally purchased influenza vaccine in an influenza pandemic. Such tracking information shall be used to inform Federal, State, local, and tribal decision makers during an influenza pandemic.

''(b) DISTRIBUTION.—The Secretary shall promote communication between State, local, and tribal public health officials and such manufacturers, wholesalers, and distributors as agree to participate, regarding the effective distribution of seasonal influenza vaccine. Such communication shall include estimates of high priority populations, as determined by the Secretary, in State, local, and tribal jurisdictions in order to inform Federal, State, local, and tribal decision makers during vaccine shortages and supply disruptions.

''(c) CONFIDENTIALITY.—The information submitted to the Secretary or its contractors, if any, under this section or under any

other section of this Act related to vaccine distribution information shall remain confidential in accordance with the exception from the public disclosure of trade secrets, commercial or financial information, and information obtained from an individual that is privileged and confidential, as provided for in section 552(b)(4) of title 5, United States Code, and subject to the penalties and exceptions under sections 1832 and 1833 of title 18, United States Code, relating to the protection and theft of trade secrets, and subject to privacy protections that are consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996. None of such information provided by a manufacturer, wholesaler, or distributor shall be disclosed without its consent to another manufacturer, wholesaler, or distributor, or shall be used in any manner to give a manufacturer, wholesaler, or distributor a proprietary advantage.

''(d) GUIDELINES.—The Secretary, in order to maintain the confidentiality of relevant information and ensure that none of the information contained in the systems involved may be used to provide proprietary advantage within the vaccine market, while allowing State, local, and tribal health officials access to such information to maximize the delivery and availability of vaccines to high priority populations, during times of influenza pandemics, vaccine shortages, and supply disruptions, in consultation with manufacturers, distributors, wholesalers and State, local, and tribal health departments, shall develop guidelines for subsections (a) and (b).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums for each of fiscal years 2007 through 2011.

''(f) REPORT TO CONGRESS.—As part of the National Health Security Strategy described in section 2802, the Secretary shall provide an update on the implementation of subsections (a) through (d).''.

SEC. 205. NATIONAL SCIENCE ADVISORY BOARD FOR BIOSECURITY.

The National Science Advisory Board for Biosecurity shall, when requested by the Secretary of Health and Human Services, provide to relevant Federal departments and agencies, advice, guidance, or recommendations concerning—

(1) a core curriculum and training requirements for workers in maximum containment biological laboratories; and

(2) periodic evaluations of maximum containment biological laboratory capacity nationwide and assessments of the future need for increased laboratory capacity;

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

SEC. 301. NATIONAL DISASTER MEDICAL SYSTEM.

(a) NATIONAL DISASTER MEDICAL SYSTEM.—Section 2812 of subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as redesignated by section 102, is amended—

(1) by striking the section heading and inserting ''national disaster medical system'';

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (h) as subsections (a) through (g);

(4) in subsection (a), as so redesignated—

(A) in paragraph (2)(B), by striking ''Federal Emergency Management Agency'' and inserting ''Department of Homeland Security''; and

(B) in paragraph (3)(C), by striking ''Public Health Security and Bioterrorism Preparedness and Response Act of 2002'' and inserting ''Pandemic and All-Hazards Preparedness Act'';

(5) in subsection (b), as so redesignated, by—

(A) striking the subsection heading and inserting ''MODIFICATIONS'';

(B) redesignating paragraph (2) as paragraph (3); and

(C) striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Taking into account the findings from the joint review described under paragraph (2), the Secretary shall modify the policies of the National Disaster Medical System as necessary.

''(2) JOINT REVIEW AND MEDICAL SURGE CAPACITY STRATEGIC PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Veterans Affairs, shall conduct a joint review of the National Disaster Medical System. Such review shall include an evaluation of medical surge capacity, as described by section 2804(a). As part of the National Health Security Strategy under section 2802, the Secretary shall update the findings from such review and further modify the policies of the National Disaster Medical System as necessary.'';

(6) by striking ''subsection (b)'' each place it appears and inserting ''subsection (a)'';

(7) by striking ''subsection (d)'' each place it appears and inserting ''subsection (c)''; and

(8) in subsection (g), as so redesignated, by striking ''2002 through 2006'' and inserting ''2007 through 2011''.

(b) TRANSFER OF NATIONAL DISASTER MEDICAL SYSTEM TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—There shall be transferred to the Secretary of Health and Human Services the functions, personnel, assets, and liabilities of the National Disaster Medical System of the Department of Homeland Security, including the functions of the Secretary of Homeland Security and the Under Secretary for Emergency Preparedness and Response relating thereto.

(c) CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 312(3)(B), 313(5))) is amended—

(1) in section 502(3)(B), by striking '', the National Disaster Medical System,''; and

(2) in section 503(5), by striking '', the National Disaster Medical System''.

(d) UPDATE OF CERTAIN PROVISION.—Section 319F(b)(2) of the Public Health Service Act (42 U.S.C. 247d–6(b)(2)) is amended—

(1) in the paragraph heading, by striking ''CHILDREN AND TERRORISM'' and inserting ''AT-RISK INDIVIDUALS AND PUBLIC HEALTH EMERGENCIES'';

(2) in subparagraph (A), by striking ''Children and Terrorism'' and inserting ''At-Risk Individuals and Public Health Emergencies'';

(3) in subparagraph (B)—

(A) in clause (i), by striking ''bioterrorism as it relates to children'' and inserting ''public health emergencies as they relate to at-risk individuals'';

(B) in clause (ii), by striking ''children'' and inserting ''at-risk individuals''; and

(C) in clause (iii), by striking ''children'' and inserting ''at-risk individuals'';

(4) in subparagraph (C), by striking ''children'' and all that follows through the period and inserting ''at-risk populations.''; and

(5) in subparagraph (D), by striking ''one year'' and inserting ''six years''.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall take effect on January 1, 2007.

SEC. 302. ENHANCING MEDICAL SURGE CAPACITY.

(a) IN GENERAL.—Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 103, is amended by inserting after section 2802 the following:

''SEC. 2804. ENHANCING MEDICAL SURGE CAPACITY.

''(a) STUDY OF ENHANCING MEDICAL SURGE CAPACITY.—As part of the joint review described in section 2812(b), the Secretary shall evaluate the benefits and feasibility of improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency. Such study shall include an assessment of the need for and feasibility of improving surge capacity through—

''(1) acquisition and operation of mobile medical assets by the Secretary to be deployed, on a contingency basis, to a community in the event of a public health emergency; and

''(2) other strategies to improve such capacity as determined appropriate by the Secretary.

''(b) AUTHORITY TO ACQUIRE AND OPERATE MOBILE MEDICAL ASSETS.—In addition to any other authority to acquire, deploy, and operate mobile medical assets, the Secretary may acquire, deploy, and operate mobile medical assets if, taking into consideration the evaluation conducted under subsection (a), such acquisition, deployment, and operation is determined to be beneficial and feasible in improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency.

''(c) USING FEDERAL FACILITIES TO ENHANCE MEDICAL SURGE CAPACITY.—

''(1) ANALYSIS.—The Secretary shall conduct an analysis of whether there are Federal facilities which, in the event of a public health emergency, could practicably be used as facilities in which to provide health care.

''(2) MEMORANDA OF UNDERSTANDING.—If, based on the analysis conducted under paragraph (1), the Secretary determines that there are Federal facilities which, in the event of a public health emergency, could be used as facilities in which to provide health care, the Secretary shall, with respect to each such facility, seek to conclude a memorandum of understanding with the head of the Department or agency that operates such facility that permits the use of such facility to provide health care in the event of a public health emergency.''.

(b) EMTALA.—

(1) IN GENERAL.—Section 1135(b) of the Social Security Act (42 U.S.C. 1320b-5(b)) is amended—

(A) in paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) the direction or relocation of an individual to receive medical screening in an alternative location—

''(i) pursuant to an appropriate State emergency preparedness plan; or

''(ii) in the case of a public health emergency described in subsection (g)(1)(B) that involves a pandemic infectious disease, pursuant to a State pandemic preparedness plan or a plan referred to in clause (i), whichever is applicable in the State;'';

(B) in the third sentence, by striking ''and shall be limited to'' and inserting ''and, except in the case of a waiver or modification to which the fifth sentence of this subsection applies, shall be limited to''; and

(C) by adding at the end the following: ''If a public health emergency described in subsection (g)(1)(B) involves a pandemic influenza), the duration of a waiver or modification under paragraph (3) shall be determined in accordance with subsection (e) as such subsection applies to public health emergencies.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on

the date of the enactment of this Act and shall apply to public health emergencies declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) on or after such date.

SEC. 303. ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.

(a) VOLUNTEER MEDICAL RESERVE CORPS.—Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as amended by this Act, is amended by inserting after section 2812 the following:

''SEC. 2813. VOLUNTEER MEDICAL RESERVE CORPS.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal officials, shall build on State, local, and tribal programs in existence on the date of enactment of such Act to establish and maintain a Medical Reserve Corps (referred to in this section as the 'Corps') to provide for an adequate supply of volunteers in the case of a Federal, State, local, or tribal public health emergency. The Corps shall be headed by a Director who shall be appointed by the Secretary and shall oversee the activities of the Corps chapters that exist at the State, local, and tribal levels.

''(b) STATE, LOCAL, AND TRIBAL COORDINATION.—The Corps shall be established using existing State, local, and tribal teams and shall not alter such teams.

''(c) COMPOSITION.—The Corps shall be composed of individuals who—

''(1)(A) are health professionals who have appropriate professional training and expertise as determined appropriate by the Director of the Corps; or

''(B) are non-health professionals who have an interest in serving in an auxiliary or support capacity to facilitate access to health care services in a public health emergency;

''(2) are certified in accordance with the certification program developed under subsection (d);

''(3) are geographically diverse in residence;

''(4) have registered and carry out training exercises with a local chapter of the Medical Reserve Corps; and

''(5) indicate whether they are willing to be deployed outside the area in which they reside in the event of a public health emergency.

''(d) CERTIFICATION; DRILLS.—

''(1) CERTIFICATION.—The Director, in collaboration with State, local, and tribal officials, shall establish a process for the periodic certification of individuals who volunteer for the Corps, as determined by the Secretary, which shall include the completion by each individual of the core training programs developed under section 319F, as required by the Director. Such certification shall not supercede State licensing or credentialing requirements.

''(2) DRILLS.—In conjunction with the core training programs referred to in paragraph (1), and in order to facilitate the integration of trained volunteers into the health care system at the local level, Corps members shall engage in periodic training exercises to be carried out at the local level.

''(e) DEPLOYMENT.—During a public health emergency, the Secretary shall have the authority to activate and deploy willing members of the Corps to areas of need, taking into consideration the public health and medical expertise required, with the concurrence of the State, local, or tribal officials from the area where the members reside.

''(f) EXPENSES AND TRANSPORTATION.—While engaged in performing duties as a member of the Corps pursuant to an assignment by the Secretary (including periods of travel to facilitate such assignment), members of the Corps who are not otherwise employed by the Federal Government shall be allowed travel or transportation expenses, including per diem in lieu of subsistence.

''(g) IDENTIFICATION.—The Secretary, in cooperation and consultation with the States, shall develop a Medical Reserve Corps Identification Card that describes the licensure and certification information of Corps members, as well as other identifying information determined necessary by the Secretary.

''(h) INTERMITTENT DISASTER-RESPONSE PERSONNEL.—

''(1) IN GENERAL.—For the purpose of assisting the Corps in carrying out duties under this section, during a public health emergency, the Secretary may appoint selected individuals to serve as intermittent personnel of such Corps in accordance with applicable civil service laws and regulations. In all other cases, members of the Corps are subject to the laws of the State in which the activities of the Corps are undertaken.

''(2) APPLICABLE PROTECTIONS.—Subsections (c)(2), (d), and (e) of section 2812 shall apply to an individual appointed under paragraph (1) in the same manner as such subsections apply to an individual appointed under section 2812(c).

''(3) LIMITATION.—State, local, and tribal officials shall have no authority to designate a member of the Corps as Federal intermittent disaster-response personnel, but may request the services of such members.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

(b) ENCOURAGING HEALTH PROFESSIONS VOLUNTEERS.—Section 319I of the Public Health Service Act (42 U.S.C. 247d–7b) is amended—

(1) by redesignating subsections (e) and (f) as subsections (j) and (k), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall link existing State verification systems to maintain a single national interoperable network of systems, each system being maintained by a State or group of States, for the purpose of verifying the credentials and licenses of health care professionals who volunteer to provide health services during a public health emergency (such network shall be referred to in this section as the 'verification network').

''(b) REQUIREMENTS.—The interoperable network of systems established under subsection (a) shall include—

''(1) with respect to each volunteer health professional included in the system—

''(A) information necessary for the rapid identification of, and communication with, such professionals; and

''(B) the credentials, certifications, licenses, and relevant training of such individuals; and

''(2) the name of each member of the Medical Reserve Corps, the National Disaster Medical System, and any other relevant federally-sponsored or administered programs determined necessary by the Secretary.'';

(3) by striking subsection (d) and inserting the following:

''(d) ACCESSIBILITY.—The Secretary shall ensure that the network established under subsection (a) is electronically accessible by State, local, and tribal health departments and can be linked with the identification cards under section 2813.

''(e) CONFIDENTIALITY.—The Secretary shall establish and require the application of and compliance with measures to ensure the effective security of, integrity of, and access to the data included in the network.

''(f) COORDINATION.—The Secretary shall coordinate with the Secretary of Veterans Affairs and the Secretary of Homeland Security to assess the feasibility of integrating the verification network under this section with the VetPro system of the Department of Veterans Affairs and the National Emergency Responder Credentialing System of the Department of Homeland Security. The Secretary shall, if feasible, integrate the verification network under this section with such VetPro system and the National Emergency Responder Credentialing System.

''(g) UPDATING OF INFORMATION.—The States that are participants in the network established under subsection (a) shall, on at least a quarterly basis, work with the Director to provide for the updating of the information contained in such network.

''(h) CLARIFICATION.—Inclusion of a health professional in the verification network established pursuant to this section shall not constitute appointment of such individual as a Federal employee for any purpose, either under section 2812(c) or otherwise. Such appointment may only be made under section 2812 or 2813.

''(i) HEALTH CARE PROVIDER LICENSES.—The Secretary shall encourage States to establish and implement mechanisms to waive the application of licensing requirements applicable to health professionals, who are seeking to provide medical services (within their scope of practice), during a national, State, local, or tribal public health emergency upon verification that such health professionals are licensed and in good standing in another State and have not been disciplined by any State health licensing or disciplinary board.''; and

(4) in subsection (k) (as so redesignated), by striking ''2006'' and inserting ''2011''.

SEC. 304. CORE EDUCATION AND TRAINING.

Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by striking subsections (a) through (g) and inserting the following;

''(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—

''(1) IN GENERAL.—The Secretary, in collaboration with the Secretary of Defense, and in consultation with relevant public and private entities, shall develop core health and medical response curricula and trainings by adapting applicable existing curricula and training programs to improve responses to public health emergencies.

''(2) CURRICULUM.—The public health and medical response training program may include course work related to—

''(A) medical management of casualties, taking into account the needs of at-risk individuals;

''(B) public health aspects of public health emergencies;

''(C) mental health aspects of public health emergencies;

''(D) national incident management, including coordination among Federal, State, local, tribal, international agencies, and other entities; and

''(E) protecting health care workers and health care first responders from workplace exposures during a public health emergency.

''(3) PEER REVIEW.—On a periodic basis, products prepared as part of the program shall be rigorously tested and peer-reviewed by experts in the relevant fields.

''(4) CREDIT.—The Secretary and the Secretary of Defense shall—

''(A) take into account continuing professional education requirements of public health and healthcare professions; and

''(B) cooperate with State, local, and tribal accrediting agencies and with professional associations in arranging for students enrolled in the program to obtain continuing

professional education credit for program courses.

''(5) DISSEMINATION AND TRAINING.—

''(A) IN GENERAL.—The Secretary may provide for the dissemination and teaching of the materials described in paragraphs (1) and (2) by appropriate means, as determined by the Secretary.

''(B) CERTAIN ENTITIES.—The education and training activities described in subparagraph (A) may be carried out by Federal public health or medical entities, appropriate educational entities, professional organizations and societies, private accrediting organizations, and other nonprofit institutions or entities meeting criteria established by the Secretary.

''(C) GRANTS AND CONTRACTS.—In carrying out this subsection, the Secretary may carry out activities directly or through the award of grants and contracts, and may enter into interagency agreements with other Federal agencies.

''(b) EXPANSION OF EPIDEMIC INTELLIGENCE SERVICE PROGRAM.—The Secretary may establish 20 officer positions in the Epidemic Intelligence Service Program, in addition to the number of the officer positions offered under such Program in 2006 for individuals who agree to participate, for a period of not less than 2 years, in the Career Epidemiology Field Officer program in a State, local, or tribal health department that serves a health professional shortage area (as defined under section 332(a)), a medically underserved population (as defined under section 330(b)(3)), or a medically underserved area or area at high risk of a public health emergency as designated by the Secretary.

''(c) CENTERS FOR PUBLIC HEALTH PREPAREDNESS; CORE CURRICULA AND TRAINING.—

''(1) IN GENERAL.—The Secretary may establish at accredited schools of public health, Centers for Public Health Preparedness (hereafter referred to in this section as the 'Centers').

''(2) ELIGIBILITY.—To be eligible to receive an award under this subsection to establish a Center, an accredited school of public health shall agree to conduct activities consistent with the requirements of this subsection.

''(3) CORE CURRICULA.—The Secretary, in collaboration with the Centers and other public or private entities shall establish core curricula based on established competencies leading to a 4-year bachelor's degree, a graduate degree, a combined bachelor and master's degree, or a certificate program, for use by each Center. The Secretary shall disseminate such curricula to other accredited schools of public health and other health professions schools determined appropriate by the Secretary, for voluntary use by such schools.

''(4) CORE COMPETENCY-BASED TRAINING PROGRAM.—The Secretary, in collaboration with the Centers and other public or private entities shall facilitate the development of a competency-based training program to train public health practitioners. The Centers shall use such training program to train public health practitioners. The Secretary shall disseminate such training program to other accredited schools of public health, and other health professions schools as determined by the Secretary, for voluntary use by such schools.

''(5) CONTENT OF CORE CURRICULA AND TRAINING PROGRAM.—The Secretary shall ensure that the core curricula and training program established pursuant to this subsection respond to the needs of State, local, and tribal public health authorities and integrate and emphasize essential public health security capabilities consistent with section 2802(b)(2).

''(6) ACADEMIC-WORKFORCE COMMUNICATION.—As a condition of receiving funding from the Secretary under this subsection, a Center shall collaborate with a State, local, or tribal public health department to—

''(A) define the public health preparedness and response needs of the community involved;

''(B) assess the extent to which such needs are fulfilled by existing preparedness and response activities of such school or health department, and how such activities may be improved;

''(C) prior to developing new materials or trainings, evaluate and utilize relevant materials and trainings developed by others Centers; and

''(D) evaluate community impact and the effectiveness of any newly developed materials or trainings.

''(7) PUBLIC HEALTH SYSTEMS RESEARCH.—In consultation with relevant public and private entities, the Secretary shall define the existing knowledge base for public health preparedness and response systems, and establish a research agenda based on Federal, State, local, and tribal public health preparedness priorities. As a condition of receiving funding from the Secretary under this subsection, a Center shall conduct public health systems research that is consistent with the agenda described under this paragraph.'';

(2) by redesignating subsection (h) as subsection (d);

(3) by inserting after subsection (d) (as so redesignated), the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FISCAL YEAR 2007.—There are authorized to be appropriated to carry out this section for fiscal year 2007—

''(A) to carry out subsection (a), $12,000,000, of which $5,000,000 shall be used to carry out paragraphs (1) through (4) of such subsection, and $7,000,000 shall be used to carry out paragraph (5) of such subsection;

''(B) to carry out subsection (b), $3,000,000; and

''(C) to carry out subsection (c), $31,000,000, of which $5,000,000 shall be used to carry out paragraphs (3) through (5) of such subsection.

''(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2008 and each subsequent fiscal year.''; and

(4) by striking subsections (i) and (j).

SEC. 305. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended to read as follows:

''SEC. 319C–2. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

''(a) IN GENERAL.—The Secretary shall award competitive grants or cooperative agreements to eligible entities to enable such entities to improve surge capacity and enhance community and hospital preparedness for public health emergencies.

''(b) ELIGIBILITY.—To be eligible for an award under subsection (a), an entity shall—

''(1)(A) be a partnership consisting of—

''(i) one or more hospitals, at least one of which shall be a designated trauma center, consistent with section 1213(c);

''(ii) one or more other local health care facilities, including clinics, health centers, primary care facilities, mental health centers, mobile medical assets, or nursing homes; and

''(iii)(I) one or more political subdivisions;

''(II) one or more States; or

''(III) one or more States and one or more political subdivisions; and

''(B) prepare, in consultation with the Chief Executive Officer and the lead health officials of the State, District, or territory in which the hospital and health care facilities described in subparagraph (A) are located, and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary may require; or

''(2)(A) be an entity described in section 319C–1(b)(1); and

''(B) submit an application at such time, in such manner, and containing such information as the Secretary may require, including the information or assurances required under section 319C-1(b)(2) and an assurance that the State will retain not more than 25 percent of the funds awarded for administrative and other support functions.

''(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).

''(d) PREFERENCES.—

''(1) REGIONAL COORDINATION.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that submit applications that, in the determination of the Secretary—

''(A) will enhance coordination—

''(i) among the entities described in subsection (b)(1)(A)(i); and

''(ii) between such entities and the entities described in subsection (b)(1)(A)(ii); and

''(B) include, in the partnership described in subsection (b)(1)(A), a significant percentage of the hospitals and health care facilities within the geographic area served by such partnership.

''(2) OTHER PREFERENCES.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that, in the determination of the Secretary—

''(A) include one or more hospitals that are participants in the National Disaster Medical System;

''(B) are located in a geographic area that faces a high degree of risk, as determined by the Secretary in consultation with the Secretary of Homeland Security; or

''(C) have a significant need for funds to achieve the medical preparedness goals described in section 2802(b)(2).

''(e) CONSISTENCY OF PLANNED ACTIVITIES.—The Secretary may not award a cooperative agreement to an eligible entity described in subsection (b)(1) unless the application submitted by the entity is coordinated and consistent with an applicable State All-Hazards Public Health Emergency Preparedness and Response Plan and relevant local plans, as determined by the Secretary in consultation with relevant State health officials.

''(f) LIMITATION ON AWARDS.—A political subdivision shall not participate in more than one partnership described in subsection (b)(1).

''(g) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the Cities Readiness Initiative, and local emergency plans.

''(h) MAINTENANCE OF STATE FUNDING.—

''(1) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for health care preparedness at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of

such personnel is to carry out such activities).

''(i) PERFORMANCE AND ACCOUNTABILITY.—The requirements of section 319C-1(g) and (i) shall apply to entities receiving awards under this section (regardless of whether such entities are described under subsection (b)(1)(A) or (b)(2)(A)) in the same manner as such requirements apply to entities under section 319C-1.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.

''(2) RESERVATION OF AMOUNTS FOR PARTNERSHIPS.—Prior to making awards described in paragraph (3), the Secretary may reserve from the amount appropriated under paragraph (1) for a fiscal year, an amount determined appropriate by the Secretary for making awards to entities described in subsection (b)(1)(A).

''(3) AWARDS TO STATES AND POLITICAL SUBDIVISIONS.—

''(A) IN GENERAL.—From amounts appropriated for a fiscal year under paragraph (1) and not reserved under paragraph (2), the Secretary shall make awards to entities described in subsection (b)(2)(A) that have completed an application as described in subsection (b)(2)(B).

''(B) AMOUNT.—The Secretary shall determine the amount of an award to each entity described in subparagraph (A) in the same manner as such amounts are determined under section 319C–1(h).''.

SEC. 306. ENHANCING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 8117 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by—

(i) striking ''chemical or biological attack'' and inserting ''a public health emergency (as defined in section 2801 of the Public Health Service Act)'';

(ii) striking ''an attack'' and inserting ''such an emergency''; and

(iii) striking ''public health emergencies'' and inserting ''such emergencies''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

''(C) organizing, training, and equipping the staff of such centers to support the activities carried out by the Secretary of Health and Human Services under section 2801 of the Public Health Service Act in the event of a public health emergency and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan; and

''(D) providing medical logistical support to the National Disaster Medical System and the Secretary of Health and Human Services as necessary, on a reimbursable basis, and in coordination with other designated Federal agencies.'';

(2) in subsection (c), by striking ''a chemical or biological attack or other terrorist attack.'' and inserting ''a public health emergency. The Secretary shall, through existing medical procurement contracts, and on a reimbursable basis, make available as necessary, medical supplies, equipment, and pharmaceuticals in response to a public health emergency in support of the Secretary of Health and Human Services.'';

(3) in subsection (d), by—

(A) striking ''develop and'';

(B) striking ''biological, chemical, or radiological attacks'' and inserting ''public health emergencies''; and

(C) by inserting ''consistent with section 319F(a) of the Public Health Service Act'' before the period; and

(4) in subsection (e)—

(A) in paragraph (1), by striking ''2811(b)'' and inserting ''2812''; and

(B) in paragraph (2)—

(i) by striking ''bioterrorism and other''; and

(ii) by striking ''319F(a)'' and inserting ''319F''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 8117 of title 38, United States Code, is amended by adding at the end the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.''.

By Mr. KERRY:

S. 3680. A bill to amend the Small Business Investment Act of 1958 to reauthorize and expand the New Markets Venture Capital Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, in 1999, President Clinton unveiled the New Markets Investment Initiative to counter an unmet challenge in the 21st century: building economically vibrant communities in underserved places such as inner cities and distressed rural areas, where there is a great need for jobs and economic development. The goal was to build a bridge between Wall Street and our untapped markets in Main Street America. In that same year, Senators Paul Wellstone, JEFF BINGAMAN, PAUL SARBANES, CARL LEVIN, Max Cleland, and I introduced the Community Development and Venture Capital Act to spearhead this innovative New Markets initiative in the Senate. In 2000, our New Markets initiative was enacted with bipartisan support in Congress as part of the Consolidated Appropriations Act of 2001. The New Markets Venture Capital Program, NMVC, which specifically promotes the creation of wealth and job opportunities in low-income areas, was only one part of the initiative agreed to by Speaker HASTERT and then-President Clinton. The other elements of that agreement included the New Markets Tax Credits, NMTC, additional empowerment zones, and a new program: Community Renewal Zones. The overall goal of the legislation was to provide a number of different approaches to alleviating poverty so that we could better understand what works best. With the exception of the NMVC Program, all of the other programs have moved forward. However, the NMVC Program has not been given the opportunity, the funding, or the support to reach its full potential as Congress intended.

The NMVC Program has had many successes since its inception 5 years ago. CEI Community Ventures, Inc. from Maine—close to my home State of Massachusetts—has invested venture capital funds in Look's Gourmet Food Company, which manufactures and sells all-natural, high-quality, shelf-stable seafood products under the ''Bar Harbor T'' and ''Atlantic T'' brands. Another example can be found in Vermont, where Carolyn Cooke and Poppy Gall founded Juno Rising/Isis Women's Apparel, an outdoor clothing company targeting the needs of today's active women. Their products can be found in outdoor stores throughout the country.

Today, I rise to introduce legislation that will not only reauthorize the New Markets Venture Capital Program for 3 years, but will provide critical components for success: providing appropriate funding authorization levels, expanding the NMVC program into all regions of the country, encouraging investment in small manufacturers, making the NMVC Program consistent with the NMTC as Congress intended, incorporating the operational assistance grant model from the Rural Business Investment Program, and establishing a long-overdue Office of New Markets Venture Capital. The legislation is a companion to H.R. 4303, introduced by Representatives GWEN MOORE of Wisconsin and HAL ROGERS of Kentucky. While few differences exist between our bills, both send a clear legislative signal that there is strong bipartisan and bicameral support from Congress to reauthorize this program.

Mr. President, this program has a history of strong bipartisan support. In fiscal year 2001, together we appropriated $150 million for debenture guarantees and $30 million in grant financing to support up to 15 NMVC companies. Unfortunately, only half of this money was obligated to support 6 NMVC companies, and the remaining funds were rescinded in the Fiscal Year 2003 Omnibus Appropriations Act Conference Report. Now today this program faces further challenges with the President's Fiscal Year 2007 budget request asking for no funding for the NMVC Program. This is the sixth year in a row the President has not backed this program, although Congress restored funding in 2002 and initially provided funding in 2003. The Small Business Administration's, SBA's, failure to obligate the remaining funds and the President's lack of support for funding the NMVC Program raises an important question: Has the challenge in the 21st century of improving local economies in low-income urban and rural communities been met? All evidence says no. A 2006 report on America's Children by the Federal Interagency Forum on Child and Family Statistics stated that in 2004, 17 percent of children live in poverty—a total of 12.5 million. In addition, 42 percent of children with single mothers and one in three African-American children live in poverty. The Bureau of Labor Statistics shows that in areas such as Flint, MI, where the NMVC has not yet had the time or resources to reach, the unemployment rate is at 7.3 percent, well above the national average of 4.6

percent. Congress must use this reauthorization process as an opportunity to stimulate business activity in all communities and create jobs for low-income residents throughout the entire country.

Prior to the creation of the NMVC Program, Congress attempted to fill this unmet need through various programs. In fact, Congress created the NMVC Program based on the SBA's Small Business Investment Company Program, SBIC. Since its beginning in 1958, the SBIC Program has provided approximately $46 billion of long-term debt and equity capital to more than 99,000 small U.S. companies. Although the SBIC Program has been popular, it does not sufficiently reach the underserved areas of our country that need economic development the most. The NMVC is targeted specifically to very low-income areas, including historically underutilized business zones—HUB Zones—and low-income rural and urban neighborhoods, which are overlooked by traditional venture capital investors. I do not have an NMVC Company in my State, and I am sure that many Sates, like Massachusetts, could benefit from the opportunities that the NMVC creates. To ensure that the NMVC Program expands into diverse areas around the country, the legislation encourages the SBA Administrator to establish not fewer than one company from each of the 10 geographic regions of the country. In addition to diversifying the geographic distribution of NMVC companies to our underserved communities, there is a great need to diversify the types of investments approved by the SBA, particularly in the area of manufacturing. According to a 2004 study by the U.S. Department of Commerce, the most recent recession in the business cycle hit U.S. manufacturers and their workers hardest—a downturn that first was felt in 2000. The manufacturing community lost 2.6 million jobs, accounting for all of the net job losses from the fourth quarter of 2000 through the third quarter of 2003. Much of the manufacturing sector continues to operate well below its previous peak and potential. For example, in places such as Milwaukee, where in 2002, according to the Bureau of Labor Statistics, 59 percent of working-age African-American males were either unemployed or out of the workforce. Milwaukee has also lost 33,000 manufacturing jobs in the past 5 years. We need to do all we can to bring back these lost manufacturing jobs, and the NMVC Program could play a role. Relying on the market to bring venture capital funding to Milwaukee and other manufacturing hubs is not the solution. According to a study by the University of Kansas, Milwaukee ranks 49th out of the 50 largest U.S. cities in terms of venture capital dollars. Imagine the difference that a venture capital investment could make in this area, creating one job for every $15,000 invested.

As I mentioned previously, this legislation is a companion to the bipartisan legislation introduced by Representatives MOORE and ROGERS in the House. Both of our bills include small manufacturers in the mission of the program, by encouraging the SBA Administrator to select at least one NMVC company that is primarily involved in the investment and development of small manufacturing firms.

Mr. President, the legislation also makes the NMVC Program and the NMTC consistent in defining low-income geographic areas. Both programs were designed to work together—the NMTC was intended to be a tool to encourage NMVC companies to raise private investment capital in low-income communities. Conforming their definitions will assure a smooth coordination between the two programs for future investors.

The nexus between the NMVC Program and the NMTC is only one aspect that makes this program unique among all of the SBA's programs. Another unique aspect is the operational assistance grant program that fund managers can use to assist entrepreneurs in low-income communities to develop a business plan, manage employees, or market their products and services. These grants are an essential tool for fostering community development using venture capital firms because investors are able to reach out into communities not served by conventional investors. Many of the NMVC companies are also members of the surrounding community, therefore, they will have the local expertise and guidance for entrepreneurs to start and sustain a viable business. Some NMVC companies are having a difficult time meeting the SBA requirement that each company raise an upfront dollar-for-dollar match in order to obtain an operational assistance grant. To avoid this unnecessary burden, the legislation incorporates a provision modeled after the joint SBA/Department of Agriculture Rural Business Investment Program which does not require a match from the company and limits the amount of the grant.

Mr. President, these improvements to the NMVC Program are important but they cannot be implemented without dedicated staff at the SBA. In October 2005, I wrote a letter to the SBA expressing my concern about the lack of staffing and resources devoted to the NMVC office within the SBA's Investment Division. The SBA informed me that staff members within the Office of SBIC Operations were getting cross-trained on the NMVC Program to ensure adequate staffing and provide ample support to meet the needs of the six NMVC companies currently assigned to the Office of New Markets Venture Capital within the SBIC Program. Reshuffling SBA staff to assist six companies is not sufficient. If this program grows to its originally intended potential of 15 companies, there needs to be staff dedicated solely to administering the NMVC Program. This legislation establishes an Office of New Markets Venture Capital within the Investment Division of the SBA, headed by a Director appointed by the SBA Administrator. The Director would be responsible for administering and encouraging investment in small manufacturing firms and working to expand the number of small businesses participating in the NMVC Program.

This bill is urgently needed now to expand the good work of the NMVC Program, and I urge all of my colleagues to show their support for the small but growing number of businesses that promise both financial returns for their investors and social returns to low-income people and distressed regions in which they invest. This double bottom line distinguishes the NMVC Program from any other SBA program, and we cannot afford to let it expire.

By Mr. DOMENICI (for himself, Mrs. LINCOLN, Mr. CRAIG, Mr. PRYOR, Mr. ALLARD, Mr. BROWNBACK, Mr. BURNS, Mr. BOND, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAPO, Mrs. DOLE, Mr. GRASSLEY, Mr. HAGEL, Mr. LOTT, Mr. ROBERTS, Mr. STEVENS, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. BURR, Mr. NELSON of Nebraska, and Ms. LANDRIEU).

S. 3681. 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; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to introduce the Agricultural Protection and Prosperity Act of 2006. I would like to thank my colleagues from both sides of the aisle for their support by cosponsoring this important legislation.

The Agricultural Protection and Prosperity Act of 2006 seeks to clarify the original intent of the Comprehensive Environmental Response, Compensation, and Liability Act, CERCLA, by providing an exemption for manure derived from agricultural operations. This clarification is badly needed in order to protect America's agriculture industry from onerous and frivolous lawsuits. Without clarification, agriculture operations could be fined up to $27,500 per day per violation, thereby bankrupting many livestock operations in this country. American livestock operations are already some of the most regulated businesses with regards to environmental quality. Additional requirements and liability under CERCLA, which is designed to clean up toxic industrial pollutants, is unwarranted and unfair for America's farmers.

Agriculture has been the backbone of this country since its inception and we owe our farmers a debt of gratitude. However, in an environment where our farmers and ranchers are struggling to

compete on the international stage, it seems unconscionable that some people wish to place them at a further disadvantage.

This clarification is especially important for New Mexico's dairy industry. This relatively new sector of our economy has grown by leaps and bounds over the years to a point where it contributes substantially to the overall economic output of my great State. On a national level, New Mexico enjoys one of the largest average herd sizes and per capita milk production in the country. This dramatic increase benefits many related businesses from the alfalfa growers along the Rio Grande to the implement salesman in our small towns. However, this growth and the future of the dairy industry in New Mexico are in great jeopardy. If this clarification to CERCLA is not made, the resulting dairy closures and the effects on related industries would devastate my State.

Mr. President, I ask unanimous consent that a copy 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. 3681

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 ''Agricultural Protection and Prosperity Act of 2006''.

SEC. 2. ANIMAL WASTE.

(a) AMENDMENT OF SUPERFUND.—Title III of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9651 et seq.) is amended by adding at end the following:

''SEC. 313. EXCEPTION FOR MANURE.

''(a) DEFINITION OF MANURE.—In this section, the term 'manure' means—

''(1) digestive emissions, feces, urine, urea, and other excrement from livestock (as defined in section 205.2 of title 7, Code of Federal Regulations (or a successor regulation));

''(2) any associated bedding, compost, raw materials, or other materials commingled with such excrement from livestock (as so defined);

''(3) any process water associated with any item referred to in paragraph (1) or (2); and

''(4) any byproduct, constituent, or substance contained in or originating from, or any emission relating to, an item described in paragraph (1), (2), or (3).

''(b) EXEMPTION.—Upon the date of enactment of this section, manure shall not be included in the meaning of—

''(1) the term 'hazardous substance', as defined in section 101(14); or

''(2) the term 'pollutant or contaminant', as defined in section 101(33).

''(c) EFFECT ON OTHER LAW.—Nothing with respect to the enactment of this subsection shall—

''(1) impose any liability under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.) with respect to manure;

''(2) abrogate or otherwise affect any provision of the Air Quality Agreement entered into between the Administrator and operators of animal feeding operations (70 Fed. Reg. 4958 (January 31, 2005)); or

''(3) affect the applicability of any other environmental law as such a law relates to—

''(A) the definition of manure; or

''(B) the responsibilities or liabilities of any person regarding the treatment, storage, or disposal of manure.''.

(b) AMENDMENT OF SARA.—Section 304(a)(4) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11004(a)(4)) is amended—

(1) by striking ''This section'' and inserting the following:

''(A) IN GENERAL.—This section''; and

(2) by adding at the end the following:

''(B) MANURE.—The notification requirements under this subsection do not apply to releases associated with manure (as defined in section 313 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980).''.

By Mr. ALEXANDER (for himself, Mr. ENSIGN, Mr. GREGG, and Mr. SANTORUM):

S. 3682. A bill to establish the America's Opportunity Scholarships for Kids Program; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the attached 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. 3682

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 ''America's Opportunity Scholarships for Kids Act''.

SEC. 2. PURPOSE.

It is the purpose of this Act to support local efforts to enable students from low-income families who attend a school identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(8))—

(1) to attend a private elementary school or secondary school, or a public elementary school or secondary school outside the student's home school district, including a public charter school; or

(2) to receive intensive, sustained supplemental educational services.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY; STATE EDUCATIONAL AGENCY.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', ''Secretary'', and ''State educational agency'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a local educational agency;

(B) a State educational agency; or

(C) a nonprofit organization or a consortium of nonprofit organizations.

(3) ELIGIBLE STUDENT.—The term ''eligible student'' means a student from a low-income family who—

(A) with respect to a school identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(8))—

(i) is eligible to enroll in the beginning grade of the school;

(ii) except as provided in subparagraph (C), attended the school for the entire school year preceding the identification;

(iii) in the case of a student who transfers to the school to attend any grade beyond the beginning grade of the school, attends the school for the remainder of the school year in which the transfer occurs; or

(iv) received a scholarship under this Act in a preceding school year due to such identification; or

(B) is a sibling of a student described in any 1 of clauses (i) through (iv) of subparagraph (A).

(4) LOW-INCOME FAMILY.—The term ''low-income family'' means a family whose income does not exceed 185 percent of the poverty line, except that in the case of a student participating in a project under this Act for a second or any succeeding school year the term includes a family whose income does not exceed 220 percent of the poverty line.

(5) POVERTY LINE.—The term ''poverty line'' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(6) PRIVATE PROVIDER.—The term ''private provider'' means a nonprofit or for-profit private provider of supplemental educational services described in section 1116(e)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)(1)) that is on the updated list of approved providers maintained by the State educational agency under section 1116(e)(4)(C) of such Act (20 U.S.C. 6316(e)(4)(C)).

(7) SUPPLEMENTAL EDUCATIONAL SERVICES.—The term ''supplemental educational services'' has the meaning given the term in section 1116(e)(12)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)(12)(C)).

SEC. 4. PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2) and from amounts appropriated under section 6 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to support projects that provide—

(A) scholarships to enable eligible students to attend—

(i) the private elementary school or secondary school of their parent's choice; or

(ii) a public elementary school or secondary school of their parents' choice outside of the eligible student's home school district, consistent with State law; or

(B) eligible students with intensive, sustained supplemental educational services on an annual basis.

(2) SCHOLARSHIP DURATION RULE.—Each eligible entity that receives a grant under this Act shall only award a scholarship under this Act to an eligible student for—

(A)(i) in the case of an eligible student described in section 3(3)(A), the first school year for which the eligible student is eligible to receive the scholarship with respect to a school identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965; and

(ii) in the case of an eligible student described in section 3(3)(B), the first school year taught at the school so identified; and

(B) each subsequent school year through the school year applicable to the final grade taught at the school so identified.

(b) DURATION OF GRANTS.—The Secretary may award grants under this Act for a period of not more than 5 years.

(c) PRIORITIES.—In awarding grants under this Act, the Secretary shall give priority to eligible entities that—

(1) propose to serve eligible students in a local educational agency with a large number or percentage of schools identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(8));

(2) possess the knowledge and capacity to inform parents of eligible students, in urban,

suburban, and rural areas, about public and private elementary school and secondary school options; and

(3) will augment the scholarships provided to eligible students under this Act in order to help ensure that parents can afford the cost (including tuition, fees, and necessary transportation expenses) of the schools the parents choose to have their children attend under this Act.

(d) APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—To be considered for a grant under this Act, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) CONTENTS.—The application shall, at a minimum, include a description of—

(A) the eligible entity's plan for—

(i) recruiting private schools, local educational agencies, charter schools, and private providers, to participate in the project in order to meet eligible student demand for private and public school admission and supplemental educational services; and

(ii) ensuring that participating schools that enroll eligible students receiving scholarships under this Act, and private providers participating in the project, will meet the applicable requirements of the project;

(B) each school identified for restructuring that will be served under the project, including—

(i) the name of each such school; and

(ii) such demographic and socioeconomic information as the Secretary may require;

(C) how the eligible entity will work with the identified schools and the local educational agency to identify the parents of eligible students (including through contracts or cooperative agreements with the public school or local educational agency) consistent with the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);

(D) how the eligible entity will structure the project in a manner that permits eligible students to participate in the second and succeeding school years of the project if the schools the eligible students attend with scholarship assistance under this Act are subsequently identified for restructuring under section 1116(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(8));

(E) how the eligible entity will use funds received under this Act;

(F) how the eligible entity will ensure that if more eligible students seek admission to the project than the project can accommodate, the eligible students will be selected through a random selection process;

(G) how the eligible entity will notify parents of eligible students of the expanded choice opportunities provided under the project and how the eligible entity will provide parents with sufficient information to enable the parents to make an informed decision;

(H) how the eligible entity will ensure that the schools receiving eligible students under the grant are financially responsible and will use the grant funds received under this Act effectively;

(I) how the eligible entity will prioritize between providing scholarships and providing sustained, intensive supplemental educational services, including the timing and duration of offering the opportunity for parents to determine which provision the parents prefer; and

(J) how the eligible entity will address the renewal of support for participating eligible students, including continued eligibility.

(e) USES OF FUNDS.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this Act may—

(A) reserve not more than 5 percent of the grant funds for administrative expenses, including costs associated with recruiting and selecting eligible students, private schools, and private providers, to participate in the project;

(B) only for the first year for which grant funds are received under this Act, reserve not more than 5 percent of the grant funds (in addition to the funds reserved under subparagraph (A)), for initial implementation expenses, including costs associated with outreach, providing information to parents and school officials, and other administrative expenses;

(C) use the grant funds to provide scholarships to eligible students to pay for the cost, including tuition, fees, and necessary transportation expenses, to attend the private school of their parents' choice or a public elementary school or secondary school of their parents' choice outside of the eligible students' home school district (consistent with State law), except that the scholarship shall not exceed $4,000 per student per school year; and

(D) use the grant funds to pay the costs, including reasonable transportation costs, of supplemental educational services (including summer school or after-school programs) provided by a private provider to eligible students, except that the costs shall not exceed $3,000 per student, per school year.

(2) FUNDING ORDER.—Each eligible entity that receives a grant under this Act shall—

(A) first fund scholarships for eligible students to attend the private school of their parents' choice or a public elementary school or secondary school of their parents' choice outside of the eligible students' home school district (consistent with State law); and

(B) use any remaining grant funds to provide eligible students with access to supplemental educational services.

(3) PAYMENT.—Each eligible entity that receives a grant under this Act shall make scholarship payments under this Act to the parent of the eligible student participating in the project, in a manner that ensures that the payments will be used only for the payment of tuition, fees, and necessary transportation expenses, in accordance with this Act.

(f) PROHIBITION.—A student who receives supplemental educational services under this Act shall not be eligible to receive other such services under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)).

(g) PROJECT PERFORMANCE.—Each eligible entity receiving a grant under this Act shall prepare and submit to the Secretary a final report on the results of the project assisted under this Act that contains such information as the Secretary may require. At a minimum, the report shall include information on the academic achievement of students receiving scholarships and supplemental educational services under the project.

(h) PERFORMANCE INFORMATION.—Each eligible entity that receives a grant under this Act shall collect and report such performance information as the Secretary may require for the national evaluation conducted under subsection (i).

(i) NATIONAL EVALUATION.—From the amount made available for any fiscal year under section 6, the Secretary shall reserve such sums as may be necessary to conduct an independent evaluation, by grant or by contract, of the program carried out under this Act, which shall include an assessment of the impact of the program on student achievement. The Secretary shall report the results of the evaluation to the appropriate committees of Congress.

SEC. 5. NONDISCRIMINATION.

(a) IN GENERAL.—An eligible entity or a school participating in a project under this Act shall not discriminate against an individual participant in, or an individual applicant to participate in, the project on the basis of race, color, religion, sex, or national origin.

(b) APPLICABILITY AND SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the prohibition of sex discrimination described in subsection (a) shall not apply to a school described in subsection (a) that is operated by, supervised by, controlled by, or connected to, a religious organization, to the extent that the application of subsection (a) is inconsistent with the religious tenets or beliefs of the organization.

(2) PARENTAL CHOICE.—Notwithstanding subsection (a) or any other provision of law, a parent may choose to enroll a child in, and a school may offer, a single-sex school, class, or activity under a project funded under this Act.

(3) NEUTRALITY.—Section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply to this Act.

(c) CHILDREN WITH DISABILITIES.—Nothing in this Act may be construed to alter or modify the requirements of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) RELIGIOUSLY AFFILIATED SCHOOLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a school described in subsection (a) that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise, in matters of employment, the school's rights consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including the exemptions in that title.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, if a school described in subsection (a) receives funds made available under this Act for an eligible student as a result of a choice made by the student's parent, the receipt of the funds shall not, consistent with the first amendment of the Constitution—

(A) necessitate any change in the school's teaching mission;

(B) require the school to remove any religious art, icon, scripture, or other symbol; or

(C) preclude the school from retaining a religious term in its name, selecting its board members on a religious basis, or including a religious reference in its mission statement or another chartering or governing document.

(e) RULES OF CONSTRUCTION.—For purposes of Federal law, a scholarship provided under this Act to a student shall be considered to be assistance to the parent of the student and shall not be considered to be assistance to the school that enrolls the student. The amount of any scholarship (or other form of support for the provision of supplemental educational services) provided to a parent of an eligible student under this Act shall not be treated as income of a parent of the eligible student for purposes of Federal tax laws or for purposes of determining eligibility for any other Federal program, other than the program carried out under this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $100,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.

Mr. ENSIGN. Mr. President, I am pleased to join my colleague, Senator ALEXANDER, in introducing legislation

that would create the America's Opportunity Scholarships for Kids. First proposed by President Bush, this legislation will provide children who are in schools designated for restructuring with scholarships either for the cost of tuition at a private school or for sustained, supplemental educational services.

The No Child Left Behind Act set up a structure for schools to get evaluated annually to determine whether they are meeting adequate yearly progress. Schools are designated for restructuring after 6 years of poor student academic achievement. Children are often trapped in these circumstances, and this legislation will help provide them with either a way out or additional services to increase their academic achievement levels.

I believe that the America's Opportunity Scholarships for Kids will provide true school choice across the country.

Competitiveness and innovation are two of the latest buzz words that surround education. I believe that school choice will breed both competitiveness and innovation.

A few years ago I read an article by Maurice McTigue, now a professor at George Mason University. Mr. McTigue was the equivalent of the Secretary of Transportation in New Zealand when their government underwent a radical transformation. During that time New Zealand's government was decentralized, with most control and money going to local areas. This included the education system.

Rather than having money go directly to the schools, the money followed the children. The government set specific dollar amounts for each child, depending on whether the child had special needs, and that money was given to the school of the child's parents' choice.

This truly radical change caused great uproar at the time, as everyone believed that it would lead to the destruction of the public school system. During the first few years of this new system, enrollment in public schools did decline slightly. However, because each public school was allowed to change and meet the needs of its local students, parents eventually moved back to their home schools.

Now, public school enrollment is at an all-time high in New Zealand. Why? Because schools were forced to compete among themselves without artificial governmental barriers. Parents were allowed to choose the school that best fit their child's needs.

I believe the same thing would happen in the United States if school choice were made available across the country. In fact, two studies by Harvard researchers have shown that, as the voucher program in Milwaukee was expanded, there was a marked improvement in test scores at the public schools most threatened by the program. Students in these public schools have benefited from competition.

In Milwaukee, the choice program caused the public school system to shift power from a centralized administration to each individual school. This shift allowed parents and teachers to make decisions, including who could teach at the school.

Elementary and secondary education is one of the few sectors in this country that does not have open competition. By contrast, our higher education system has flourished because of competition.

The purpose of this legislation is to provide low-income children who are in schools that have consistently not met adequate yearly progress benchmarks, and have not improved student academic achievement, with other options.

This legislation would provide low-income students and their parents with two options. First, these students would have the option of a $4,000 scholarship that would be applied to the cost of tuition at the private school of their parent's choice. If parents decide not to take the scholarship, their child would be eligible for up to $3,000 of intensive, sustained supplemental educational services. Supplemental educational services are services that are provided outside of the regular school day, such as after or before school, that are designed to improve academic achievement.

I believe that this legislation is the next step toward bringing true competition to elementary and secondary education.

I hope that my colleagues will join Senator ALEXANDER and me in supporting this legislation.

By Mr. ALLEN (for himself, Mr. BINGAMAN, and Mrs. BOXER):

S. 3684. A bill to study and promote the use of energy efficient computer servers in the United States; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to join the Senator from Virginia as an original cosponsor of legislation to study and promote the use of energy efficient computer servers in the United States. The growth of the Internet and online applications and the strong demand for electronic transactions are creating a growing need for data centers. Most data center equipment is composed of servers, which are computers that share resources with other computers on a network.

The average annual power and cooling bill for 100 servers is about $40,000—from Computer World, February 6, 2006. The U.S. server market is expected to grow from 2.8 billion servers in 2005 to 4.9 billion in 2009. Without improved efficiency, data center power costs could easily overtake hardware costs in the next few years—A. Fanara, EPA, technical workshop on server benchmarking, March 27, 2006.

Our bill would require the Administrator of EPA to study and analyze the growth and energy consumption of computer data centers. A critical goal of the study is to develop a standard way to measure server efficiency. Energy efficient servers and data center designs are currently available. This analysis would help promote the use of efficient server technology through the Energy Star Program or the Department of Energy's buildings standards program and allow consumers to compare products on the basis of efficiency.

This legislation has broad support from the information technology sector and energy efficiency advocates, including the Alliance to Save Energy, the American Electronics Association, the American Council for an Energy Efficient Economy, the Electronic Industries Alliance, the Information Technology Industry Council, the Semiconductor Association, and leading companies such as Intel, AMD, Sun, and HP.

Mr. President, under the bipartisan leadership of Representative ESHOO, and Representative ROGERS, the House approved identical legislation last week. I hope that the Senate will also pass this needed legislation as soon as possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 534—CONDEMNING HEZBOLLAH AND HAMAS AND THEIR STATE SPONSORS AND SUPPORTING ISRAEL'S EXERCISE OF ITS RIGHT TO SELF-DEFENSE

Mr. FRIST (for himself, Mr. REID, Mr. BIDEN, Mr. SANTORUM, Mr. NELSON of Florida, Mr. KYL, Mr. BOND, Mrs. HUTCHISON, Mr. LEVIN, Mrs. DOLE, Mr. GRASSLEY, Mr. BUNNING, Mr. SMITH, Mr. TALENT, Mr. ROBERTS, Mr. VITTER, Mr. CORNYN, Mr. VOINOVICH, Mr. ALLEN, Mr. COLEMAN, Mr. MCCONNELL, Mr. BROWNBACK, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CONRAD, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WYDEN, and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 534

Whereas Israel fully complied with United Nations Security Council Resolution 425 (adopted March 19, 1978) by completely withdrawing its forces from Lebanon, as certified by the United Nations Security Council and affirmed by United Nations Secretary General Kofi Annan on June 16, 2000, when he said, ''Israel has withdrawn from [Lebanon] in full compliance with Security Council Resolution 425.'';

Whereas United Nations Security Council Resolution 1559 (adopted September 2, 2004)

calls for the complete withdrawal of all foreign forces and the dismantlement of all independent militias in Lebanon;

Whereas despite Resolution 1559, the terrorist organization Hezbollah remains active in Lebanon and has amassed thousands of rockets aimed at northern Israel;

Whereas the Government of Lebanon, which includes representatives of Hezbollah, has done little to dismantle Hezbollah forces or to exert its authority and control throughout all geographic regions of Lebanon;

Whereas Hezbollah receives financial, military, and political support from Syria and Iran;

Whereas the United States has enacted several laws, including the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) and the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note), that call for the imposition of sanctions on Syria and Iran for, among other things, their support for terrorism and terrorist organizations;

Whereas the Government of Israel has shown restraint in the past year even though Hezbollah has launched at least 4 separate attacks into Israel using rockets and ground forces;

Whereas, without provocation, on the morning of July 12, 2006, Hezbollah launched an attack into northern Israel, killing 7 Israeli soldiers and taking 2 hostage into Lebanon;

Whereas on June 25, 2006, despite Israel's evacuation of Gaza in 2005, the terrorist organization Hamas, which is also supported by Syria and Iran, entered sovereign Israeli territory, attacked an Israeli military base, killed 2 Israeli soldiers, and captured an Israeli soldier, and has refused to release that soldier;

Whereas rockets have been launched from Gaza into Israel since Israel's evacuation of Gaza in 2005; and

Whereas both Hezbollah and Hamas refuse to recognize Israel's right to exist and call for the destruction of Israel: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its steadfast support for the State of Israel;

(2) supports Israel's right of self-defense and Israel's right to take appropriate action to deter aggression by terrorist groups and their state sponsors;

(3) urges the President to continue fully supporting Israel as Israel exercises its right of self-defense in Lebanon and Gaza;

(4) calls for the immediate and unconditional release of Israeli soldiers who are being held captive by Hezbollah or Hamas;

(5) condemns the Governments of Iran and Syria for their continued support for Hezbollah and Hamas, and holds the Governments of Syria and Iran responsible for the acts of aggression carried out by Hezbollah and Hamas against Israel;

(6) condemns Hamas and Hezbollah for exploiting civilian populations as shields and locating their military activities in civilian areas;

(7) urges the President to use all available political and diplomatic means, including sanctions, to persuade the governments of Syria and Iran to end their support of Hezbollah and Hamas;

(8) calls on the Government of Lebanon to do everything in its power to find and free the kidnapped Israeli soldiers being held in its territory, and to fulfill its responsibility under United Nations Security Council Resolution 1559 (adopted September 2, 2004) to disband and disarm Hezbollah;

(9) calls on the United Nations Security Council to condemn these unprovoked acts and to demand compliance with Resolution 1559, which requires that Hezbollah and other militias be disbanded and disarmed, and that all foreign forces be withdrawn from Lebanon; and

(10) urges all sides to protect innocent civilian life and infrastructure and strongly supports the use of all diplomatic means available to free the captured Israeli soldiers.

(11) recognizes that thousands of American nationals reside peacefully in Lebanon, and that those American nationals in Lebanon concerned for their safety should receive the full support and assistance of the United States government.

Ms. MIKULSKI. Mr. President, I am proud to rise as a cosponsor of this resolution condemning Hezbollah and its state sponsors, and supporting Israel's exercise of its right to self-defense.

On July 12 Hezbollah militants launched an attack into northern Israel, killing seven Israeli soldiers and kidnapping two soldiers to hold hostage in Lebanon. On June 25, despite Israel's evacuation of Gaza almost a year ago, Hamas entered sovereign Israeli territory, attacked an Israeli military base, killed two Israeli soldiers and kidnapped one, who is still being held captive.

Hezbollah and Hamas are terrorist organizations supported by Syria and Iran. The Senate is on the record demanding that Syria and Iran abandon their sponsorship of terrorism, with legislation including the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 and the Iran and Libya Sanctions Act of 1996. Syria, Iran, and the Hezbollah terrorists that these states sponsor are responsible for the current violence in the Middle East. The kidnapping of Israeli soldiers from Israeli soil and the exploitation of civilian populations as shields are provocations to which any sovereign nation would be obligated to react. Israel has every right to respond to protect her citizens.

These terrorists must be stopped. Terrorists destroy lives. They destroy hope. They destroy the opportunity for peace. The independent militias in Lebanon must be dismantled and withdrawn. The Lebanese government must take steps to comply with United Nations Security Council Resolution 1559 and disarm the Hezbollah forces operating within its territory. The Israeli soldiers being held captive by Hezbollah or Hamas must be released immediately and unconditionally.

I urge President Bush to use all available political and diplomatic means to persuade the governments of Syria and Iran to end their support of Hezbollah and Hamas. We are united in our rejection and condemnation of the heinous acts of Hezbollah and Hamas and the governments of Syria and Iran are supporting them.

We are also united, Mr. President, in our steadfast support for Israel and Israel's right to self-defense. Israel is one of our closest allies. As Americans, we share with Israel both strategic interests and moral values. Today I am proud to stand with the people of Israel and support their right to defend themselves.

SENATE RESOLUTION 535—COMMENDING THE PATRIOT GUARD RIDERS FOR SHIELDING MOURNING MILITARY FAMILIES FROM PROTESTERS AND PRESERVING THE MEMORY OF FALLEN SERVICE MEMBERS AT FUNERALS

Mr. CONRAD (for himself, Mr. ROBERTS, Mr. BAYH, Mr. ALLEN, Mr. BROWNBACK, Mr. LOTT, Mr. DORGAN, Ms. STABENOW, Mr. CARPER, and Mr. TALENT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 535

Whereas in 2005, a small group of American Legion Riders in Kansas calling themselves the ''Patriot Guard'' began a movement to shield the families and friends of fallen service members from interruptions by protesters appearing at military funerals;

Whereas individuals from Colorado, Oklahoma, and Texas later brought together diverse groups of motorcycle organizations across the country who rode to honor fallen service members, forming an organization known as the ''Patriot Guard Riders'';

Whereas the Patriot Guard Riders have since grown into a nationwide network, including both veterans and nonveterans and riders and nonriders, and is open to anyone who shares a respect for service members who have made the ultimate sacrifice for the Nation;

Whereas Patriot Guard Riders attend military funerals to show respect for fallen service members and to shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of the event;

Whereas across the Nation, Patriot Guard Riders volunteer their time to come to the aid of military families in need, so as to allow the memories of the deceased service member to be remembered with honor and dignity;

Whereas regardless of one's opinion of the Nation's military commitments, the families, friends, and communities of the Nation's fallen soldiers deserve a peaceful time of mourning and should not be harassed and caused further suffering at a funeral;

Whereas Patriot Guard Riders appear at a funeral only at the invitation of the fallen soldier's family and participate in a nonviolent, legal manner; and

Whereas the members of the Nation's Armed Forces willingly risk their lives to protect the American way of life and the freedoms guaranteed by the Constitution: Now, therefore, be it

Resolved, That the Senate expresses its deepest appreciation to the Patriot Guard Riders who—

(1) attend military funerals across the country to show respect for fallen members of the Armed Forces and, when needed, shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of a funeral; and

(2) in so doing, help to preserve the memory and honor of the Nation's fallen heroes.

Mr. CONRAD. Mr. President, today Senator ROBERTS is joining me as I submit a resolution to commend the Patriot Guard Riders for all they have done to honor our Nation's fallen heroes and bring comfort to these soldiers' friends and family members.

The Patriot Guard Riders was established in August of 2005 when the American Legion Riders Chapter 136 from Kansas learned that the Westboro

Baptist Church was planning to protest at the funeral of SGT John Doles in Chelsea, OK. The Patriot Guard Riders have since grown into a national network of tens of thousands of members who share a respect for service members who have made the ultimate sacrifice.

The group's mission is to show their sincere respect for our fallen heroes, their families, and their communities. Patriot Guard members attend funerals after being invited by the family of the fallen soldier. At the funeral they form a human shield to protect grieving family members and friends from protesters.

I was recently at the funerals for North Dakota soldiers, and I was appalled—absolutely appalled—by the behavior of protesters who used the funeral to convey their twisted message of hatred for our soldiers and their families. These protests do a grave disservice to the men and women who have courageously served our country and paid the ultimate sacrifice. They and their families deserve privacy and our profound respect.

In addition to attending fallen soldiers' funerals, and send offs, and welcome home ceremonies, the Patriot Guard Riders also visit critically wounded soldiers in hospitals and help them become assimilated back into civilian life. The group has also started the Fallen Warrior Scholarship Fund, a scholarship established to send fallen soldiers' children to college.

Our colleagues in the House passed a similar piece of legislation, H. Res. 731, on June 20. We should join them in expressing the Senate's deepest appreciation to the Patriot Guard Riders who help to preserve the memory and dignity of the Nation's fallen heroes. The resolution I am submitting today does just that. It expresses the Senate's ''deepest appreciation to the Patriot Guard Riders who shield mourning family members and friends of the deceased from protesters who interrupt, or threaten to interrupt, the dignity of a funeral; and in so doing, help to preserve the memory and dignity of the Nation's fallen heroes.''

All across the Nation, and in my own State of North Dakota, Patriot Guard Riders are protecting mourning families from further hurt. For that, they deserve our sincere gratitude.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4676. Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, and Mr. BAUCUS) proposed an amendment to the bill S. 728, to provide for the consideration 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.

SA 4677. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 728, supra; which was ordered to lie on the table.

SA 4678. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 728, supra; which was ordered to lie on the table.

SA 4679. Mrs. BOXER (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 728, supra.

SA 4680. Mr. SPECTER (for himself and Mr. CARPER) proposed an amendment to the bill S. 728, supra.

TEXT OF AMENDMENTS

SA 4676. Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, and Mr. BAUCUS) proposed an amendment to the bill S. 728, to provide for the consideration 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; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2006''.

(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.

(a) PROJECTS WITH CHIEF'S REPORTS.—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 estimated cost of $13,700,000, with an estimated Federal cost of $10,960,000 and an estimated non-Federal cost of $2,740,000.

(2) RILLITO RIVER (EL RIO ANTIGUO), PIMA COUNTY, ARIZONA.—The project for ecosystem restoration, Rillito River (El Rio Antiguo), Pima County, Arizona: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $75,200,000, with an estimated Federal cost of $48,400,000 and an estimated non-Federal cost of $26,800,000.

(3) SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, ARIZONA.—The project for ecosystem restoration, Santa Cruz River, Pima County, Arizona: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $94,400,000, with an estimated Federal cost of $61,200,000 and an estimated non-Federal cost of $33,200,000.

(4) 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 $5,706,000, with an estimated Federal cost of $3,706,000 and an estimated non-Federal cost of $2,000,000.

(5) 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 $156,700,000, with an estimated Federal cost of $101,600,000 and an estimated non-Federal cost of $55,100,000.

(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.

(6) 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 $50,600,000, with an estimated Federal cost of $33,000,000 and estimated non-Federal cost of $17,600,000.

(7) 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 $13,300,000, with an estimated Federal cost of $8,500,000 and an estimated non-Federal cost of $4,800,000, and at an estimated total cost of $41,100,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $20,550,000 and an estimated non-Federal cost of $20,550,000.

(8) 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 $139,600,000, with an estimated Federal cost of $86,700,000 and an estimated non-Federal cost of $52,900,000.

(9) 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 $43,630,000, with an estimated Federal cost of $28,460,000 and an estimated non-Federal cost of $15,170,000.

(10) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, California, at a total cost of $103,012,000, with an estimated Federal cost of $65,600,000 and an estimated non-Federal cost of $37,412,000, to be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the final report signed by the Chief of Engineers on December 22, 2004.

(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.

(C) TRANSFER OF OWNERSHIP.—On completion of salinity reduction in the project area, the Secretary shall transfer ownership of the pipeline to the non-Federal interest at the fully depreciated value of the pipeline, less—

(i) the non-Federal cost-share contributed under subparagraph (A); and

(ii) the estimated value of the water to be provided as needed for maintenance of habitat values in the project area throughout the life of the project.

(11) 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 $21,050,000, with an estimated Federal cost of $13,680,000 and an estimated non-Federal cost of $7,370,000.

(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 $362,260,000 with an estimated Federal cost of $181,130,000 and an estimated non-Federal cost of $181,130,000.

(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 $201,600,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $71,000,000.

(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 $17,760,000, with an estimated Federal cost of $11,540,000 and an estimated non-Federal cost of $6,220,000.

(17) 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 $10,500,000, with an estimated Federal cost of $6,800,000 and an estimated non-Federal cost of $3,700,000.

(18) 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 $9,500,000. 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.

(19) 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 $841,100,000 with an estimated Federal cost of $546,300,000 and an estimated non-Federal cost of $294,800,000.

(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).

(20) 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 project in accordance with the Report of the Chief of Engineers dated March 31, 2006, at a total cost of $256,100,000, with an estimated Federal cost of $192,100,000 and an estimated non-Federal cost of $64,000,000.

(21) 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 $14,500,000, with an estimated Federal cost of $9,425,000 and an estimated non-Federal cost of $5,075,000.

(22) 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 $16,900,000, with an estimated Federal cost of $10,990,000 and an estimated non-Federal cost of $5,910,000.

(23) 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 $70,340,000, with an estimated Federal cost of $45,720,000 and an estimated non-Federal cost of $24,620,000, and at an estimated total cost of $117,100,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $58,550,000 and an estimated non-Federal cost of $58,550,000.

(24) 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 $112,640,000, with an estimated Federal cost of $73,220,600 and an estimated non-Federal cost of $39,420,000, and at an estimated total cost of $6,400,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $2,300,000 and an estimated non-Federal cost of $4,100,000.

(25) 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 $120,810,000, with an estimated Federal cost of $78,530,000 and an estimated non-Federal cost of $42,280,000.

(26) 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 $24,000,000, with an estimated Federal cost of $15,600,000 and an estimated non-Federal cost of $8,400,000.

(27) 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 $14,070,000, with an estimated Federal cost of $7,035,000 and an estimated non-Federal cost of $7,035,000.

(28) 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 $43,300,000, with an estimated Federal cost of $28,150,000 and an estimated non-Federal cost of $15,150,000.

(29) 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.

(30) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY RE-ROUTE, 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.

(31) 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.

(32) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—The project for ecosystem restoration, Riverside Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of $27,330,000, with an estimated Federal cost of $11,320,000 and an estimated non-Federal cost of $16,010,000.

(33) 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.

(34) 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 $121,100,000, with a Federal cost of $73,220,000, and a non-Federal cost of $47,880,000; 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.

(b) PROJECTS SUBJECT TO FINAL REPORT.—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, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2006:

(1) WOOD RIVER LEVEE SYSTEM, ILLINOIS.—The project for flood damage reduction, Wood River, Illinois, authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to authorize construction of the project at a total cost of $16,730,000, with an estimated Federal cost of $10,900,000 and an estimated non-Federal cost of $5,830,000.

(2) LICKING RIVER, CYNTHIANA, KENTUCKY.—The project for flood damage reduction, Licking River, Cynthiana, Kentucky, at a total cost of $17,800,000, with an estimated Federal cost of $11,570,000 and an estimated non-Federal cost of $6,230,000.

(3) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana, at a total cost of $204,600,000, with an estimated Federal cost of $129,700,000 and an estimated non-Federal cost of $74,900,000, 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.

(4) HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—The project for ecosystem restoration, Hudson-Raritan Estuary, Liberty State Park, New Jersey, at a

total cost of $33,050,000, with an estimated Federal cost of $21,480,000 and an estimated non-Federal cost of $11,570,000.

(5) JAMAICA BAY, MARINE PARK AND PLUMB BEACH, QUEENS AND BROOKLYN, NEW YORK.—The project for ecosystem restoration, Jamaica Bay, Queens and Brooklyn, New York, at a total estimated cost of $204,159,000, with an estimated Federal cost of $132,703,000 and an estimated non-Federal cost of $71,456,000.

(6) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio, at a total cost of $18,730,000, with an estimated Federal cost of $12,170,000 and an estimated non-Federal cost of $6,560,000.

(7) PAWLEY'S ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawley's Island, South Carolina, at a total cost of $8,980,000, with an estimated Federal cost of $4,040,000 and an estimated non-Federal cost of $4,940,000, 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 $7,632,000 and an estimated non-Federal cost of $13,568,000.

(8) CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA.—The project for navigation, Craney Island Eastward Expansion, Virginia, at a total cost of $671,340,000, with an estimated Federal cost of $26,220,000 and an estimated non-Federal cost of $645,120,000.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR THE 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 $246,000,000. 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 $1,870,000,000. 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 $1,650,000,000, of which not more than $226,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $43,000,000 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 Pontchartain, 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 projects modified under this subsection.

(B) REPORTS.—

(i) IN GENERAL.—Before beginning construction of the projects, the Secretary shall submit a report documenting any modifications to the 5 near-term projects, including cost changes, to the Louisiana Water Resources Council established by subsection (n)(1) (referred to in this section as the ''Council'') for approval.

(ii) SUBMISSION TO CONGRESS.—On approval of a report under clause (i), the Council shall 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.

(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 projects authorized by this section.

(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 on the features included in table 3 of the report referred to in subsection (a).

(2) PROJECTS IDENTIFIED IN REPORTS.—

(A) IN GENERAL.—The Secretary shall submit the reports described in paragraph (1) to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(B) CONSTRUCTION.—The Secretary shall be authorized to construct the projects identified in the reports at the time the Committees referred to in subparagraph (A) each adopt a resolution approving the project.

(g) NONGOVERNMENTAL ORGANIZATIONS.—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.

(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; or

(iv) the plan of the State of Louisiana entitled ''Coast 2050: Toward a Sustainable Coastal Louisiana''.

(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.—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.

(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.—

(1) ESTABLISHMENT.—There is established within the Mississippi River Commission, a subgroup to be known as the ''Louisiana Water Resources Council''.

(2) PURPOSES.—The purposes of the Council are—

(A) to manage and oversee each aspect of the implementation of a system-wide, comprehensive plan for projects of the Corps of Engineers (including the study, planning, engineering, design, and construction of the projects or components of projects and the functions or activities of the Corps of Engineers relating to other projects) that addresses hurricane protection, flood control, ecosystem restoration, storm surge damage reduction, or navigation in the Hurricanes Katrina and Rita disaster areas in the State of Louisiana; and

(B) to demonstrate and evaluate a streamlined approach to authorization of water resources projects to be studied, designed, and constructed by the Corps of Engineers.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The president of the Mississippi River Commission shall appoint members of the Council, after considering recommendations of the Governor of Louisiana.

(B) REQUIREMENTS.—The Council shall be composed of—

(i) 2 individuals with expertise in coastal ecosystem restoration, including the interaction of saltwater and freshwater estuaries; and

(ii) 2 individual with expertise in geology or civil engineering relating to hurricane and flood damage reduction and navigation.

(C) CHAIRPERSON.—In addition to the members appointed under subparagraph (B), the Council shall be chaired by 1 of the 3 officers of the Corps of Engineers of the Mississippi River Commission.

(4) DUTIES.—With respect to modifications under subsection (c), the Council shall—

(A) review and approve or disapprove the reports completed by the Secretary; and

(B) on approval, 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.

(5) TERMINATION.—

(A) IN GENERAL.—The Council shall terminate on the date that is 6 years after the date of enactment of this Act.

(B) EFFECT.—Any project modification under subsection (c) that has not been approved by the Council and submitted to Congress by the date described in subparagraph (A) shall not proceed to construction before the date on which the modification is statutorily approved by Congress.

(o) OTHER PROJECTS.—

(1) IN GENERAL.—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 submit a report describing the projects to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONSTRUCTION.—The Secretary shall be authorized to construct the projects at the time the Committees referred to in paragraph (1) each adopt a resolution approving the project.

(p) REPORT.—

(1) IN GENERAL.—Not later than 6 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 evaluating the alternative means of authorizing Corps of Engineers water resources projects under subsections (c)(3), (f)(2), and (o)(2).

(2) INCLUSIONS.—The report shall include a description of—

(A) the projects authorized and undertaken under this section;

(B) the construction status of the projects; and

(C) the benefits and environmental impacts of the projects.

(3) 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), which 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.

SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

The Secretary—

(1) shall conduct a study for flood damage reduction, Cache River Basin, Grubbs, Arkansas; and

(2) if the Secretary determines that the project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

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) LITTLE ROCK PORT, ARKANSAS.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

(2) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(3) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(4) MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

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) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(2) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

(3) JOHNSON CREEK, GRESHAM, OREGON.—Project for aquatic ecosystem restoration, Johnson Creek, Gresham, Oregon.

(4) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(5) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—Project for aquatic ecosystem restoration, College Lake, Lynchburg, Virginia.

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; and

''(ii) the value of materials or services provided before execution of an agreement for the project, including—

''(I) efforts on constructed elements incorporated into the project; and

''(II) 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 REVIEWS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ORGANIZATION.—The term ''eligible organization'' means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

(2) PROJECT STUDY.—

(A) IN GENERAL.—The term ''project study'' means a feasibility study or reevaluation study for a project.

(B) INCLUSIONS.—The term ''project study'' includes any other study associated with a modification or update of a project that includes an environmental impact statement or an environmental assessment.

(b) PEER REVIEWS.—

(1) POLICY.—

(A) IN GENERAL.—Major engineering, scientific, and technical work products related to Corps of Engineers decisions and recommendations to Congress should be peer reviewed.

(B) APPLICATION.—This policy—

(i) applies to peer review of the scientific, engineering, or technical basis of the decision or recommendation; and

(ii) does not apply to the decision or recommendation itself.

(2) GUIDELINES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Chief of Engineers shall publish and implement guidelines to Corps of Engineers Division and District Engineers for the use of peer review (including external peer review) of major scientific, engineering, and technical work products that support the recommendations of the Chief to Congress for implementation of water resources projects.

(B) INFORMATION QUALITY ACT.—The guidelines shall be consistent with section 515 of Public Law 106–554 (114 Stat. 2763A153) (commonly known as the ''Information Quality Act''), as implemented in Office of Management and Budget, Revised Information Quality Bulletin for Peer Review, dated December 15, 2004.

(C) REQUIREMENTS.—The guidelines shall adhere to the following requirements:

(i) APPLICATION OF PEER REVIEW.—Peer review shall—

(I) be applied only to the engineering, scientific, and technical basis for recommendations; and

(II) shall not be applied to—

(aa) a specific recommendation; or

(bb) the application of policy to recommendations.

(ii) ANALYSES AND EVALUATIONS IN MULTIPLE PROJECT STUDIES.—Guidelines shall provide for conducting and documenting peer review of major scientific, technical, or engineering methods, models, procedures, or data that are used for conducting analyses and evaluations in multiple project studies.

(iii) INCLUSIONS.—Peer review applied to project studies may include a review of—

(I) the economic and environmental assumptions and projections;

(II) project evaluation data;

(III) economic or environmental analyses;

(IV) engineering analyses;

(V) methods for integrating risk and uncertainty;

(VI) models used in evaluation of economic or environmental impacts of proposed projects; and

(VII) any related biological opinions.

(iv) EXCLUSION.—Peer review applied to project studies shall exclude a review of any methods, models, procedures, or data previously subjected to peer review.

(v) TIMING OF REVIEW.—Peer review related to the engineering, scientific, or technical basis of any project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(vi) DELAYS; INCREASED COSTS.—Peer reviews shall be conducted in a manner that does not—

(I) cause a delay in study completion; or

(II) increase costs.

(vii) RECORD OF RECOMMENDATIONS.—

(I) IN GENERAL.—After receiving a report from any peer review panel, the Chief of Engineers shall prepare a record that documents—

(aa) any recommendations contained in the report; and

(bb) any written response for any recommendation adopted or not adopted and included in the study documentation.

(II) EXTERNAL REVIEW RECORD.—If the panel is an external peer review panel of a project study, the record of the review shall be included with the report of the Chief of Engineers to Congress.

(viii) EXTERNAL PANEL OF EXPERTS.—

(I) IN GENERAL.—Any external panel of experts assembled to review the engineering, science, or technical basis for the recommendations of a specific project study shall—

(aa) complete the peer review of the project study and submit to the Chief of Engineers a report not later than 180 days after the date of establishment of the panel, or (if the Chief of Engineers determines that a longer period of time is necessary) at the time established by the Chief, but in no event later than 90 days after the date a draft project study of the District Engineer is made available for public review; and

(bb) terminate on the date of submission of the report by the panel.

(II) FAILURE TO COMPLETE REVIEW AND REPORT.—If an external panel does not complete the peer review of a project study and submit to the Chief of Engineers a report by the deadline established by subclause (I), the Chief of Engineers shall continue the project without delay.

(3) COSTS.—

(A) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(i) shall be a Federal expense; and

(ii) shall not exceed $500,000 for review of the engineering, scientific, or technical basis for any single water resources project study.

(B) WAIVER.—The Chief of Engineers may waive the $500,000 limitation under subparagraph (A) if the Chief of Engineers determines appropriate.

(4) REPORT.—Not later than 5 years after the date of enactment of this Act, the Chief of Engineers shall submit to Congress a report describing the implementation of this section.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any peer review panel established by the Chief of Engineers.

(6) PANEL OF EXPERTS.—The Chief of Engineers may contract with the National Academy of Sciences (or a similar independent scientific and technical advisory organization), or an eligible organization, to establish a panel of experts to peer review for technical and scientific sufficiency.

(7) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Chief of Engineers 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) $10,000,000 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 $5,000,000 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) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Holman Field), St. Paul, Minnesota.

''(11) 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.

''(12) 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.

''(13) MENOMONEE RIVER WATERSHED, WISCONSIN.—The project for the Menominee River Watershed, Wisconsin.''.

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 $30,000,000 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(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended by striking ''In fiscal years 2001 through 2003, the'' and inserting ''The''.

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.

SEC. 2020. FEDERAL HOPPER DREDGES.

(a) ELIMINATION OF RESTRICTION ON USE.—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.''.

(b) DECOMMISSION.—Section 563 of the Water Resources Development Act of 1996 (110 Stat. 3784) is amended to read as follows:

''SEC. 563. HOPPER DREDGE MCFARLAND.

''Not later than 2 years after the date of enactment of the Water Resources Development Act of 2006, the Secretary shall promulgate such regulations and take such actions as the Secretary determines to be necessary to decommission the Federal hopper dredge McFarland.''.

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. NATIONAL DAM SAFETY PROGRAM REAUTHORIZATION.

(a) SHORT TITLE.—This section may be cited as the ''National Dam Safety Program Act of 2006''.

(b) REAUTHORIZATION.—Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by adding '', and $8,000,000 for each of fiscal years 2007 through 2011, to remain available until expended'' after ''expended'';

(2) in subsection (b), by striking ''$500,000'' and inserting ''$1,000,000'';

(3) in subsection (c), by inserting before the period at the end the following: '', and $2,000,000 for each of fiscal years 2007 through 2011, to remain available until expended'';

(4) in subsection (d), by inserting before the period at the end the following: '', and $700,000 for each of fiscal years 2007 through 2011, to remain available until expended''; and

(5) in subsection (e), by inserting before the period at the end the following: '', and $1,000,000 for each of fiscal years 2007 through 2011, to remain available until expended''.

SEC. 2027. 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).

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBOURNE 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 WATERBOURNE 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—

(1) by striking ''$15,000,000'' and inserting ''$20,000,000''; and

(2) 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 ''$75,000,000''.

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 ''$50,000,000''.

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 $25,000,000 for each fiscal year beginning after the date of enactment of this Act.

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 fiscal year $45,000,000, to remain available until expended.''.

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS.

(a) 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.

(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 $25,000,000 for each fiscal year.

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 2006''.

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) $50,000,000 to establish and maintain the inventory under section 2054(f);

(2) $424,000,000 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.

(a) IN GENERAL.—The Secretary shall construct a new project management office located in the city of Tuscaloosa, Alabama, at a location within the vicinity of the city, at full Federal expense.

(b) TRANSFER OF LAND AND STRUCTURES.—The Secretary shall sell, convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures associated with the existing project management office, if the city agrees to assume full responsibility for demolition of the existing project management office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $32,000,000.

SEC. 3004. 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. 3005. 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. 3006. 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. 3007. 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. 3008. 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. 3009. 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. 3010. 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. 3011. 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. 3012. 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. 3013. 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, 2007''.

SEC. 3014. 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. 3015. 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. 3016. MAGPIE CREEK, CALIFORNIA.

(a) IN GENERAL.—Subject to subsection (b), 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 applicable to nonstructural flood control under 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.

(b) CREDITING.—The crediting allowed under subsection (a) shall not exceed the non-Federal share of the cost of the project.

SEC. 3017. 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. 3018. 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. 3019. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) CREDIT FOR NON-FEDERAL WORK.—

(1) IN GENERAL.—The Secretary shall credit toward that portion of the non-Federal share

of the cost of any flood damage reduction project authorized before the date of enactment of this Act that is to be paid by the Sacramento Area Flood Control Agency an amount equal to the Federal share of the flood control project authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(2) FEDERAL SHARE.—In determining the Federal share of the project authorized by section 9159(b) of that Act, the Secretary shall include all audit verified costs for planning, engineering, construction, acquisition of project land, easements, rights-of-way, relocations, and environmental mitigation for all project elements that the Secretary determines to be cost-effective.

(3) AMOUNT CREDITED.—The amount credited shall be equal to the Federal share determined under this section, reduced by the total of all reimbursements paid to the non-Federal interests for work under section 9159(b) of that Act before the date of enactment of this Act.

(b) FOLSOM DAM.—Section 128(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2259), is amended by adding at the end the following: ''The Secretaries, in cooperation with non-Federal agencies, are directed to expedite the Project Alternative Solution Study and to provide 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 by not later than June 30, 2006.''.

SEC. 3020. 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 not 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. 3021. 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.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine that the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372). If the Secretary makes a positive determination, the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out the pilot project for improvement of the environment in 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) acquire 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) $26,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. 3022. 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. 3023. 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. 3024. 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. 3025. 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. 3026. 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 redesignated as an anchorage area.

(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. 3027. 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. 3028. 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. 3029. CHRISTINA RIVER, WILMINGTON, DELAWARE.

(a) IN GENERAL.—The Secretary shall remove the shipwrecked vessel known as the ''State of Pennsylvania'', and any debris associated with that vessel, from the Christina River at Wilmington, Delaware, in accordance with section 202(b) of the Water Resources Development Act of 1976 (33 U.S.C. 426m(b)).

(b) NO RECOVERY OF FUNDS.—Notwithstanding any other provision of law, in carrying out this section, the Secretary shall not be required to recover funds from the owner of the vessel described in subsection (a) or any other vessel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $425,000, to remain available until expended.

SEC. 3030. DESIGNATION OF SENATOR WILLIAM V. ROTH, JR. BRIDGE, DELAWARE.

(a) DESIGNATION.—The State Route 1 Bridge over the Chesapeake and Delaware Canal in the State of Delaware is designated as the ''Senator William V. Roth, Jr. Bridge''.

(b) REFERENCES.—Any reference in a law (including regulations), map, document, paper, or other record of the United States to the bridge described in subsection (a) shall be considered to be a reference to the Senator William V. Roth, Jr. Bridge.

SEC. 3031. 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. 3032. 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. 3033. 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. 3034. 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. 3035. 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. 3036. 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. 3037. 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. 3038. 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. 3039. 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. 3040. 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. 3041. 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. 3042. 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. 3043. 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. 3044. 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. 3045. ILLINOIS RIVER BASIN RESTORATION.

Section 519(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking ''$5,000,000'' and inserting ''$20,000,000''.

SEC. 3046. 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. 3047. 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. 3048. 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. 3049. 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. 3050. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.

Section 101(16) of the Water Resources Development Act of 2000 (114 Stat. 2578) is amended—

(1) by striking ''(A) **IN GENERAL**.—Projects for ecosystem restoration, Ohio River Mainstem'' and inserting the following:

''(A) AUTHORIZATION.—

''(i) IN GENERAL.—Projects for ecosystem restoration, Ohio River Basin (excluding the Tennessee and Cumberland River Basins)''; and

(2) in subparagraph (A), by adding at the end the following:

''(ii) NONPROFIT ENTITY.—For any ecosystem restoration project carried out under this paragraph, with the consent of the affected local government, a nonprofit entity may be considered to be a non-Federal interest.

''(iii) PROGRAM IMPLEMENTATION PLAN.—There is authorized to be developed a program implementation plan of the Ohio River Basin (excluding the Tennessee and Cumberland River Basins) at full Federal expense.

''(iv) PILOT PROGRAM.—There is authorized to be initiated a completed pilot program in Lower Scioto Basin, Ohio.''.

SEC. 3051. 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. 3052. 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. 3053. 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. 3054. 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. 3055. 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. 3056. MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA.

(a) PORT FACILITIES RELOCATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $175,000,000, 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 $185,000,000, 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. 3057. 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. 3058. 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 $20,000,000.

SEC. 3059. 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. 3060. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking ''$10,000,000'' and inserting ''$30,000,000''.

SEC. 3061. 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 ''$16,738,000''; and

(3) by striking ''$5,250,000'' and inserting ''$9,012,000''.

SEC. 3062. 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. 3063. 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. 3064. 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 $10,000,000 for each fiscal year.''.

SEC. 3065. 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. 3066. RED LAKE RIVER, MINNESOTA.

The project for flood control, Red Lake River, Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase/Loring neighborhoods, in accordance with the feasibility report supplement, local flood protection, Crookston, Minnesota, at a total cost of $25,000,000, with an estimated Federal cost of $16,250,000 and an estimated non-Federal cost of $8,750,000.

SEC. 3067. BONNET CARRE FRESHWATER DIVERSION PROJECT, MISSISSIPPI AND LOUISIANA.

(a) IN GENERAL.—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. 4013) is modified to direct the Secretary to carry out that portion of the project identified as the ''Bonnet Carre Freshwater Diversion Project'', in accordance with this section.

(b) NON-FEDERAL FINANCING REQUIREMENTS.—

(1) MISSISSIPPI AND LOUISIANA.—

(A) IN GENERAL.—The States of Mississippi and Louisiana shall provide the funds needed during any fiscal year for meeting the respective non-Federal cost sharing requirements of each State for the Bonnet Carre Freshwater Diversion Project during 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.

(B) DEADLINE.—Any deposits required under this paragraph shall be made by the affected State by not later than 30 days after receipt of notification from the Secretary that the amounts are due.

(2) FAILURE TO PAY.—

(A) LOUISIANA.—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 under section 1003 if the State of Louisiana is not in compliance with paragraph (1).

(B) MISSISSIPPI.—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 Bonnet Carre Freshwater Diversion Project if the State of Mississippi is not in compliance with paragraph (1).

(3) ALLOCATION.—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 status and potential options and enhancement of the Bonnet Carre Freshwater Diversion Project dated December 1996.

(4) EFFECT.—The modification of the Bonnet Carre Freshwater Diversion Project by this section shall not reduce the percentage of the cost of the project that is required to be paid by the Federal Government as determined on the date of enactment of section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4013).

(c) DESIGN SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete the design of the Bonnet Carre Freshwater Diversion Project by not later than 1 year after the date of enactment of this Act.

(2) MISSED DEADLINE.—If the Secretary does not complete the design of the project by the date described in paragraph (1)—

(A) the Secretary shall assign such resources as the Secretary determines to be available and necessary to complete the design; and

(B) the authority of the Secretary to expend funds for travel, official receptions, and

official representations shall be suspended until the design is complete.

(d) CONSTRUCTION SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete construction of the Bonnet Carre Freshwater Diversion Project by not later than September 30, 2012.

(2) MISSED DEADLINE.—If the Secretary does not complete the construction of the Bonnet Carre Freshwater Diversion Project by the date described in paragraph (1)—

(A) the Secretary shall assign such resources as the Secretary determines to be available and necessary to complete the construction; and

(B) the authority of the Secretary to expend funds for travel, official receptions, and official representations shall be suspended until the construction is complete.

SEC. 3068. 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. 3069. 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. 3070. UNION LAKE, MISSOURI.

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri, before January 31, 2006, 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. 3071. FORT PECK FISH HATCHERY, MONTANA.

Section 325(f)(1)(A) of the Water Resources Development Act of 2000 (114 Stat. 2607) is amended by striking ''$20,000,000'' and inserting ''$25,000,000''.

SEC. 3072. 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. 3073. 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. 3074. 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. 3075. 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.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(1) provide 35 percent of the total cost of the restoration projects including provisions

for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(2) 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

(3) 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.—Not withstanding 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) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3076. 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. 3077. 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. 3078. 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. 3079. 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. 3080. 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 ''$5,500,000''; and

(2) by adding before the period at the end the following: ''(which repair and rehabilitation shall include lowering the crest of the Dam by not more than 12.5 feet)''.

SEC. 3081. 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. 3082. 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. 3083. 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. 3084. RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS, OKLAHOMA.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS.—Each reversionary interest and use restriction 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. 62, chapter 118) is terminated.

(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 interest and use restriction described in subsection (a).

SEC. 3085. 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. 3086. 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. 3087. 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. 3088. 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. 3089. TIOGA TOWNSHIP, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall convey to the Tioga Township, Pennsylvania, at fair market value, all right, title, and interest in and to the parcel of real property located on the northeast end of Tract No. 226, a portion of the Tioga-Hammond Lakes Floods Control Project, Tioga County, Pennsylvania, consisting of approximately 8 acres, together with any improvements on that property, in as-is condition, for public ownership and use as the site of the administrative offices and road maintenance complex for the Township.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) RESERVATION OF INTERESTS.—The Secretary shall reserve such rights and interests in and to the property to be conveyed as the Secretary considers necessary to preserve the operational integrity and security of the Tioga-Hammond Lakes Flood Control Project.

(d) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership, or to be used as a site for the Tioga Township administrative offices and road maintenance complex or for related public purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3090. 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. 3091. 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. 3092. 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. 3093. 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. 3094. 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 2015.''; 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. 3095. ANDERSON CREEK, JACKSON AND MADISON COUNTIES, 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 Anderson Creek, Jackson and Madison Counties, 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) Anderson Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Anderson Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3096. HARRIS FORK CREEK, TENNESSEE AND KENTUCKY.

Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the project for flood control, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (33 U.S.C. 701c note; 90 Stat. 2920) shall remain authorized to be carried out by the Secretary for a period of 7 years beginning on the date of enactment of this Act.

SEC. 3097. 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. 3098. 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. 3099. 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. 3100. 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. 3101. DENISON, TEXAS.

(a) IN GENERAL.—The Secretary may 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. 3102. 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. 3103. 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. 3104. 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. 3105. 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. 3106. 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. 3107. 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. 3108. 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. 3109. 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. 3110. 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 ''$20,000,000'' 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. 3111. 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. 3112. 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. 3113. 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. 3114. 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. 3115. 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 amended to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

SEC. 3116. 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. 3117. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood control at Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), as modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Secretary to construct the project substantially in accordance with the draft report of the Corps of Engineers dated May 2004, at an estimated total cost of $45,500,000, with an estimated Federal cost of $34,125,000 and an estimated non-Federal cost of $11,375,000.

SEC. 3118. 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. 3119. 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. 3120. UNDERWOOD CREEK DIVERSION FACILITY PROJECT, MILWAUKEE COUNTY, WISCONSIN.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(24) Underwood Creek Diversion Facility Project (County Grounds), Milwaukee County, Wisconsin.''.

SEC. 3121. 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. 3122. 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. 3123. 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. 3124. PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918), the Secretary shall carry out over at least a 10-year period a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—

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

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

(A) the modification of navigation training structures;

(B) the modification and creation of side channels;

(C) the modification and creation of islands;

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

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

(c) COST-SHARING REQUIREMENT.—The cost-sharing requirement required under the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918), for the project referred to in subsection (a) shall apply to any activities carried out under this section.

SEC. 3125. 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. 3126. 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. 3127. 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. 3128. 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. 3129. 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. 3130. 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, 2007, 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.

TITLE IV—STUDIES

SEC. 4001. 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. 4002. NATIONAL PORT STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the ability of coastal or deepwater port infrastructure to meet current and projected national economic needs.

(b) COMPONENTS.—In conducting the study, the Secretary shall—

(1) consider—

(A) the availability of alternate transportation destinations and modes;

(B) the impact of larger cargo vessels on existing port capacity; and

(C) practicable, cost-effective congestion management alternatives; and

(2) give particular consideration to the benefits and proximity of proposed and existing port, harbor, waterway, and other transportation infrastructure.

(c) REPORT.—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 report that describes the results of the study.

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. 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 $12,000,000.

SEC. 4005. 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. 4006. 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. 4007. 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. 4008. 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. 4009. 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. 4010. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall complete work as expeditiously as practicable on the San Pablo watershed, California, study 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. 4011. 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 House of Representatives on September 23, 1976.

SEC. 4012. 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. 4013. 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. 4014. 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. 4015. 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. 4016. 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. 4017. JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary may determine the feasibility of providing improvements to 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, near the vicinity of mile 6 of the Savannah Harbor Entrance Channel.

(b) 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 for maintenance of the ongoing Savannah Harbor Navigation project; and

(3) the results of a consultation with the Governor of the State of Georgia and the Governor of the State of South Carolina.

SEC. 4018. 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. 4019. 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.

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) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(21) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(22) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(23) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

''(24) 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 are—

''(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.—Small projects carried out under this Act shall have a Federal share of less than $1,000,000.

''(B) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this section, the Secretary, on recommendation of the Council, shall consider delegating implementation of the 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.—Small projects delegated to another Federal department or agency may be funded from the responsible department or appropriations of the agency authorized by section 109(a)(1).

''(D) AGREEMENTS.—The Federal department or agency to which 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), by striking subparagraphs (A) through (D) and inserting the following:

''(A) to the Secretary, $25,000,000 for each of fiscal years 2006 through 2010;

''(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 2006 through 2010;

''(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2006 through 2010;

''(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2006 through 2010; and

''(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2006 through 2010.''; 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 ''2010''.

(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. 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. 5004. 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 the ex officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and 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 Potomac River Basin Commission 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. 5005. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

(a) COMPREHENSIVE ACTION PLAN.—Not later than 1 year 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. 5006. 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) 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. 5007. 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 2006''.

(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.—

(1) IN GENERAL.—The Secretary shall carry out, in the Rio Grande Basin—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(B) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(2) REPORTS.—Not later than December 31, 2008, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);

(B) describes the accomplishments of each program;

(C) provides updates of a systemic habitat needs assessment; and

(D) identifies any needed adjustments in the authorization of the programs.

(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—

(1) consult with the States and other appropriate entities in the States the rights and interests of which might be affected by specific program activities; and

(2) enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the United States Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of those programs.

(e) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under subsection (c)(1)(A)—

(A) shall be 35 percent;

(B) may be provided through in-kind services or direct cash contributions; and

(C) shall include provision of necessary land, easements, relocations, and disposal sites.

(2) OPERATION AND MAINTENANCE.—The costs of operation and maintenance of a project located on Federal land, or land owned or operated by a State or local government, shall be borne by the Federal, State, or local agency that has jurisdiction over fish and wildlife activities on the land.

(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)(A).

(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 $25,000,000 for fiscal year 2006 and each subsequent fiscal year.

SEC. 5008. MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING.

(a) STUDY.—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—

(1) to mitigate losses of aquatic and terrestrial habitat;

(2) to recover federally listed species under the Endangered Species Act (16 U.S.C. 1531 et seq.); and

(3) to restore the ecosystem to prevent further declines among other native species.

(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 FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 5009. 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. 5010. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX TRIBE AND THE 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 THE 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 THE 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. 5011. 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.

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. BRIDGEPORT, CONNECTICUT.

The project for environmental infrastructure, Bridgeport, Connecticut, authorized by section 219(f)(26) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6005. HARTFORD, CONNECTICUT.

The project for environmental infrastructure, Hartford, Connecticut, authorized by section 219(f)(27) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6006. NEW HAVEN, CONNECTICUT.

The project for environmental infrastructure, New Haven, Connecticut, authorized by section 219(f)(28) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6007. 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. 6008. 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. 6009. 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. 6010. 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. 6011. 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. 6012. 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. 6013. 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. 6014. 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. 6015. 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. 6016. 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. 6017. 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. 6018. 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. 6019. 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. 6020. 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. 6021. 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. 6022. 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. 6023. 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. 6024. 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. 6025. 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. 6026. 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. 6027. 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. 6028. 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. 6029. 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. 6030. 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. 6031. 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. 6032. 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. 6033. MANCHESTER, NEW HAMPSHIRE.

The project for environmental infrastructure, Manchester, New Hampshire, authorized by section 219(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4836), 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. SCHUYLKILL RIVER, PENNSYLVANIA.

The project for navigation, Schuylkill River (Mouth to Penrose Avenue), Pennsylvania, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4013), is not authorized.

SEC. 6044. 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. 6045. 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. 6046. 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. 6047. 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. 6048. 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. 6049. 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. 6050. 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. 6051. 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. 6052. 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. 6053. 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. 6054. 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. 6055. 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. 6056. 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.

SA 4677. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 728, to provide for the consideration 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; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 5_____. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

(a) DEFINITIONS.—In this section:

(1) BARRIER.—The term ''Barrier'' means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) CITY.—The term ''City'' means the city of Providence, Rhode Island.

(b) RESPONSIBILITY FOR ANNUAL OPERATION AND MAINTENANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c) IDENTIFICATION AND CONVEYANCE OF APPLICABLE LAND.—

(1) IDENTIFICATION.—The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) CONVEYANCE.—The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

SA 4678. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill S. 728, to provide for the consideration 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; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 5_____. FIELDS POINT URBAN WATERFRONT RESTORATION, RHODE ISLAND.

The Secretary shall carry out the project for reclamation and environmental restoration of the waterfront around Fields Point, Rhode Island, at a total cost of $5,000,000, with an estimated Federal cost of $3,250,000 and a non-Federal cost of $1,750,000, including portions of the project relating to—

(1) the removal of in-water pilings and other dilapidated marina structures;

(2) shoreline stabilization;

(3) the reintroduction of marine vegetation; and

(4) general habitat restoration.

SA 4679. Mrs. BOXER (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 728, to provide for the consideration 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; as follows:

Beginning on page 164, strike line 21 and all that follows through page 165, line 5, and insert the following:

(b) FOLSOM DAM.—Section 128(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2259), is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The Secretaries'' and inserting the following:

''(2) TECHNICAL REVIEWS.—The Secretaries'';

(3) in the third sentence, by striking ''In developing'' and inserting the following:

''(3) IMPROVEMENTS.—

''(A) IN GENERAL.—In developing'';

(4) in the fourth sentence, by striking ''In conducting'' and inserting the following:

''(B) USE OF FUNDS.—In conducting''; and

(5) by adding at the end the following:

''(4) PROJECT ALTERNATIVE SOLUTIONS STUDY.—The Secretaries, in cooperation with non-Federal agencies, are directed to expedite their respective activities, including the formulation of all necessary studies and decision documents, in furtherance of the collaborative effort known as the 'Project Alternative Solutions Study', as well as planning, engineering, and design, including preparation of plans and specifications, of any features recommended for authorization by the Secretary of the Army under paragraph (6).

''(5) CONSOLIDATION OF TECHNICAL REVIEWS AND DESIGN ACTIVITIES.—The Secretary of the Army shall consolidate technical reviews and design activities for—

''(A) the project for flood damage reduction authorized by section 101(a)(6) of the Water Resources Development Act of 1999 (113 Stat. 274); and

''(B) the project for flood damage reduction, dam safety, and environmental restoration authorized by sections 128 and 134 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1838, 1842).

''(6) REPORT.—The recommendations of the Secretary of the Army, along with the views of the Secretary of the Interior and relevant non-Federal agencies resulting from the activities directed in paragraphs (4) and (5), shall be forwarded to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives by not later than June 30, 2007, and shall provide status reports by not later than September 30, 2006, and quarterly thereafter.

''(7) EFFECT.—Nothing in this section shall be deemed as deauthorizing the full range of project features and parameters of the projects listed in paragraph (5), nor shall it limit any previous authorizations granted by Congress.''.

SA 4680. Mr. SPECTER (for himself and Mr. CARPER) proposed an amendment to the bill S. 728, to provide for the consideration 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; as follows:

Strike section 2020 and insert the following:

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.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 18, 2006, at 9:30 a.m., in open session to consider the following nominations: Honorable Charles E. McQueary to be Director of Operational Test and Evaluation, Department of Defense; Anita K. Blair to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs; Benedict S. Cohen to be General Counsel of the Department of the Army; Frank R. Jimenez to be General Counsel of the Department of the Navy; David H. Laufman to be Inspector General, Department of Defense; Sue C. Payton to be Assistant Secretary of the Air Force for Acquisition; William H. Tobey to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration; and Robert L. Wilkie to be Assistant Secretary of Defense for Legislative Affairs.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 18, 2006, at 2 p.m., to conduct a hearing on ''Perspectives on Insurance Regulation.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during

the session of the Senate on Tuesday, July 18, 2006, at 10 a.m. The purpose of this oversight hearing is to examine United States and India energy cooperation in the context of global energy demand, the emerging energy needs of India, and the role nuclear power can play in meeting those needs.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 18, 2006, at 10 a.m. to hold a hearing on Islam and the West.

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

COMMITTEE ON THE JUDICIARY

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Department of Justice Oversight'' on Tuesday, July 18, 2006, at 9:30 a.m. in Hart Senate Office Building Room 216.

Witness list

Panel I: The Honorable Alberto Gonzales, The Attorney General, Department of Justice, Washington, DC.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 18, 2006, at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, July 18, 2006, at 2:30 p.m. for a hearing regarding What You Don't Know Can Hurt You: S. 2590, the Federal Funding Accountability and Transparency Act of 2006.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BROWNBACK. 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 Tuesday, July 18, 2006, at 10 a.m. for a hearing entitled, Examining the Challenges the District will Face Today, Tomorrow, and in the Future.

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

PRIVILEGES OF THE FLOOR

Mr. SMITH. I ask unanimous consent Barbara Quinones, an intern in my office, be granted floor privileges for the remainder of today's debate.

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

Mr. HARKIN. On behalf of Senator BAUCUS, I ask unanimous consent that Thad Seegmiler, a Committee on Finance intern, be accorded floor privileges during consideration of the stem cell legislation.

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

Mr. HARKIN. I ask unanimous consent that Anne Michael Langguth and Bryan Klopack be granted floor privileges for the duration of today's session.

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

Mr. INHOFE. Mr. President, I ask unanimous consent Let Mon Lee, a senior fellow in Senator BOND's office, be given floor privileges during the consideration of S. 728.

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

Mr. INHOFE. Mr. President, I ask unanimous consent on the minority staff, Caroline Ahearn and April Richards, legislative fellows, have floor privileges during the duration of the 109th Congress.

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

Mr. INHOFE. I ask unanimous consent Kathleen Warner, Justin Contratto, and Patricia Castaldo, EPW Committee interns, have floor privileges during the duration and consideration of S. 728.

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

AUTHORITY TO SIGN DULY-AUTHORIZED BILLS AND JOINT RESOLUTIONS

Mr. DEWINE. Mr. President, on behalf of the leader, I ask unanimous consent that during the adjournment the junior Senator from South Carolina be authorized to sign duly-enrolled bills or joint resolutions

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

TO EXEMPT PERSONS WITH DISABILITIES FROM THE PROHIBITION AGAINST PROVIDING SECTION 8 RENTAL ASSISTANCE TO COLLEGE STUDENTS

Mr. DEWINE. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5117 which was received from the House.

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

The assistant legislative clerk read as follows:

A bill (H.R. 5117) to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5117) was read a third time, and passed.

UNANIMOUS CONSENT AGREEMENT—S. 403

Mr. DEWINE. Mr. President, I ask unanimous consent that on Thursday, July 20, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 16, S. 403, the Child Custody Protection Act.

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

ORDERS FOR WEDNESDAY, JULY 19, 2006

Mr. DEWINE. Mr. President, I ask unanimous consent the Senate stand in adjournment until 9:30 a.m. on Wednesday, July 19. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to an hour, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; I further ask that following morning business, the Senate resume consideration of S. 728, the Water Resources Development Act.

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

PROGRAM

Mr. DEWINE. Tomorrow we will resume consideration of the Water Resource Development Act. We hope to complete consideration of that bill tomorrow afternoon. Under the agreement, we have nine amendments in order, two of which we have disposed of today. Tomorrow will be a busy day as we finish our work on the remaining amendments.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DEWINE. If there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:26 p.m., adjourned until Wednesday, July 19, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 18, 2006:

DEPARTMENT OF STATE

CLYDE BISHOP, OF DELAWARE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

MARK R. DYBUL, OF FLORIDA, TO BE COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY, WITH THE RANK OF AMBASSADOR, VICE RANDALL L. TOBIAS, RESIGNED.

NATIONAL MEDIATION BOARD

PETER W. TREDICK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2010. (REAPPOINTMENT)

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

STEPHEN M. PRESCOTT, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING APRIL 15, 2011, VICE HERBERT GUENTHER, TERM EXPIRED.

ANNE JEANNETTE UDALL, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2010. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES A. BUNTYN, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GREGORY E. COUCH, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

GARY L. AKINS, 0000
JAMES F. ATKINSON III, 0000
MARK J. BAUER, 0000
CHARLES C. BLACKISTON III, 0000
DARYL L. BOHAC, 0000
GERARD F. BOLDUC, JR., 0000
DONALD J. BONTE, JR., 0000
CHRISTOPHER L. BRICKER, 0000
CRAIG A. CAMPBELL, 0000
FRANCIS X. CARILLO, JR., 0000
ROBERT F. CAYTON, 0000
SEABORN W. CHAVERS, JR., 0000
MICHAEL B. COMPTON, 0000
JEFFREY CURRY, 0000
LOUIS DANNER, 0000
JOSEPH C. DARROW, JR., 0000
JOSEPH E. DELUCA, 0000
ROBERT E. DOLANSKI, 0000
BRIAN T. DRAVIS, 0000
JOHN C. ELWOOD, 0000
JERRY L. FENWICK, 0000
ROSS W. FLYNN, 0000
JOHN D. GAICH, 0000
GERALD L. GALLMEISTER, 0000
CHRISTIAN J. GATZ, 0000
MARK P. GAUL, 0000
KEVIN D. GRAZIER, 0000
MICHAEL F. HALTOM, 0000
JOHN D. HART, 0000
HENRY H. HEARD, 0000
PENNY A. HEINIGER, 0000
JOEL E. HENNESS, 0000
DEBBIE L. HENSON, 0000
LANCE A. HESTER, 0000
JOHN J. HIGGINS, 0000
BRICE R. HUDDLESTON, 0000
SIDNEY B. JACKSON, 0000
MARK E. JANNITTO, 0000
HARLEY C. JERGENSEN, 0000
SUDHIR S. JINDAL, 0000
KARL M. KELLER, 0000
KENNETH D. KING, 0000
JOSEPH C. KINNEY, 0000
TIMOTHY J. LABARGE, 0000
KEITH I. LANG, 0000
JAMES S. LOTT, JR., 0000
MATTHEW S. LYNDE, 0000
PAUL C. MAAS, JR., 0000
MARK E. MAIER, 0000
LORI E. MARION, 0000
LEONARD H. MATTINGLY, 0000
WILLIAM E. MCARDLE, 0000
MICHAEL C. MCENULTY, 0000
GAIL A. MCGINLEY, 0000
GORDON S. MCKINLEY, 0000
ROBERT E. MONTGOMERY, 0000
FELIPE MORALES, 0000
KEITH A. NEWELL, 0000
MARK S. NOVAK, 0000
JOEL F. PANNEBAKER, 0000
HAROLD A. PARTIN, JR., 0000
ROBERT A. PAULUKAITIS, 0000
MARCUS J. QUINT, 0000
JOHN J. RANKIN, 0000
NICHOLAS S. RANTIS, 0000
MICHAEL D. REGAN, 0000
KIM A. RUTHERFORD, 0000
MARY A. SALCIDO, 0000
JOSE J. SALINAS, 0000
IAN R. SANDERSON, 0000
WAYNE A. SCHELLER, 0000
RALPH L. SCHWADER, 0000
DIANA M. SHOOP, 0000
KEITH A. SMITH, 0000
DAVID SNYDER, 0000
DANIEL R. STEINER, 0000
KENDALL S. SWITZER, 0000
GLENN A. TAYLOR, 0000
KEVIN W. TECHAU, 0000
GARY M. TURNER, 0000
TIMOTHY R. VAUGHAN, 0000
JAMES K. VOGEL, 0000
ROBERT E. WATERS, JR., 0000
MICHAEL J. WILLIAMS, 0000
KENNETH W. WISIAN, 0000
JEFFREY J. ZILLINGER, 0000
GLENN ZIMMERMAN, 0000

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A RESERVE OFFICER IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BEN M. SMITH, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SIDNEY E. HALL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAWN M. DIVANO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL J. LAVELLE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

GARY C. NORMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

NEAL D. AGAMAITE, 0000
ALEXANDER J. BORZYCH, 0000
DAVID C. KLEINBERG, 0000